SENATE—*Friday, July 11, 1997*

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:

Gracious Father, our hearts are filled with gratitude. You have chosen to be our God and chosen each of us to know You. The most important election of life is Your divine election of us to be Your people. Thank You that we live in a land in which we have the freedom to enjoy living out this awesome calling. We are grateful for our heritage as "one Nation under God."

As this workweek comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, Your spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators, and all of us who work with them, a perfect blend of humility and hope so that we will know that You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Indiana, is recognized.

SCHEDULE

Mr. COATS. Mr. President, this morning the Senate will resume consideration of the defense authorization bill with Senator FEINGOLD being recognized to offer an amendment on Air Force tactical jets, with 30 minutes for debate.

I ask the Senator, is that 30 minutes equally divided between opponents and proponents of the amendment?

Mr. FEINGOLD. Mr. President, no, it is not. The agreement is 20 minutes on my side and 10 minutes on the other side.

Mr. COATS. For the information of Senators, Mr. President, the Feingold amendment will have 30 minutes of debate, with 20 minutes allocated to the Senator from Wisconsin and 10 minutes allocated to those opposing the amendment.

Following the debate on the Feingold amendment, the Senate will resume debate on the Bingaman amendment regarding space-based missiles, with 15 minutes of debate remaining on that amendment. A vote will occur on or in relation to the Bingaman amendment at approximately 9:45 a.m., this morning.

Following that vote, the Senate will resume consideration of the remaining amendments to the Defense authorization bill. Therefore, Senators can anticipate rollcall votes throughout the day up to and including final passage of the defense authorization bill.

As indicated last evening by the majority leader, the Senate will complete action on this bill today. And with the cooperation of all Members, the Senate will hopefully finish the Defense authorization bill early this afternoon.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

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

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl modified amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl modified amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Dodd amendment No. 762, to establish a plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness.

Dodd amendment No. 763, to express the sense of the Congress in gratitude to Governor Chris Patten for his efforts to develop democracy in Hong Kong.

Reid amendment No. 772, to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies.

Bingaman modified amendment No. 799, to increase the funding for Navy and Air Force flying hours, and to offset the increase by reducing the amount authorized to be appropriated for the Space-Based Laser program in excess of the amount requested by the President.

Feingold amendment No. 759, to limit the use of funds for deployment of ground forces of the Armed Forces in Bosnia and Herzegovina after June 30, 1998, or a date fixed by statute, whichever is later.

Levin modified amendment No. 802 (to amendment No. 759), to express the sense of Congress regarding a follow-on force for Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized to offer an amendment relative to Air Force jets on which there shall be 30 minutes of debate.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President. I ask unanimous consent that Susanne Martinez, Andy Kutler, and Linda Rotblatt of my staff be granted privileges of the floor during further consideration of S. 936.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 677

(Purpose: To require the Secretary of Defense to select one of the three new tactical fighter aircraft programs to recommend for termination)

Mr. FEINGOLD. Mr. President, I now call up amendment No. 677, and ask unanimous consent that Senator KOHL, the senior Senator from Wisconsin, be added as an original cosponsor.

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

The clerk will report.

The assistant legislative clerk read as follows:

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 677.

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

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

The amendment is as follows:

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

SEC. 144. NEW TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter aircraft programs should be terminated if only two of such programs were to be funded. The report shall also contain an analysis of how the two remaining new tactical fighter aircraft programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable tactical fighter force structure that is capable of meeting projected threats well into the twenty-first century.

(b) COVERED AIRCRAFT PROGRAMS.—The three new tactical fighter aircraft programs referred to in subsection (a) are as follows:

(1) The F/A-18 E/F aircraft program.

(2) The F-22 aircraft program.

(3) The Joint Strike Fighter aircraft program.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment instructing the Pentagon to recommend the cancellation of one of the three aviation programs currently under development to modernize our tactical fighter force. Canceling one of these three programs would save American taxpayers tens of billions of dollars, and by all accounts still provide our Armed Forces with an effective yet affordable state-of-the-art tactical fighter fleet.

This amendment which I am offering on behalf of myself and the senior Senator from Wisconsin, Senator KOHL, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs: The Air Force's F-22, the Navy's F/A-18E/F, and the multiservice joint strike fighter.

DOD is currently planning on purchasing some 4,400 new fighters from these three programs at a total cost of at least $350 billion according to the Congressional Budget Office.

Numerous experts, including the CBO and the General Accounting Office have concluded that given our current fiscal constraints and likely future spending parameters, the current acquisition strategy is just plain unrealistic and unwise and untenable.

The recently released Quadrennial Defense Review, a collaborative effort by the Secretary of Defense and the Joint Chiefs of Staff and the individual services to reassess our strategic blueprints for our Armed Forces, as well as to review our inventories and projected needs, has recommended sharp reductions in two of these three jet fighter programs already, the F/A-18E/F and the F-22.

The QDR proposed recommendations are a promising step in the right direction. But the problem is that the QDR still clings to the assumption that somehow we can adequately control a program's cost by simply scaling it back, just having fewer of each of the three kinds of planes rather than taking the tough and more wise step of simply terminating one of them.

Mr. President, to understand just how serious this budget shortfall will be, we have to take a look back for a minute and look at the entire defense procurement budget comprised of a number of weapons systems and technology programs. But it is currently dominated by these three separate fighter programs.

First, the Navy's F/A-18E/F program. All though the current C/D model of this airplane performed extraordinarily well—very well in the gulf war—and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently still asking for 1,000 of these expensive E/F airplanes, with a cumulative program cost of about $89 billion, according to the GAO.

The second program is the Air Force's F-22, a stealthy fighter intended to provide air superiority but at an extraordinary cost. This aircraft, which one Navy official has referred to as gold-plated, will cost as much as $161 million per airplane making it the most expensive plane in our history. In all, the F-22 program, slated to provide 440 airplanes to the Air Force, will cost at least $70 billion.

The final one of the three fighters is truly still in its infancy. The joint strike fighter, expected to provide common, affordable 21st century strike aircraft for the Air Force, Navy, and Marine Corps, is actually still on the drawing boards with two major contractors dueling for what is expected to be at least—at least—Mr. President, a $219 billion contract for close to 3,000 airplanes.

Although the amendment I am offering today focuses on tactical fighters, I think to put this in context we should mention a few of the other programs on the Defense Department's wish list.

We have focused on these because these programs will also have to draw on a limited procurement budget over the next few years. And it just seems impossible that all of these programs can go forward without some changes. In fact, it is likely that many of these nontactical fighter programs will receive reduced funding in the coming years as a result of the drain on our limited procurement dollars, particularly due to going forward with all three of these jet fighters.

These programs include the $47 billion V-22 tilt-rotor aircraft being built primarily for the Marine Corps and Navy. There is the $25 billion Comanche reconnaissance and attack helicopter program for the Army. There is the Air Force's $18 billion request for 80 more C-17 cargo and transport airplanes.

Mr. President, in addition to these new aviation programs, we must also factor into account the costs of the necessary replacement of other aging aircraft, such as the KC-135 refueller, the C-5A, the F-117, and the Navy's EA-6B aircraft. These are all important air assets that must be replaced in the next few years, Mr. President.

That, Mr. President, is just the portion of the procurement budget related to aviation spending. The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN-77, and 17 of the DDG-51 *Arleigh Burke* destroyers, as well as four new attack submarines.

In fiscal year 1999, the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Unless, Mr. President, we take immediate action to avert this train wreck, with respect to tactical fighter spending, there simply will not be enough procurement dollars to fund all of these additional aviation and shipping programs.

And a number of experts, Mr. President, in recent months, experts on military spending, have tried to warn the Department of Defense of this impending fiscal disaster.

CBO, GAO, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned the Defense Department that they will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Here, for example, is what the GAO says:

> DOD's aircraft investment strategy is a business as usual approach that is wasteful—adding billions of dollars to defense acquisition costs and delaying delivery of weapon systems to the operational forces.

GAO goes on to say:

> We found the DOD's aircraft procurement plans will reach unsustainable levels of the procurement budget if the procurement and the total DOD budgets do not increase.
>
> The aircraft procurement plans, if implemented as planned, will require drastic reprioritization of the procurement budget that will require significantly reducing the amount spent on other types of procurement (ships, tracked and wheeled vehicles, missiles, etc.)

Mr. President, I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. That is why, Mr. President, my amendment is careful not to target any

one specific program for termination. The language in this amendment merely states the obvious, that the Pentagon's procurement budget over the next several years will not be able to support three costly tactical fighter programs and that the Pentagon must start the process of making the tough decisions.

Let me read exactly what my amendment does. It says:

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter programs should be terminated if only two of such programs were to be funded.

The report shall also contain an analysis of how the two remaining new tactical fighter programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable, tactical fighter force structure that is capable of meeting projected threats well into the 21st century.

That's it, Mr. President. My amendment merely requires the Pentagon to send us a report within 60 days with a recommendation for canceling one of these programs. It also requires the Pentagon to provide an analysis of how our current tactical fighter assets, including the F–15, the F–117, the F/A–18C/D and others might be utilized to continue to provide us with air superiority should one of the costly programs be canceled.

My amendment does not single out any one program. That is the Pentagon's responsibility. It does not cancel funding for one single fighter aircraft. It merely calls for a recommendation. Once that recommendation is made, it will be up to Congress to determine if we are going to follow through on that recommendation. It does not lock in the Congress.

That is what my amendment is about, Mr. President, making some tough decisions. We must have an acquisition strategy for tactical aviation that is affordable and tenable and consistent with the goal of Congress to achieve a Federal balanced budget in the coming years. My amendment is an attempt to force the Defense Department to understand the gravity of this situation. I hope we can get back to the path of fiscal responsibility in this area, as well, as we have sought so hard to do in so many other areas.

I reserve the balance of my time, and I yield the floor.

Mr. COATS. Mr. President, I wonder if I could inquire of the Senator from Wisconsin if he has any additional speakers?

Mr. FEINGOLD. Mr. President, not that I know of.

I reserve the balance of my time.

Mr. COATS. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes and 52 seconds.

Mr. COATS. Mr. President, let me yield myself 4 minutes, and then advise me when that 4 minutes is up.

First of all, I want to tell the Senator from Wisconsin that those of us on the Armed Services Committee understand and, in fact, have raised many of the same questions that he has raised. These are legitimate questions to raise in terms of where we are going with our tactical air for the future, what the cost is going to be, what the need is, assessment and so forth. In fact, as chairman of the Airland Forces Subcommittee of the Armed Services Committee, we held two hearings wherein we brought experts from the Department of Defense and outside the Department of Defense to come in and answer some of the very questions—in fact, all of the very questions—that the Senator from Wisconsin proposes here this morning.

Because we share that concern, we know that unless we can intelligently decide on how we budget for the future, if we concentrate too much effort in the tactical air modernization category, we will be shorting other categories, because it looks like we are going to, for some time in the future, have a pretty fixed cost in terms of what we are spending for defense.

Many of the questions that were asked by the Senator from Wisconsin were posited to those who came before our committee, and we have had personal discussions with the Secretary of Defense, Secretary of the Air Force, Secretary of the Navy, and others on this very question.

As the Senator stated, the Department has just concluded a major study called the Quadrennial Defense Review, and as a result of that, the Secretary of Defense, former Senator Cohen, now Secretary Cohen, recommended very significant changes to the tactical air. He called for a significant reduction in the amount of F–22 buys, from 448 planes to 339. Even more, for the F–18E/F, from 1,000 to 548—about a 50 percent reduction, and then a significant reduction and decrease of the joint strike fighter.

Now, in addition to that, the Secretary acknowledged that a process that was initiated by Senator LIEBERMAN and myself, with the support of Senator MCCAIN and then-Senator Cohen and others, acknowledged that we are waiting for the review of the National Defense Panel, which is an outside group of experts which will give us a separate assessment from the Department of Defense in terms of this question and a number of other questions. It is a look into the future in terms of what we need, all throughout our defense posture and structure, but particularly in relationship to our tactical air needs.

This report for the National Defense Panel will be forthcoming around December 15, and the committee awaits that with great anticipation. We are working hand in hand with the Secretary of Defense, with the Department of Defense, the Joint Chiefs, with the National Defense Panel, through the committee efforts, to try to address the very questions that the Senator from Wisconsin raised.

The reason why we object to this particular amendment at this particular time is that if we do a short-term study on the termination, recommending the termination of one of three programs, we place any one of those three in jeopardy. It may be that the National Defense Panel, the Secretary of Defense, the future analysis will conclude a different kind of a mix or moving forward with a different balance in order to achieve the cost savings.

If we go forward and precipitously cancel one of those programs, we put one of our services in great jeopardy. If we cancel F–22 on a short-term analysis, we leave the Air Force naked in terms of providing for tactical air defenses for the future. If we cancel F/A–18E/F, we leave the Navy—who made a decision not to go forward immediately—we leave them, as we are retiring F–14's, without carrier capability with the F/A–18E/F. If we cancel joint strike fighters, we leave the Marine Corps totally without resources for the future because they are betting their whole future on JSF's.

It would be an egregious mistake at this time to, within a 60-day period of time, require the Secretary to do something that they have spent months and months and months of analysis on, then requiring additional months of analysis to come up with that conclusion.

I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished friend from Indiana.

I rise to express my opposition to the Feingold amendment. I understand, as the Senator from Indiana does, the need to deal with the fiscal problems the Department of Defense will face in coming years. We are all very much aware of those, and we know that choices have to be made. We know we have to operate within a budget.

Mr. President, the Department of Defense has just completed its Quadrennial Defense Review. Not all of us like what the QDR had to say, but it was a strategy-based plan and decision for the future. This fall and early this winter, as the Senator from Indiana has just pointed out, the National Defense Panel will come out with another review of the Department's future. Just how many strategic essays does the sponsor of this amendment want? We can run around and order more studies conducted. Somehow, conducting studies makes thin soup. We can continue to put more of a paperwork burden on the Department of Defense, but that

does not change the need for us to stay within the budget that has already been adopted by this Congress, to put us on a path to balance the budget by the year 2002, or sooner, I hope. We know those numbers. We know the maximum we can allot, and another study does not change the obligation of Congress to make tough choices based on what the Department of Defense has told us.

The Armed Services Committee has held hearings. They have asked these questions. I say for my friends that the Defense Appropriations Subcommittee has also held hearings. We have also gone over all of these items and asked these questions. The sponsor and other Members are interested in where we stand and what the best thinking of the Department of Defense is today. I invite them to review the testimony that has been presented at those hearings and also to review the recommendations of the National Defense Panel.

Technology moves on. We need to provide our military personnel with the finest equipment available in the present, as well as in the short- and long-term future. Technology is not cheap. But it does save lives. It protects our freedom; it protects our national security and international peace. These goals are worthy objectives. It is worth the cost. If some in this body do not believe it is worth the cost, I strongly disagree with them, and I will fight them on that.

We are currently in the process of procuring the Navy's No. 1 priority. It happens to be tactical aircraft for its carrier fleet. This is a fleet which the Armed Services Committee, and I predict the full Senate, will shortly show its support by advancing $345 million in this bill in order to bring the ship online and to do it faster and cheaper. This is a commitment to naval aviation. We need the carriers and the airplanes on the deck. Enough strategic studies. Let's get on with the program.

I appreciate the time. I urge my colleagues to defeat this amendment.

Mr. FEINGOLD. Mr. President, let me again remind the body that this does not require the termination of any one of the three jet fighters. It asks for a recommendation from the Department of Defense within 60 days as to which of the three should be terminated, if that became fiscally necessary.

Second, it is simply not the view of everyone who knows a lot about this subject that this would jeopardize our national security or the defense capability of our Armed Forces. Take a look at the GAO reports, the CBO reports, the analysis of a number of military experts—that is just not the case. I hope the folks who have urged me to look at the hearing testimony which I and my staff have looked at with regard to the merits of these airplanes, would give the same kind of attention to the analysis, fiscal analysis and other analysis of others who we often rely on to give us advice about the effectiveness and cost efficiency of various programs, including the GAO and the CBO, as well as military experts.

Look, I don't think anyone thinks these are not good planes. These are great planes that are being proposed. I went down and spent part of a morning seeing the wonderful E/F planes, but what we see here is a credit card mentality that somehow we can just have it all. There is no real plan here to make sure that we don't end up trying to have all of these things and, as a result, not end up being able to truly pay for the ones we most need.

One of the arguments that came out of the QDR that was cited by the Senator from Indiana is that there are ideas about bringing down the cost of each of these by reducing the number of E/F's, reducing the number of F–22's, and reducing the number of joint strike fighters. It is suggested significant savings can be achieved by reducing the size and scope of the fighter programs. I certainly do not question the motives of those who say that. But the idea we can maintain all three of these fighter programs is simply inconsistent with balancing the Federal budgets.

Two months ago, the Senate Armed Services Committee received testimony from CBO with respect to proposals to merely reduce, as has been suggested by QDR, rather than cancel these tactical fighter programs. In that testimony, CBO explained how the Air Force had proposed last year to buy 124 F–22's over the 1998 to 2003 period. This year, the Air Force has revised that estimate and proposed purchasing just 70 F–22's during the 5-year period. That is a reduction in terms of numbers of over 40 percent of the number of airplanes. But despite buying 54 fewer airplanes and reducing the buy by over 40 percent, CBO noted this, and I think it is very significant, that the funding level for this buy remained almost the same, at about $20.4 billion now compared with $21.5 billion in last year's estimate. Why? Unit cost. If you don't build more airplanes up to a high level, then you don't get the benefit of the reduced cost. You end up paying almost the same for much fewer airplanes.

CBO pointed out that is a savings of about $1.1 billion, despite buying 54 fewer planes. In other words, we reduced the F–22 buy by over 42 fewer airplanes, but saved only about 5 percent of the funding.

I ask my colleagues to consider the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little in terms of cost savings. In fact, the GAO estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

Clearly, that is not enough—and this may even exacerbate our budget problems—to simply propose reducing any one of these three planes without eliminating one.

Time and time again, the Pentagon has promised an aviation program, promising large quantities of new aircraft at a given price, only to continually scale back the size of such program until we are receiving small quantities of aircraft but paying huge sums of money for those.

The B–2 is a tremendous example. In 1986, the Reagan administration told us we were going to get 132 B–2's at a cost of $441 million per airplane. In 1990, the Bush administration revised this number and said, let's only have 75 B–2's, but at a cost of $864 million per airplane.

Of course, by late 1996, we were on track to buy 20 B–2's at a cost of roughly $2.3 billion per copy. This isn't saving money. Over the course of a decade, Mr. President, we received less than one-sixth of the number of airplanes originally proposed, and we paid more than five times the original price quoted per airplane.

Of the three tactical fighter programs identified in my amendment, the two programs currently under production, the F–22 and E/F, have already experienced this sort of program instability. In 1986, the Air Force originally proposed we buy 750 F–22's. That number was reduced to 648 in 1991, 440 in 1996, and now, in 1997, the QDR proposes purchasing just 339 of these aircraft.

Likewise, the Pentagon claims that the Navy and Marine Corps originally intended to purchase 1,300 Super Hornets. In 1992, with the Marine Corps dropout, this figure went to 1,000, and now the QDR is recommending this number be dropped to as low as 548 of these airplanes.

Again, we are buying fewer and fewer of these airplanes and we are paying more and more for them. That is precisely, Mr. President, why merely reducing the quantities of the tactical fighters, just reducing the numbers, will not avert the fiscal train wreck that is certain to occur if we continue to fund all three of these programs.

That is why GAO has called this "business as usual," and that is what it is. It completely shirks responsibility for how we are possibly going to afford all three of these programs 5 years from now.

I hope my colleagues will not follow this road to fiscal irresponsibility and instead will support my amendment that simply says: Have the Pentagon tell us, within 60 days, which of these planes you can most do without, how they would go forward without one of these planes, and give us guidance on this so we can make the best decision here. Mr. President, we cannot afford these three fighters, and we have to

make a decision at some point in the future about it.

I reserve the remainder of my time.

Mr. COATS. Mr. President, I inquire how much time remains on each side.

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 4 seconds. The Senator from Indiana has 2 minutes.

Mr. COATS. I ask the Senator from Wisconsin if he has any additional speakers. If so, we can let them go ahead and we can both wrap up.

Mr. FEINGOLD. Mr. President, I have no additional speakers.

Mr. COATS. Mr. President, my understanding is that we have 2 minutes left.

The PRESIDING OFFICER. That is correct.

Mr. COATS. Mr. President, let me try to wrap up quickly in 2 minutes here for those Senators who are listening.

The Senator from Wisconsin says that essentially makes the argument that a decision has to be made now regarding the future of tactical air purchases that will provide air defense security for the United States for 15 to 20 years in the future. He said we need a recommendation. He said we need a recommendation now as to what that decision ought to be. He says we are trying to have it all.

Those arguments are based on the situation as it existed before the Quadrennial Defense Review. The QDR was reported and the Secretary of Defense, former Senator Cohen, certified that changes needed to be made along the lines of what the Senator was stating, except instead of saying "cancel one," the Secretary said we need to dramatically reduce the amount. The threat isn't such that we need the same amount as we formerly had. That is going to save a very significant amount of money. But a balanced approach allows us to address the needs of Marine tactical air, Navy tactical air and Air Force tactical air.

If you go forward and cancel one of those, one of those services is going to be left naked, without adequate tactical air. So the balanced approach that dramatically reduces the number of F-18's, the number of F-22's, and the joint strike fighter number, is the approach they want to take.

Second, the final decision hasn't been made. The QDR report is 4 years. The panel will look out into the future and give us more information on that decision. Secretary Cohen has only been there 6 months; give him time to work the process. We are aware of this problem. As chairman of the Air-Land Committee, we have held hearings. We deny that we have put severe cost caps on the F-22. So we have already taken that action.

So I urge our Members to support the efforts of the committee in recognizing the problem and going forward and addressing it, but not in the draconian way the Senator from Wisconsin advocated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am just a little puzzled as to how the term "draconian" can be applied to my amendment. What does my amendment actually call for? The Defense Department, on this issue—or at least the advocates—seem so nervous about talking about this problem that we can't afford these three airplanes that they are referring to an amendment as "draconian," which only asks the Defense Department to give us their opinion, tell us what they think. If you had to give up one of these three airplanes, which one would it be and how would you proceed?

I would understand if this was a ridiculous question and why ask it of them. But it isn't. The GAO has said that the E/F is a good airplane, but it is not that much better than the C/D, and it is going to cost $17 billion more. There are others who are really questioning whether this is a good idea. How can it possibly be termed "draconian" to simply ask the Defense Department to give us their opinion? It doesn't require a decision.

If the crisis that the Senator from Indiana and I both agree may be coming has to be dealt with later, this is the kind of information that would be useful for us to have. We are not required to act on it. The Defense Department is not required to change their mind. How can this be described as draconian? What troubles me about that characterization is, what are we afraid of here as Members of Congress? Openly discussing the fact that there are some questions about whether we can afford this and whether we really need all three of these planes?

This is really a business-as-usual attitude. The Defense Department will be better off and this country will be better off if it starts to join in the fiscal responsibility that all of us have been calling for. So I am very concerned that the Members of the Senate, who will vote on this soon, know that all this does is ask for a report within 60 days. It is asking for an advisory opinion from the Defense Department: If we had to cut one of these three planes, which one would it be? What possible harm would that be? I ask my colleagues to support this and help us solve what we all agree is an impending problem with regard to fiscal spending. How much time do I have?

The PRESIDING OFFICER. There are 30 seconds.

Mr. FEINGOLD. Has all time expired except for that 30 seconds?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. I yield the remainder of my time and 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.

AMENDMENT NO. 799, AS MODIFIED

The PRESIDING OFFICER. The question now recurs on amendment No. 799. There are 15 minutes for debate, evenly divided.

Who seeks time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from New Mexico, Senator BINGAMAN. My hope is that we will approve this amendment and save the $118 million that has been added to this bill for something called the space-based laser program. In supporting the Senator from New Mexico, I want to point out to my colleagues that the Ballistic Missile Defense Organization has reported to the Defense Appropriations Subcommittee, "There is no validated military requirement for space-based laser."

I will read that again because I think it is critically important. The Ballistic Missile Defense Organization has reported to the appropriations subcommittee, "There is no validated military requirement for space-based laser."

Yet, $118 million is added to this authorization bill for the space-based laser program. Last year, the Congressional Budget Office reported that the cost of deploying 20 space-based lasers, starting in the year 2006, would be $24.6 billion. According to Defense Week, however, the Pentagon's Program Analysis and Evaluation Office estimates the cost of the space-based laser at closer to $45 billion. Neither estimate includes the annual cost of replacing the space-based laser satellites. The Congressional Budget Office pegged those expenses at $1.6 billion per year.

The question is, do we need it and can we afford it? That is a question we ought to ask about almost everything, I suppose. Do we need it and can we afford it? In answer to the first question—do we need it at this point?—it seems to me that the answer is no.

The experts themselves tell us we don't need it, and the adding of $118 million continues the incessant desire by the Congress, over many, many years, to throw money at this program. And $100 billion has been spent on national missile defense in over four decades. The question is, what have we gotten for the $100 billion? What would $100 billion have done invested in other areas of our country or spent for other purposes? Then, what have we gotten for our $100 billion invested in national missile defense?

In North Dakota, we have the remnants of what was the free world's only antiballistic missile program. It was opened after the Nation spent billions and billions of dollars on it. Then we

mothballed it within 30 days of its being declared operational.

America's taxpayers have a right to question and wonder whether this is a wise use of their money? If I felt this program was a critical element of what is necessary for this country's defense, I would be here supporting it. But the Pentagon doesn't feel it is a critically important program, necessary for our country's defense. That is why they didn't ask for the $118 million. That is why the $118 million is now being added here in the authorization bill.

The Senator from New Mexico asks that we take this $118 million out of this bill. I support the Senator from New Mexico on the question of, do we need it and can we afford it? The answer is no on both counts. It is not just an answer that I give; it is an answer that comes from military officials themselves who say there is no validated military requirement for the space-based laser.

Mr. President, I hope that when we vote on this amendment, those who wish to save money, those who wish to stop spending money that we don't have on things we don't need will decide that we will approve the amendment offered by the Senator from New Mexico and cut the $118 million for this program, which has been added to this program in this defense authorization bill.

Mr. President, I thank the Senator from New Mexico for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

It would be awful difficult to try to express my beliefs on this in 2 minutes. I would only say that this euphoria that we seem to enjoy around here that there is no threat is one that is of more concern to me than anything else we talk about.

When you say, can we afford it, I often wonder can we afford not to do it. The whole argument that has been made on this space-based amendment by the distinguished Senator from New Mexico has been that right now there is nothing targeted at the United States. And I know the President has said in his State of the Union Message that there is nothing targeted at the United States for the first time in contemporary history when in fact we do not have any way of knowing that.

I suggest you might remember the hearings on Anthony Lake when he was trying to become the Director of Central Intelligence. We made a very conclusive point that right now there is no way of telling. There is no verification. I would suggest you remember what Gen. John Shalikashvili said. He said there is no verification process. Then he went on to say, "But I can tell you we don't have missiles pointed at Russia."

That is really comforting, isn't it, to think it is just kind of a gentleman's agreement that you do not aim at us and we will not aim at you. But let us assume that we could verify today or at the beginning of this debate that there is nothing aimed at the United States. It can be retargeted in a matter of minutes.

I would like to quote from Gen. Igor Sergeyev, the commander in chief of the Russian Strategic Forces. He said, "Missiles can be retargeted and launched from this war room mostly in a matter of minutes."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment by the Senator from New Mexico to reduce funding for the space-based laser program. The space-based laser program is one of the most important technology development programs in the Department of Defense. It could provide for global boost phase defense against all types of ballistic missiles from short-range tactical missiles to long-range strategic missiles.

It would be shortsighted for the United States to constantly abandon this development effort at a time when the long-range missile threat is growing. The space-based laser program is the only future oriented program remaining at the Ballistic Missile Defense Organization. With the exception of space-based laser, BMDO is focused almost exclusively on near-term development and deployment efforts.

This is an unbalanced approach which mortgages our future for near-term capability, and in my view we should have a more balanced approach, one which continues to invest in high payoff future systems while deploying near-term capability.

Mr. President, the space-based laser program has been one of the best managed programs in the history of the Department of Defense. Unfortunately, the department has only requested $30 million for this important program in fiscal year 1998. The Armed Services Committee did the responsible thing by adding additional funds to ensure that this program continues to make technical progress. It would be highly irresponsible to cut this funding at this time.

I strongly urge my colleagues to oppose the amendment by the Senator from New Mexico.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes 19 seconds.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong opposition to the Bingaman amendment. It would cut funding that is necessary for the space-based laser program. This program is making tremendous technical progress. DOD acknowledges that additional funds are required for this purpose and is working to identify those additional funds in the outyears.

This has been one of the best managed programs in the history of U.S. ballistic missile defense efforts. You cannot often say that, that the program is on budget, on time, reliable, and even under severe funding constraints it has continued to make remarkable technical progress. It offers the best hope for the future of providing highly effective global boost phase defense against ballistic missiles of all ranges.

There was an independent review team appointed by the directer of BMDO to study the future of the SBL Program that has recommended that this program transition to the development of a space technology demonstrator for launch in the year 2005. And the funding contained in this bill supports the recommendation. It does not violate the ABM Treaty, for those who may be concerned. It keeps our options open to deploy this system.

I get very concerned, Mr. President, when year after year—and this the seventh straight year—there has been opposition expressed on the floor in spite of the full support of the committee on this program. This is a tremendously important program, and I think my colleagues need to understand that there is an expansion of the number of countries possessing ballistic missiles, not only nuclear but chemical and biological. These warheads present a serious challenge to the security of the United States. They are all over the world—North Korea, Iran, Iraq, just to name a few—China. They threaten our troops and they threaten our cities, and to take away a technology that can protect those cities, protect those troops in the field is outrageous. It is outrageous. It is immoral. I do not understand the intensity of the effort to do this year after year after year.

As the number of countries with these ballistic missiles continues to increase and as the range of those missiles increases, the expansion in the number of targets to defend will dramatically increase. With this technology, we are able to get these missiles in their boost phase and make the debris from those missiles fall back on

the aggressor or the firer of the missile.

That is what this technology is all about. That is why it is so important, Mr. President. And to come down here year after year, time after time, and arbitrarily try to kill a program that has been on budget, on time, supported by the defense people and protecting our troops, protecting our cities is flat out irresponsible. There is absolutely no justification for it anywhere.

I urge my colleagues to look very, very carefully at what they are doing here because if this vote were to prevail and this amendment were to be passed, it would do serious damage to our security and, frankly, put our cities at risk, our bases at risk and our troops at risk throughout the world.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BINGAMAN. Mr. President, first I would like unanimous consent to add Senator MOSELEY-BRAUN as a cosponsor of the amendment.

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

Mr. BINGAMAN. Mr. President, let me first just clarify what we are about here. The amendment that Senator DORGAN and Senator MOSELEY-BRAUN and I have offered is not an amendment to cut out the funding that the administration has requested in this area. It is to support the funding that the administration is requesting in this area. The administration in its budget said that it wanted $28.8 million in the space-based laser program this year, and that is exactly what we are proposing.

Now, at the committee level and the subcommittee level an additional $118 million, or essentially five times as much funding, was added to the request of the administration. What we are trying to do is say let us go with what the Pentagon requested. That is not an unreasonable position.

Last evening, Senator LOTT spoke in opposition to our amendment, and he said clearly in his view the space-based laser was, and I think this is an exact quote, "the national missile defense option of choice."

That is just flat wrong. The Pentagon has made it very clear that their option of choice is the ground-based interceptor which we are funding through the National Missile Defense Program in this budget. In fact, we are funding it at twice the level that the administration had earlier requested. Instead of the plan of spending $2.3 billion over the next 5 years, we are going to spend $4.6 billion on that.

I support that, and our amendment does nothing to interfere with that. So the option of choice is the ground-based program which we have already agreed to go ahead and fund.

The real question here is where is the money coming from? If we are going to do this space-based laser, where is the money coming from? We would think it totally irresponsible for the administration to come in with this kind of request in 1998 if they could not tell us what they were going to do in future years to follow on in building this so-called demonstrator. But we think nothing of just adding it ourselves and saying, well, we will worry later about how we are going to fund this thing. So that is the issue.

The PRESIDING OFFICER. All time has expired.

Mr. BINGAMAN. Mr. President, I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Missouri [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—43

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Torricelli
Conrad	Kerry	Wellstone
Daschle	Kohl	Wyden
Dorgan	Landrieu	
Durbin	Lautenberg	

NAYS—56

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Campbell	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Inouye	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Dodd	Lieberman	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NOT VOTING—1

Mikulski

The amendment (No. 799), as modified, was rejected.

(Ms. COLLINS assumed the chair.)

Mr. THURMOND. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 677

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 677 offered by Senator FEINGOLD. The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Madam President, is there supposed to be an explanation of this amendment?

The PRESIDING OFFICER. There was no time allowed for further debate on the amendment.

Mr. BYRD. Madam President, I ask unanimous consent that there be 4 minutes equally divided for purposes of explanation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senate will be in order.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

The Senate will be in order.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Madam President.

This amendment asks that the Defense Department, within 60 days, issues a report to tell us which of the three planned jet fighters should be terminated because of the obvious problem that we don't have enough money in the procurement budget to have all three of these—the F-22 of the Air Force, the F-18E/F of the Navy, or the joint strike fighter that is being planned as a commonality plane for three branches of our armed services.

The GAO, CBO, many military experts, and others agree that it is not possible for us to afford all three of these, and it is also not an answer, as the QDR suggests, to simply reduce each of the three, because the problem is that the unit cost of each plane is so high that at the lower number of planes that are produced, you don't get the savings. This is what happened with the B-2 bomber.

We are facing a train wreck with regard to this, and we need some guidance from the Defense Department about which of the three should go, if that is what we have to do in order to continue to balance the budget.

Thank you, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. COATS addressed the Chair.

The Senator from Indiana is recognized.

Mr. COATS. Madam President, the Senator from Wisconsin has raised legitimate questions about the cost of future tactical air purchases. The Senate Armed Services Committee has raised these questions repeatedly with the Department of Defense, holding hearings, and received a great deal of testimony. The Secretary of Defense, former Senator Bill Cohen, has recommended a

balanced approach by dramatically reducing the number of planes purchased for each of the three categories—F-18E/F, joint strike fighter, and the F-22.

No final decision has been made. The committee has put severe cost constraints on engineering, manufacturing and development for the F-22. We are working on this problem. We have a national defense panel that will report to us in December. To make a precipitous decision, or even a precipitous recommendation, of canceling one of those programs puts one, either the joint strike fighter, F-22, or F-18E/F, in jeopardy. It leaves the services in jeopardy. If you cancel one, you either leave the Navy, Marines, or Air Force naked without tactical air capability they need for the future.

I don't think now is the time to take this approach. I think we will be making these decisions over the next several months, but we need to rely on the Secretary and others and the bipartisan recommendation of the Armed Services Committee before moving on this. So I recommend a vote against the Feingold amendment.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to amendment No. 677 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Louisiana [Ms. LANDRIEU] are necessarily absent.

The result was announced—yeas 19, nays 79, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—19

Boxer	Harkin	Reid
Bryan	Johnson	Rockefeller
Bumpers	Kerrey	Torricelli
Byrd	Kohl	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	
Grassley	Moseley-Braun	

NAYS—79

Abraham	Enzi	Lugar
Akaka	Faircloth	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Moynihan
Bennett	Glenn	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Nickles
Bond	Gramm	Reed
Breaux	Grams	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sarbanes
Cleland	Hollings	Sessions
Coats	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Conrad	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kennedy	Thomas
Daschle	Kerry	Thompson
DeWine	Kyl	Thurmond
Dodd	Levin	Warner
Domenici	Lieberman	
Dorgan	Lott	

NOT VOTING—2

Landrieu Mikulski

The amendment (No. 677) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 803

(Purpose: To enable the County of Los Alamos, New Mexico to function without annual assistance payments under the Atomic Energy Communities Act of 1955 through economic development with additional positive impact to the Pueblo of San Indefonso)

Mr. DOMENICI. Madam President, I have an amendment that I will send to the desk that has been agreed to on both sides. Senator BINGAMAN is my cosponsor. It relates to the County of Los Alamos, NM.

I send the unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, and Mr. BINGAMAN proposes an amendment numbered 803.

Mr. DOMENICI. 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:

SEC. . FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall—

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a),

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress; and

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title,

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than ten years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

Mr. DOMENICI. Madam President, since the 1950's, the Department of Energy and its predecessors have made assistance payments to the county of Los Alamos, NM. Under the Atomic Energy Act of 1955, this was accomplished in recognition of the dependence of the community on the Atomic Energy Commission's, and later the DOE's, facilities. Their facilities, worth in the hundreds of millions of dollars, paid no taxes to this community. Now only Los Alamos County and schools receive any assistance, and all other communities are off assistance, many via buyouts.

It is very difficult for Los Alamos to reach self-sufficiency and to continue into the next century as a viable community unless something is done about the fact that there is no longer any land within the city and county of Los Alamos that can be developed, for the

excess land is all in the hands of the Department of Energy.

Last year, we agreed to end assistance to Los Alamos County through an agreement that coupled a very moderate buyout amount with transfer of excess land to the city. The land considered for transfer now is under the control of the DOE and cannot be used by the city until ownership is transferred.

This amendment will eventually return land to the county that can be used for normal county growth and to the Pueblo of San Ildefonso that has strong historic claims to portions of the land. The amendment also carefully prescribes a study of other claims for these lands that are now largely part of this county but still under the control of the Department of Energy. The Secretary of Energy is chartered to conduct a record search of all legal claims and to use every reasonable effort to determine whether there are any claims to these pieces of property considered for transfer.

It ends assistance payments to Los Alamos and provides for the future growth of Los Alamos by enabling opportunities for economic diversity. Ultimately, we believe this is in the best interests of the Federal Government and the many thousands of people that live in northern New Mexico. Without this amendment, we continue to have a land-locked city, without opportunity for economic development. And in that environment, there is also no room for housing projects, which leads to some of the highest housing costs in America. Without this amendment, assistance payments would have to continue. This amendment starts the forces of change that allow us to stop the assistance payments.

In summary, Madam President, this amendment is critical to complete the mandate of the last Congress to stop assistance payments to the county of Los Alamos, NM, under the auspices of the Atomic Energy Community Act of 1955.

The Atomic Energy Community Act of 1955 enabled assistance payments for communities impacted by the presence of major atomic energy facilities. These facilities were primarily located in remote areas, to address the security concerns accompanying their missions and none were more remote than the site at Los Alamos. Assistance payments to maintain community services were required in recognition of the nearly complete dependence of these cities on the then-AEC facilities that did not pay local taxes.

Over the ensuing years, most of these communities moved to either attain economic self-sufficiency or were close enough to self-sufficiency that they could accept various buyout provisions to enable their self-sufficiency. As they attained economic self-sufficiency, their assistance payments could stop. But, Los Alamos remained the exception, partly because it had virtually no land suitable for development for any commercial opportunities—virtually all usable land in the county was under the control of the Department of Energy.

Last year, we developed an agreement to end the assistance payments to Los Alamos County. That agreement coupled a buyout payment of $22.6 million that we appropriated last year along with provision of land to the county to enable commercial and residential development. It was essential to couple both the payment and the land together. Without the land with its potential for economic and housing development, a far larger payout amount would have been essential for the county to achieve self-sufficiency.

This amendment directs the Department of Energy to evaluate the land under its control to determine what can be released without impacting the national security mission of the Laboratory. Now, some of that land will not be appropriate for economic or housing development, but does represent lands that were part of the San Ildefonso Pueblo at the time of the Manhattan Project. Many sacred sites of the San Ildefonso Pueblo are located on that property. During the Manhattan Project, those San Ildefonso lands became part of Los Alamos County, but no compensation was ever provided to San Ildefonso Pueblo. This current evaluation of DOE's land requirements provides an ideal opportunity to return to the Pueblo some of that land that they previously used.

Our amendment recognizes that other parties have raised claims to some of these lands. Most of these claims result from homesteaded lands that were condemned when the Manhattan Project began, and compensation to the owners should have been provided at that time—but that must be carefully researched. The Department of Energy and the Corps of Engineers have been evaluating the legal basis for these claims over the past months, but this amendment asks that they go still further to provide every reasonable opportunity for these claimants to substantiate their claims. And the amendment precludes transfer of any land for which the U.S. Government does not hold clear title.

This amendment then enables Congress to finish the agreement with Los Alamos County, by coupling land for commercial and residential development to the payout funds. It provides for return of lands to San Ildefonso Pueblo for which no compensation was provided. It further provides for a careful process to evaluate the legality of any outstanding claims on this land. And finally, through this amendment, Congress no longer will be asked to provide assistance payments to the county of Los Alamos.

Madam President, I conclude by saying that there are many people in and around New Mexico that had previously owned lands in Los Alamos that were purchased during the Manhattan Project's location there.

This amendment says, as to the land that may be conveyed, that if there are claimants, their claims will be evaluated and perhaps in some way resolved.

I am delighted to have worked on that. I think it is very important to everybody in our State to know that will occur.

I yield the floor.

Mr. BINGAMAN. Madam President, I am pleased to be a co-sponsor of Senator DOMENICI's amendment to establish a framework for a final settlement of the assistance payments to the county of Los Alamos under the Atomic Energy Community Act of 1955. As Senator DOMENICI has pointed out, the Congress has already implemented the first part of a two-step process to end these payments and to provide the County with the ability to develop a commercial tax base—last year the Congress appropriated $22.6 million buyout payment for the county. This amendment implements the second part of the agreement, by transferring excess land from Los Alamos National Laboratory to the county for purposes of economic development. This development will mean jobs for northern New Mexicans and improved economic self-sufficiency for the county.

In crafting the language being offered today, Senator DOMENICI and I have worked to address the concerns of a number of parties in New Mexico who have expressed interest in any land transfer involving the Los Alamos National Laboratory.

The language will ensure that land needed for national security purposes will be retained by the Department.

The language ensures that an environmental review of any transfer will take place, and that land in need of environmental remediation prior to transfer is cleaned up.

The San Ildefonso Pueblo, which was originally supposed to receive lands that subsequently were withdrawn for the use of the Department of Energy, will participate in the process and have some of these lands returned, including sites that are sacred to the Pueblo.

Finally, the language addresses the interests of the Homesteaders Association of the Los Alamos Plateau, which represents former owners and descendants of former owners of land that was condemned by the Federal Government for the Manhattan Project. The homesteaders are now researching their claims to the land that was condemned in the 1940's, and have asked for assistance from the Department of Energy in documenting their case. The language that we are considering today requires the Department of Energy to take several actions with respect to these claims.

First, after the list of parcels of lands that are to be considered for transfer is drawn up, the Department is to submit a report to Congress with the result of a title search on those parcels.

Second, the Department is also required to provide Congress with an analysis of any claims of former owners, or their heirs and assigns, to such parcels.

Third, during the year after passage of this act, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Department, in the past, has provided assistance to other groups and communities to enable them to fully exercise their rights to participate in departmental decisions affecting their vital interests. It is our intention that, within the bounds of reasonableness and appropriateness, the Department provide assistance to the homesteaders, as well.

Finally, the language states, in two places, that the Department is only to transfer land to which the Government has clear title. If a former owner has a valid legal claim to a parcel, this land transfer amendment provides the Department with no new authority to extinguish that claim. In such a case, the Department must report back to Congress on the claim and remove the affected parcel from consideration for transfer under this section, unless the Department and the former owner or the descendants of the former owner arrive at a mutually agreeable settlement of the claim.

I believe that this amendment strikes the appropriate balance between the interests of Los Alamos County and the San Ildefonso Pueblo in having access to lands that are no longer needed by the Department and that are not in dispute, and the interests of the former owners of lands on the Los Alamos plateau in having their legal claims fairly examined and respected. I urge my colleagues to accept this amendment.

Mr. THURMOND. Madam President, the amendment is cleared on this side.

Mr. LEVIN. Madam President, the amendment is supported on this side, as well. We support the amendment.

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

The amendment (No. 803) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent Michael Prendergast, a congressional fellow on Senator GRAHAM's staff, be granted privileges of the floor during consideration of debate on this.

AMENDMENT NO. 764

(Purpose: To establish the position of Senior Representative of the National Guard Bureau as a member of the Joint Chiefs of Staff)

Mr. STEVENS. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself, Mr. WYDEN, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. SHELBY, Mr. SARBANES, Mr. REID, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. LEAHY, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. INOUYE, Mr. HOLLINGS, Mr. FORD, Mrs. FEINSTEIN, Mr. ENZI, Mr. DOMENICI, Mr. DEWINE, Mr. D'AMATO, Mr CONRAD, Mr. COCHRAN, Mr. BYRD, Mr. BURNS, Mr. BUMPERS, Mr. BRYAN, Mr. BREAUX, Mr. BOND, Mr. BINGAMAN, Mr. AKAKA, Mr. BENNETT, and Mr. FRIST, proposes an amendment numbered 764.

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

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

The amendment is as follows:

At the end of title IX, add the following:

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§ 10509. Senior Representative of the National Guard Bureau

"(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advise and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

"(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting "'and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) EFFECTIVE DATE.—The amendments made by this secitn shall take effect on January 1, 1998.

Mr. STEVENS. Madam President, today, I offer this amendment for myself and currently 46 Members of the Senate. This amendment will change the status of the Chief of the National Guard. Our amendment promotes the Chief of the National Guard Bureau to a 4-star general and will include that position as a member of the Joint Chiefs of Staff. Now, the Joint Chiefs are the senior leadership within our military. This position for the Guard would rotate between the Army National Guard and the Air National Guard.

I know this will become controversial with the members of the Armed Services Committee and members of the committee here in the Senate.

Madam President, I ask unanimous consent Senators GREGG, ROBERTS, CAMPBELL, MCCONNELL, FAIRCLOTH, BOXER, MURRAY, CRAIG, BAUCUS, HUTCHISON, DASCHLE, DORGAN, SESSIONS, LAUTENBERG, and any other Senator who wishes to become sponsor, be listed as original cosponsors of this amendment.

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

Mr. STEVENS. Mr. President, the basis of this amendment is our belief that members of the National Guard are an essential part of our national security team. They are active participants now in the full spectrum of operations from the very smallest contingencies to the major actions we have been involved in. Theater wars, such as the Persian Gulf, no major military operation can be successful today without the National Guard.

There are now 474,673 men and women in the National Guard. They are approximately 20 percent of our total Armed Forces and they represent participants from all 50 States and the 4 territories. These guardsmen truly embody our forefather's vision of the American citizen soldier. Guardsmen in

uniform come in contact with the members of their community on a daily basis. As part of their community they attend their church, they serve on the PTA, they are actively involved in community and regional and State activities, they have civilian jobs in their communities. But they are citizen soldiers and they report for duty immediately.

As a matter of fact, in my State, we now have an Air National Guard refueling unit that serves as the refueling unit for the whole Pacific theater. It is a National Guard unit. It is now fulfilling the complete functions of its predecessor, which was an active duty unit.

Many Americans form their impressions about our people in military, particularly those in uniform, from their contact with members of the Guard. As we continue to downsize the active forces, I believe it is critical we maintain this strong communities-based military presence in every community. That citizen soldier is our link to the future, as far as support of military activities in this country, Mr. President.

Mr. President, I have served now for many years on the Defense Appropriations Committee. One of my great privileges was to serve with Senator John Stennis who, at that time, was chairman of the Armed Services Committee and chairman of the Appropriations Committee. That can't happen again under our changed rules in the Senate.

But in those days, we talked very long and often about the National Guard and the way we might integrate the National Guard into the active forces so that they would get, during peacetime, the type of exposure they need to be very proficient and efficient members of our team when we are at war. We pioneered the concept of sending to Europe, to NATO, and to our forces in Europe, guardsmen who actively performed the roles of our military in that theater, even though they were National Guardsmen on temporary duty. That is a few years back now, but that proved to be very cost-effective, Mr. President. At a cost of about 25 percent, we can maintain a person who is able and ready to perform military duties as a guardsman, compared to the active duty force. I am not saying they can ever replace them; that is not the idea. But the purpose of our amendment is to assure that there is recognition now of the role, on a constant basis, of the citizen soldier in the formulation of military policy in this Nation.

The National Guard is not consulted now on a regular basis on major force structure decisions, or on matters concerning resource allocation and priorities. During the Quadrennial Defense Review, it is my judgment that the National Guard was not fully considered, as far as the deliberations concerning defense strategy, force readiness, and the allocation of funding. There were important decisions made concerning the future of the Guard within the military structure, without the Guard having any participant there.

I think the Guard represents such a significant portion of our forces that the rank now held by the highest member in the National Guard, a three-star general, should become a four-star general, and that person representing, at times, the Army National Guard, and at other names the Air National Guard, rotating, as I said, should have a seat at the table where the decisions are made that vitally affect the future of the participants in the National Guard.

Now, these Joint Chiefs—and I have a high regard for them —are the senior military advisers to the President, and they are the decisionmaking body of military strategy, as far as our system is concerned. Within the Department of Defense, they speak for those in uniform. But the National Guard, who constitutes 20 percent of our total military and one-fifth of the people who could be called into any crisis to come forward and participate in the defense of our Nation, are not represented at that table.

It is my strong view that they should be part of that Joint Chiefs of Staff. The National Guard Bureau has no access to the chain of command directly to that staff, or to the Secretary of Defense, or to the Chairman of the Joint Chiefs. I believe our amendment would correct that situation. And if it is not corrected, it could impair our future readiness and the survival of the Guard itself.

Now, I want to state very clearly, I know that Secretary Cohen, who is not only a great Secretary, but he is a personal friend, and General Shalikashvili, Chairman of the Joint Chiefs of Staff, are not particularly pleased with this suggestion. Their counsel, I am sure, will come to the Congress with regard to this. But I remember that at the time we suggested that the Guard start performing regular duty functions, the Secretary and Chairman of the Joint Chiefs were opposed to that, too. Yet, when it came to the Persian Gulf, Mr. President, when we had to send our forces there to restrain the forces of Saddam Hussein, the call was answered by almost 75,000 National Guardsmen. Almost, as I understand it, about 25 percent of the thousands and thousands that were on active duty there were National Guardsmen.

Now, it is high time, I believe, that the Guard forces who were called upon to serve our Nation have their interests fully considered on a day-to-day basis when the decisions are made that affect their future. That is what this amendment is all about.

I believe this is an amendment that must become law. It will take some time to work it out. I am not saying this will happen overnight. But I do believe it is our role, as members of the Appropriations Committee, to raise this issue. A cost-effective military for this country in the 21st century requires the participation of the National Guard.

We are constantly faced with decisions to reduce our force structure. The way to increase our force structure is to bring more citizen soldiers into the Department of Defense structure now. We will do that if they realize that we are going to emphasize their participation, we are going to emphasize their role, and we are going to do that by having a member of the Joint Chiefs be a representative of the National Guard of the United States. I consider this to be one of the major changes that must be made in the realignment of our forces and the command of our forces in this country. And I am hopeful that others will speak very forcefully on it. I might add, Mr. President, I see that the cochairmen of the National Guard Caucus are here. I am delighted that they support this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me thank my good friend from Alaska. As he says, this will not be an easy decision, but he is not one that backs off when he thinks it is right. So, Mr. President, as cochairman of the Senate National Guard Caucus, I rise to ask my colleagues to support the amendment of the senior Senator from Alaska, elevating the National Guard Bureau to a four-star general and including that position as a member of the Joint Chiefs of Staff.

Just a few weeks ago, I pointed out to my colleagues the Army's refusal to consult with the leadership of the National Guard Bureau or the leadership of the Army Guard during the consideration of the QDR. When asked about this oversight by the press, the Army spokesman responded, "There is an Army Reserve colonel and a Guard colonel here in our offices. They get to weigh in on the issues."

You do not need extensive knowledge of military affairs to realize that a colonel does not pull much weight against a group of active duty Army generals protecting their turf. Mr. President, there is no excuse for the poor working relationship between the active Army and the Army National Guard. However, I believe the leadership of the active Army does not consider members of the Army National Guard as soldiers on equal footing. Instead, they treat the men and women of the Army National Guard with indifference. The active duty generals seem to forget that the men and women of the Army Guard have undergone the same—I repeat, the same—training as their counterparts. The situation is

even more ridiculous when you consider that 50 percent of the entire Army National Guard are men and women coming off active duty with the Army.

I also believe that, if this amendment becomes law, there would not be a constant need for offsite agreements between the Army and the National Guard. Just recently, I was briefed by the Army on the latest offsite meeting between the Army and the Guard—an off-site meeting that was held after it was brought to Secretary Cohen's attention by Senator BOND and I that the Guard had been left out of the QDR process. In that briefing, I was told the Army and the Guard had reached an agreement. But I pointed out to the Vice Chief of Staff of the Army, who briefed me, "I have little faith in the outcome of such an agreement when the Army still hasn't lived up to the 1993 off-site agreement." Of course, that point may be moot, as I now have been informed that the Chief of Staff of the Army is unhappy with the agreement and, to date, has refused to sign off.

So, Mr. President, this kind of runaround is exactly why we need Senator STEVENS' amendment. The Army National Guard currently—I want my colleagues to listen to this—provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, 25 percent of the Army's combat supply units, while receiving—guess what?—only 2 percent of the Department of Defense budget. Now, let me repeat that. The Army National Guard currently provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, and 25 percent of the Army's combat supply units, while receiving only 2 percent of the Department of Defense budget.

You will hear from some of our colleagues that the Army National Guard divisions have no fighting missions. They will be telling the truth, but they won't be telling all the truth. That is because the active duty Army leadership has simply refused to give the Guard a war fighting mission. They have refused to do so despite the fact that the active Army's attrition rate—get this—is 36 percent. About half of those are joining the National Guard. They have been trained. The attrition rate in the Army Guard is somewhere around 15 percent. The question my colleagues should be asking is, How many active duty Army divisions are at full strength versus the Army Guard divisions?

So, Mr. President, this amendment will ensure that the National Guard and all its attendant forces will have a voice in the Department of Defense's senior decisionmaking process when it comes to defense strategy, force readiness, and allocation of resources. In the end, I hope that when my colleagues hear arguments like, "there are two colonels here in our offices that weigh in on issues," they will remember that their simply being in the room isn't enough. You have to have a seat at the table and a voice that carries some weight. That is exactly what this amendment we have before us today does.

So I hope my colleagues will support the amendment and help us pull up a chair for the National Guard Bureau and give them a voice that can be heard loud and clear at the Defense Department's decisionmaking table.

I want to underscore one other thing. Already 47 Senators have cosponsored this amendment, and many more will come on board. I hope that we understand that the overwhelming sentiment of this body is to support Senator STEVENS' amendment.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very proud to join my cochair of the National Guard Caucus, the distinguished Senator from Kentucky, in support of a very long overdue and very important provision offered by the chairman of our Defense Appropriations Subcommittee and the full committee.

I am pleased to be a cosponsor of this measure to elevate the Chief of the National Guard Bureau to a rank of four-star general and to give that general a seat at the table as a member of the Joint Chiefs of Staff.

As has already been pointed out, the National Guard has been increasingly called upon to perform overseas deployments and other operational tasks in its role as a national defense component. The National Guard is unique from all other services in that it has a State-oriented mission as well as a national mission. The National Guard maintains a force of over 350,000 soldiers and airmen and women, fully 20 percent of our total fighting force. It is a force greater, almost double that of another military component already represented on the JCS.

The current administrative chain of command for the National Guard at the highest levels is confusing, to say the least. Component Air Force personnel of the National Guard, who are integrated into the Air Force structure in an enlightened and seamless way, fall under the umbrella of the Chief of the Guard Bureau, specifically to address the unique requirements faced by the National Guard personnel, but the Chief of the National Guard Bureau is responsible to the Chief of the Army.

By placing the Chief of the Guard Bureau on the Joint Chiefs of Staff, this convoluted chain of command will be rationalized. By placing the Chief of the Guard Bureau on the JCS, the unique characteristics of the Guard will receive their just due.

As former Governors, my cochairman and I recognize as much as anyone can the truly vital State mission that the Guard provides. I have come to know and appreciate what the Guard must do in its civilian mission and its State militia role. This is a unique mission, unlike any of the missions of the other branches of the service, and for this reason as well it commends a seat at the table with the Joint Chiefs of Staff for the head of the Guard Bureau.

My colleagues from Alaska and Kentucky have already pointed out how the Guard gets short shrift when major decisions are made. We have a couple of colonels in the room when the generals are making the decision. That does not carry a lot of weight. We have seen time and time again where agreements are reached, supposedly taking account of and recognizing the role the Guard plays, only to have the higher-ups, those people who have a membership on the Joint Chiefs of Staff, overturn or ignore those agreements.

The President, who is advised by the Joint Chiefs of Staff, gets, in my view, a biased view, and as a result the Office of the President traditionally has habitually disregarded the legitimate procurement needs of the Guard, and the recommendations that come to us from the President do not reflect what we in this body have continually recognized as the important role of the Guard. Rather than having us try to fight that battle every time, it makes sense, in my view, to have a four-star general as head of the Guard and have that person represented on the Joint Chiefs of Staff. This will force the Defense Department to recognize the needs and the unique mission of the Guard in its budget requests and incorporate them into its financial plans as well as incorporating the Guard in its utilization plans. This action will go a long way to making sure that we have a fully integrated and effectively utilized civilian militia as we meet the changing needs with tight budgets for the future.

As well, there are those of my colleagues who have had concerns about the politicization of National Guard requirements and resources. The administration has yet to recognize the legitimate procurement needs of the National Guard. Not once has one penny been requested for the National Guard's procurement requirements. The Department of Defense has relied upon the largess of the Congress to support it. So, to my colleagues who will use the argument in the coming days during discussions on the Defense authorization and appropriation bills, that "the Pentagon has not even asked for so many dollars," the Pentagon, doesn't do the asking, it is the President, and he has seen fit to disregard habitually, the legitimate procurement needs of the Guard. By having the

Guard represented on the JCS, the Defense Department will be forced to recognize these needs in its budget and incorporate them into its financial plan. And this action will relieve a lot of that politicization we keep hearing about.

This amendment will not increase the size of the National Guard, nor increase the administrative staffs. The rules and requirements met by the other Joint Chiefs will have to be met by the National Guard Chief.

This is an amendment whose time has come. It is forward thinking, it recognizes the changing world situation and the subsequent change to our Nation's military force structure and requirements. It is an important step in the right direction of modernizing the military paradigms we have lived with through the cold war and goes a long way to addressing QDR concerns for the direction of our Nation's military force.

I say again, I urge Members who have not yet cosponsored it—and there are only 53 left—to join us in cosponsoring this measure because this is an idea whose time has come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the matter that is before us is of importance, and I know we all want to continue the discussion on our defense authorization bill, but there is another matter that is also under consideration as we are meeting here this morning, and that is the reconciliation, the proposal to bring together those elements of the House and Senate bills that will relate to the economy and relate to child health, education, Medicare, and other matters that really define where we are going as a country over the period of the next 5 years. And as we are getting into that particular issue, I want to address one other item that is not unrelated to that and is related to the issues of fairness in our economy and fairness in our society. I will speak briefly to that and then introduce legislation and yield the floor.

Mr. STEVENS. Mr. President, a point of order. Will the Senator yield for a point of order?

Mr. KENNEDY. I yield for a point of order.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Massachusetts. I would like to finish our amendment. It is my understanding that the rule established by the late Senator Pastore prevents introduction or speaking of nongermane matters during this period of consideration of this bill.

I would like to finish this amendment. It is going to be accepted, I might say to the Senator from Massachusetts. I would like to finish the business. Will the Senator permit us to finish at this time so I would not have to make that point of order?

Mr. KENNEDY. As I understand, the Pastore rule goes for a 2-hour period from the time we come in, which would be another 6 minutes, I guess. I am glad to accommodate if you think it is not going to go further. I would like to be able to speak. I will speak 5 minutes.

Mr. STEVENS. I withdraw it.

The PRESIDING OFFICER. The Pastore rule will be in order until 12:04.

Mr. STEVENS. I withdraw the point of order. The Senator is not going to take long.

Mr. KENNEDY. I will ask to speak for 5 minutes, Mr. President.

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

Mr. KENNEDY. I thank the Senator.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 1009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I thank the Senator from Alaska.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The able Senator from South Carolina.

Mr. THURMOND. Mr. President, I am very concerned about this amendment. I realize that the amendment has nearly 50 cosponsors. I have been in the Senate long enough to know that any provision with that many cosponsors will pass. However, that does not make the amendment advisable or good government.

While the amendment is very attractive from a political perspective, it is not good policy. The amendment would create a new position, the Senior Representative of the National Guard. The incumbent of this position would be a four-star general and would be a member of the Joint Chiefs of Staff.

The amendment does not eliminate the current three-star Chief of the National Guard Bureau nor does it shift any of the duties and responsibilities of the Chief of the National Guard Bureau to the newly created Senior Representative of the National Guard. This is pure and simple an additional layer of bureaucracy. A new four-star position is created but the incumbent is not a commander. He has no directive authority over any forces. The National Guard is under the control of the Governors during peacetime and under the control of the war fighting CINC's during wartime. This new Senior Representative has no real function.

This position was not created as the result of studies and analysis. There have not been any hearings to determine whether such a position will actually meet any need or to identify any military requirement for an additional general. This Senior Representative does not enhance the representation of the Reserve forces. He is a National Guardsman and would only concentrate on National Guard issues. I suspect creating such a position will do more to disrupt jointness than to enhance it.

Currently in the statute, the Chief of the National Guard reports directly to the Secretary of Defense and serves as the principal adviser to the Secretaries of the Army and the Air Force. The Chief of the National Guard Bureau is authorized to coordinate directly with the Chairman of the Joint Chiefs.

Giving the Senior Representative of the National Guard membership in the Joint Chiefs is contrary to the tenets of Goldwater-Nichols which we worked so hard to develop and enact in 1986. In Goldwater-Nichols we established the membership of the Joint Chiefs of Staff as the Chairman and the four Service Chiefs. The Vice-Chairman was not made a member of the Joint Chiefs until 1992. This reflects the extensive study and analysis conducted by the JCS, the Department of Defense and the Congress before increasing the size of the Joint Chiefs. This Senior Representative position has not been vetted by anyone. I hope the Senator from Alaska would agree to let the Armed Services Committee hold hearings on this idea and determine whether and how to best meet the need the amendment is trying to address.

In closing, Mr. President, I know this amendment will be adopted by the Senate. I want my colleagues to know that they are making national security policy by passing a politically appealing proposal. I prefer principle over politics.

Mr. President, I ask unanimous consent that a letter addressed to me by the Secretary of Defense, William Cohen, be printed in the RECORD.

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

SECRETARY OF DEFENSE,
Washington, DC, July 10, 1997.

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

DEAR MR. CHAIRMAN: As the Senate continues consideration of the FY 1998 National Defense Authorization Bill, I want to express my strong opposition, which is shared by the Chairman and the Joint Chiefs of Staff, to legislation that would make the Chief of the National Guard Bureau (NGB) a four star general and a member of the Joint Chiefs of Staff.

The Army National Guard, the Air National Guard, and the Army, Navy, Air Force, and Marine Corps Reserves are full partners in the first line of defense of the United States of America. Under the Total Force Policy, they are fully represented in the deliberations of the Joint Chiefs of Staff by their respective Service Chiefs. Moreover, the Total Force Policy—which prescribes fully integrated active and reserve forces—is also central to the National Military Strategy.

Placing the Chief of the National Guard Bureau on the Joint Chiefs of Staff would not accomplish the proposed legislation's objective of fuller representation of the six reserve components of the four Services. In addition, such a step would run counter to the

direction set for the Joint Chiefs by the Goldwater-Nichols Act.

The National Guard is a critical and highly valued part of our national defense. I am committed to achieving even greater unity among the various components of the Armed Forces. I am concerned that creating this additional four star position on the Joint Chiefs of Staff would be divisive and counterproductive to the goal of greater unity.

I will continue to examine the representation of the various service components and the allocation of resources to ensure equality and fairness in accordance with the needs of our national defense. I strongly request your support to maintain the existing JCS structure and the current representation of the Reserve Components in the JCS by their respective Service Chiefs.

Sincerely,

BILL COHEN.

Mr. THURMOND. Mr. President, we agree to accept the amendment on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to note my concerns with this amendment, which has close to 50 cosponsors. It would establish the position of Senior Representative of the National Guard Bureau and would add that position as the seventh member of the Joint Chiefs of Staff.

Mr. President, the composition of the Joint Chiefs of Staff is a very serious matter. The Joint Chiefs function as an advisory body to the Secretary of Defense, the National Security Council, and the President. Changes in the composition or functions of the Joint Chiefs should only be effected after long and careful consideration.

Mr. President, of all the issues we considered during the committee process that led up to reporting the landmark Goldwater-Nichols bill to the Senate, one issue was more contentious than any other and took more committee time than all others. That issue was the establishment of the position of the Vice Chairman of the Joint Chiefs of Staff. The committee eventually decided to create that position by a one-vote margin. Moreover, although the committee decided to create the position, it decided not to make the Vice Chairman a member of the Joint Chiefs of Staff. As a matter of fact, the Vice Chairman was not made a member of the Joint Chiefs of Staff until 1992, some 6 years after the position was created. In contrast, the Stevens amendment would add a new member to the Joint Chiefs of Staff, and the Armed Services Committee has not held one hearing on the matter. I would also note that Secretary Cohen and General Shalikashvili oppose this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 764) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. On behalf of Senator DODD, I ask unanimous consent to add Senator HELMS as a cosponsor to amendment No. 763.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that David Todd, of the staff of the current Presiding Officer, be granted access to the floor during consideration of this measure.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, what is the business before the Senate?

AMENDMENT NO. 802

The PRESIDING OFFICER. The pending question is on amendment No 802 offered by the Senator from Michigan and others.

Mr. BIDEN. Mr. President, I would like to speak in a generic sense to this issue and then briefly to the amendment, if the managers do not mind my doing that at this moment.

Mr. President, we are going to have several amendments that call for cutting off of funds, that call for withdrawal of American forces from Bosnia by a date certain, and so on, amendments like the amendment No. 759 of the Senator from Wisconsin and the substitute amendment No. 802 of the Senator from Michigan. I understand this may be a work in progress here, since I know there are very bright people of all our staffs sitting down right now trying to figure out whether or not we can cobble together a reasonable compromise in this area. That is why I am not going to speak to the detail of any amendment, but I would like to speak to the issue because the issue does not change regardless of how the amendment is crafted.

In reviewing the history of our policy in Bosnia, I feel like an odd variant of a worker on a decision tree who, instead of taking the best choice available to him, was forced to take the second best one in almost every instance where he had a choice to make. It's like that old joke, you know, from Yogi Berra, "When you come to a fork in the road, take it."

Forks in the road that we have been presented with have usually involved two bad choices. For most of the duration of the conflict in the former Yugoslavia, over the last 4 years I have found myself taking a minority position and sometimes being a minority of one or two or three here in the Senate. As early as September 1992, on the floor of the Senate, I called for lifting of the immoral and illegal arms embargo against Bosnia. I also called for conducting airstrikes against the genocidal Serbian aggressors.

I went to Bosnia during that period, came back, wrote a lengthy report, which was characterized as "lift and strike," and engaged the President on that policy. We had significant debates here on the floor of the Senate about whether or not that policy was a sound one. I was told by very knowledgeable people on the floor of the Senate that, "Obviously, airstrikes didn't work," and, "What was I talking about?" and, "The Serbs would just be more emboldened," all of which turned out to be dead wrong—dead, flat wrong. Three years and a quarter of a million dead later, we finally conducted airstrikes, which led to the Dayton accords and lifting of the arms embargo.

What is done is done, Mr. President. After Dayton, we committed our troops to a multinational peace implementation force. But I remind my colleagues that had we followed the lift-and-strike policy when first advocated, we would not have needed to send American troops to Bosnia, either in IFOR or in SFOR. But now our forces are there.

So, to review the bidding, my original preference was lift and strike. There were European forces on the ground. We would lift the embargo, use our air power to supplement those ground forces that were there, and therefore, there would be no need to have American forces there. But we ended up with a situation that was the next best, but still not good. We waited. We dillied around for 3 years and then finally conducted airstrikes. We finally got the Dayton accords. Since we were now part of the deal, we had to provide ground forces as well. So that was the second-best alternative. Going back to that decision tree I spoke of, we took a route over here that was better than not being on the tree, but it was not what it should have been in the first place.

So I find myself in the strange position of having argued, initially, 4 years ago, 5 years ago, that there was no need for American ground troops in Bosnia, to now being on the floor defending the presence of our ground troops there. But again I want to emphasize that we made the wrong decision at the outset. We finally made the right decision 3 years later, but by that time we had fewer options once we made the right decision.

Now our forces are there, and they have been the principal reason for the

successes that have been achieved by SFOR. Although many of the provisions of the Dayton peace accords remain to be carried out, absolutely nothing would have been accomplished had it not been for the job that SFOR has done, and its predecessor, IFOR. These men and women from NATO member states and many non-NATO states, led by an American contingent, have successfully separated the warring factions, the Muslims, the Serbs, and the Croats, and have ended at least temporarily the blatant, planned genocide of the Muslims by the Serbs and the direct, immediate involvement of the country of Serbia, led by a war criminal named Milosevic. They have succeeded in putting a substantial amount of heavy weaponry in storage sites. And the carnage—though not the damage—in Bosnia has stopped.

Yet much remains to be accomplished. There are still incidents of beatings and house burnings, which are inexcusable and must be halted. Most refugees are still not able to return to their homes. And if their homes lie in territory controlled by another of the three main religious groups, in almost every instance they have not been able to return. Most of the indicted war criminals remain at large.

I have been very critical of the British conduct in Bosnia, but let me say publicly that I compliment them for doing yesterday what all of SFOR should be doing with indicted war criminals.

These are people who engaged in genocide, and they should be taken to court, an international tribunal, which exists. If they resist, all force necessary should be used to apprehend them.

Yesterday the British SFOR troops acted. One indicted Bosnian Serb war criminal was taken into custody. Another who resisted was shot and killed. So, hurrah for the British. I hope we are emboldened enough to act in the same way. So, again, most of the war criminals still remain at large, institutions of government, both at the national level and in the Muslim-Croat federation, need to be fleshed out and developed, notwithstanding the progress we have made.

So now, once again I find myself in the minority. I think it was a mistake for the Clinton administration to have set a deadline of the end of June 1998 for the withdrawal of American ground forces from Bosnia, before we were sure that all the tasks enumerated in the Dayton accords will have been accomplished.

Moreover, as I have repeatedly said over the last half year, I think our West European allies, particularly Great Britain and France, are making a serious mistake by not accepting our offer of United States air, sea, communications, and intelligence assets, plus an American ready reserve force, as they say, over the horizon, in Hungary or Italy, if they would keep their ground forces in Bosnia when ours withdraw.

I recently attended the NATO summit meeting in Madrid with President Clinton and my colleague, BILL ROTH and several others. At that meeting I suggested exactly that course of action. I hope the administration will push our European allies very hard on that point.

But, once again I find myself in the minority, suggesting that it was a bad idea to set a date of withdrawal once we had put troops on the ground. It would be even worse idea if we mandated that they leave or cut off funds. And it would be a still worse idea, if we do withdraw, if the Europeans withdraw. As I have stated repeatedly over the last half year, I think our European allies, particularly France and Great Britain, would be making a major mistake.

Our allies talk ceaselessly in Brussels about a European security and defense identity and a European pillar within NATO, but when they get a chance to put their troops where their mouths are, they somehow change their tune.

Now, once more, we face a Hobson's choice. I wish we had not set a date certain for withdrawal from Bosnia. I want the Europeans to play the military role to which they declare they aspire. But I do not want to give hope to the sordid opponents of Dayton, like Milosevic and Tudjman, who would like to carve up Bosnia after international troops leave. So, I am reluctantly forced, in Mr. Hobson's terms, to take the horse nearest the door; that is to give the Clinton administration the freedom of action to come up with a better plan within the next 12 months.

Could all the Bosnian horrors of ethnic cleansing, rape camps, and shelling of innocent civilians and children reemerge? You bet they could. In fact, if the international force withdraws before the tasks enumerated in Dayton have been accomplished, you can be sure they all will return—ethnic cleansing, rape camps, shelling of innocent women and children. By locking us into a specific withdrawal date without providing a viable alternative, we will guarantee that all we have accomplished in Bosnia will quickly fall apart and that what remains to be accomplished will never get off the drawing board. It will guarantee that a tinhorn dictator like Milosevic in Serbia, and an authoritarian thug like Tudjman in Croatia, will be able to proceed with their ill-conceived plans to torpedo Dayton and do what they have intended all along—since 1992, I have been saying this—to carve up Bosnia and Herzegovina, with part going to Serbia and the rest to Croatia.

We have accomplished a great deal in Bosnia and Herzegovina. We have made a commitment to the people of that tragic land and to our allies, and to other cooperating partners in SFOR. Largely, though, because of congressional pressure, it is not an open-ended commitment. Some of my colleagues suspect that the President will come back to us with a request for another extension of funding for our troop commitment to SFOR. Fine. If he does, we will have a thorough debate and then decide whether or not to support his request. But to say now, as is being contemplated by some, that we should cut off any funds in the future, to say that now we will dictate what the outcome will be a year from now, is the ultimate in stupidity, in my view. We are micromanaging. We are sending every wrong message we possibly can throughout Bosnia and the rest of Europe.

What do we accomplish by doing that? Well, we accomplish, I guess, satisfying ourselves and telling people we are withdrawing troops. We have the authority to do that if the President does not withdraw troops by the end of June of next year. That is the operative date.

So let's give the President an opportunity to jawbone with our European colleagues, to come up with a follow-on plan for what will occur after we withdraw our ground forces from Bosnia a year from now. But let's not do it now. Again, my friend from Michigan is trying very hard to come up with a proposal that basically says the same thing: look, Europeans, stay. We get out but we provide support.

That is a reasonable approach. But, again, let's not, further on this decision tree, make another bad choice that leads us down the road further to less opportunity and fewer options for peace and security in Europe.

As I said, I just had the great honor of being in Madrid, Spain, with the leaders of more than 16 European nations. I was playing what was very much a bit role, along for the ride, but there. I find it somewhat ironic that at the very moment some of us are supporting the enlargement of NATO to spread the zone of stability eastward within Europe so we do not end up in a circumstance like we did between World War I and World War II, when several smaller states unable to be part of the West were forced to seek their own bilateral military arrangements and their own attempts to provide their collective security—we, on the floor of the U.S. Senate, are contemplating voting to increase the instability in the most insecure part of Europe.

To conclude, my hope is that we will not lock the President into a policy straitjacket while the situation remains so unstable. To those who have a philosophic disagreement with me that we should not be involved, that Bosnia is not so important, I say to them: you

are not giving up any option, by opposing an attempt to determine the outcome a year before it is required, because there will be American forces there for the next year unless there is a foolhardy amendment that suggests we withdraw all American forces right now from SFOR.

Mr. President, I thank my colleagues for their time, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support what the distinguished Senator from Wisconsin is trying to do, because I think it is most important that the U.S. Senate speak at this very crucial time to say, let's set a mission, let's set a timetable, let's be very clear with our allies about what that is going to be and, Mr. President, let's keep our word. Let's keep our word when we say this is our mission, this is our role, this is our responsibility, we are going to be there for you and we are going to leave June 30, 1998.

The chronology is very clear. We have been trying to help the people of the former Yugoslavia for years. Many of us believed that they had the right to have a fair fight, but they didn't have a fair fight because part of that country was held to an arms embargo that did not allow them to fight for their lives, their families, their land and their sovereignty. We put amendment upon amendment on the floor to give those people a chance to have a fair fight: Lift the arms embargo on the Muslims, let them have a fair fight. But we could never adopt that—actually, we did adopt it, but we could never get the attention of the President.

In 1995, we saw the horror of horrors, the massacre at Srebrenica 2 years ago where we believe, and are not even sure yet how many, but we believe as many as 10,000 Bosnians were systematically murdered.

At the end of 1995, we sent in troops to keep the warring parties apart and try to have a peace which was put together at Dayton. We said that we would be there for a year at the end of 1995. At the end of 1996, the President said that it would be June 1998, and the Secretary of Defense was very clear that we would set the mission and we would set the timetable.

What the distinguished Senator from Wisconsin is now trying to do is say, once again, we expect that timetable to be fair warning to everyone of what our intentions are. I think it is very necessary for the Senate to speak on this, Mr. President, because we are seeing an alarming mission creep happening in that country as we speak.

I think our allies in NATO have every right to go forward with the missions which they have laid out. The mission of the United States has been made very clear, that if a war criminal is there in front of us, of course, we would capture that person. But we committed, and it has been said as late as this week by both General Joulwan and Wes Clark, who is the incoming head of NATO, that our mission would not be to go out and capture the war criminals, not because we don't think they should be captured—of course they should—and the responsibility under Dayton for that is with the parties, it is with the Bosnian Government. I think we should do everything we can to help provide a framework for the capturing of these people, but American troops should not be part of that kind of effort, because we are the targets. We are the superpower. I want us to be helpful, to bring peace to Bosnia, and I want those people who committed those atrocities to be brought to justice. It is unthinkable that within the last 2 years we would have seen the kind of atrocities that were perpetrated by those indicted at The Hague who were representing the Bosnian Serbs. So I want those people to be captured. I think it is important that they be brought to justice.

But, Mr. President, if we are going to be part of any such operation, it is incumbent on this administration to come back to Congress and change the mission rather than having a mission creep, such as we saw in Somalia where we were not aware that we had changed the mission from feeding starving children to capturing a warlord, and it cost us 18 Rangers, because we are different. Our people who came back from Somalia said that when our troops would go with others down the streets of Somalia, the people would not be hostile to the Turkish troops, they would not be hostile to other troops, but when the Americans came forward, the hostilities would erupt.

We are a major superpower in the world. We are the only superpower probably that has a history of not being aggressive toward trying to take over other governments. We want to be a beacon for what is good in the world. So I think it is important that we are helpful to our allies without being in every firefight. I hope that we can set a standard and a mission that will uphold those principles, that we are the beacon of the world for what is good. I hope we can come to a bipartisan agreement that will assure that our mission is clear. That is why I hope that we can work with the Senator from Wisconsin, Senator FEINGOLD, in his mission to be very clear in speaking as a United States Senate that we are going to keep our word in Bosnia, that we want to help the people there, we want to help them build their infrastructure, we want them to have new factories, we want them to have a peace that is based on economic security. I think the money that we are spending there is very important and perhaps if we are clear in our mission and our timetable, we will be able to show that economic stability will produce a lasting peace, perhaps better than just keeping warring parties apart.

I think we have to be very careful as we move forward. I think we have to be clear in our mission, and we have to keep our word. We have to do what we say we are going to do, and our mission has been reiterated by our Department of Defense and our military leaders. I don't want the Senate to go forward without speaking on this issue. I hope that we can work with Senator FEINGOLD, Senator WARNER, Senator MCCAIN, Senator LEVIN, Senator THURMOND, Senator INHOFE, and myself to make sure that our mission is clear and our timetable is set.

Senator LOTT, our majority leader, has been very clear with all of our allies and with us and to the press that the June 30, 1998, timetable is real, and if we don't speak forcefully, then by inches, we could change a mission that would be dangerous to our troops and, most important, dangerous to the steps we have taken in the Dayton peace accords, because if we have a flareup because of a change in mission, it could result in tearing down everything we have done so far in that country. It could decimate the Dayton peace accords if we allow a mission creep to go forward, a timetable to get fuzzy that we have not approved and have been clear that is what the United States commitment is.

I hope that we will come to terms on Senator FEINGOLD's amendment. I hope that we will come to terms on the mission that are very clear with regard to war criminals and what our role will be, such as the amendment that Senator WARNER and I and others are working on with the help from Senator LOTT and Senator MCCAIN, Senator INHOFE.

It is very clear that when a superpower speaks, our allies, as well as our adversaries, should be able to count on our word being good. Our word on when we will leave Bosnia should be good. It is June 30, 1998. The President has said so; the Secretary of Defense has said so.

So let's make sure we support that and we do everything to prepare that country for peace. Ratcheting up the hostilities is a perilous course. I hope this Senate will speak for America so that we can remain the beacon of the superpower that does not have a personal interest but wants the world to do what is right. That is our mission, and I hope the Senate will speak.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree wholeheartedly with the distinguished

junior Senator from Texas. I would like, for a moment, to put this in historic perspective, because it was Senator HUTCHISON and I who had a resolution of disapproval in November 1995. We lost that by four votes. I remember so well why we lost that by four votes. We lost it because there were several Members who said, "Well, the President and the Secretary of Defense have promised that we are going to be out of Bosnia in 12 months, that will be Christmas of 1996." So a few of them said, "I guess that it's all right to go over if we can accomplish whatever mission we thought we were going to accomplish by that time."

In preparation for that, I went over to Bosnia in the northeast sector. I can remember so well going into the Tuzla area when no Americans were up there, no Americans had been up there, and those who would go ahead to see what we were getting into had not been there yet. I talked with General Haukland from Norway who was in charge of the northeast sector for the United Nations in Bosnia. That was the area we were assuming responsibility for.

When I told them we were going to be out in 12 months, they all started laughing. They said we were not going to be out in 12 months. He said, "You must mean 12 years." That is the situation we are in now. It is like putting your hand in water and leaving it in there for 12 months, taking it out and nothing has changed, it is the same as it was.

We have made that commitment. We went in there and didn't come out as we promised. This was not just a projection by saying by December 1996, things should be done and we should be out. It wasn't that at all. The President said we will be out. In fact, I have statements from our Senate Armed Services Committee where the Secretary of Defense said it is an absolute. General Shalikashvili said it was an absolute, we will be out of Bosnia by Christmas 1996. Now we are debating about whether to be out, not in 12 months, but 2½ years after this thing started.

The one thing that the distinguished Senator from Delaware did not mention is, what are our national security interests that we are there for? It would be nice, it would be wonderful, and it would be compassionate of us if we had the money and the resources to go around the world and go to Ethiopia and go to all these places where they would like to have our help, but we do not have those resources.

Now, the problem we have is this. We have a political problem—I recognize that—that anyone who is opposed to getting out on June 30, 1998, is going to say, "If we pull out, they're going to start fighting again." You know what? They are right. But the same argument could be used, Mr. President, if it is 10 years from now. So how long is this commitment going to go on?

You know what they said in November 1995? They said the cost is going to be between $1.5 billion and $2 billion. Now it is passing through $6.5 billion. Where is the money going to come from? The money is going to come from the defense budget, a defense budget that right now, while our distinguished chairman of the Senate Armed Services Committee has put together a very good authorization bill that we have to pass, it is still inadequate, still does not adequately arm America for the threats that face us out there.

People who say the cold war is over and there is no threat anymore, I can assure you the threat is much greater than it was then during the cold war when we could identify who the enemy was and our intelligence knew something about that enemy.

So here we are now making a commitment. And how long is it going to take? I can tell you right now, if we do not adhere to the June 30, 1998 deadline, we are not going to get out until something very bad happens. I suspect that we would still be in Somalia today if it were not for the fact that 18 of our Rangers were brutally murdered and their nude corpses dragged through the streets in Mogadishu. I do not want that to happen anywhere in the streets of Bosnia.

So it was not long ago I was in Brussels. I found there were many Members of Congress that were going around whispering to our NATO allies, "Don't worry about it. We won't leave at that time." That is the most dangerous thing we could do at this time. We need to draw that line and say we are going to be out by that time.

We made a mistake. We should have been out by December 1996, as we promised, as the President promised, as the Secretary of Defense promised, as we promised the American people. We have to keep the promise this time and make it June 30. What we do in terms of a commitment for June 30, 1998, right now I am not real sure. But I can tell you right now, with every fiber of my being I will fight to make sure that our troops are home after June 30 of 1998.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

INVESTIGATING MILITARY CRASHES

Mr. WYDEN. I ask unanimous consent to speak for 15 minutes on an amendment that I offer today with my colleague, Senator GORDON SMITH, dealing with the tragic crash last November of a C–130 Oregon Air Force Reserve plane.

It is our understanding that the amendment has been cleared with the managers on both sides of the aisle and will be included in a package that will be offered later today.

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

Mr. WYDEN. Mr. President, and colleagues, last November our Nation was shocked by the terrible news that an Air Force Reserve C–130 had crashed off the California coast, killing 10 Oregon reservists. All of the people of our State grieved and rallied to the support of the surviving family members, providing what comfort could be offered at a time of tragedy.

Mr. President, when these tragedies occur, the first question must be: What can be done for the families of the victims, and how can it be possible to make sure that these tragedies do not happen in the future to the sons and daughters of other Americans?

What we found in our situation is that the Air Force, when they stepped in, was able to offer only limited assistance to the families. The families had extreme difficulty in learning even the most basic facts about the crash and about the subsequent investigation.

How would you feel if anxiously awaiting the news you were to first learn important details from television news stories? This is what happened in our home State of Oregon. And it is completely unacceptable.

What our amendment does, Mr. President, is really two things.

It directs the Federal Government to look into the question of using a different notification process for informing the families in these tragedies.

As a member of the aviation committee here in the Senate, I have seen that there have been improvements in terms of dealing with these tragedies on the civilian side. And I believe it is time to bring more accountability, more compassion, and more openness in terms of how the families are notified in the instance of tragedies such as the C–130 that took the lives of our constituents.

So the first part of our amendment directs the Federal Government to looking into using the process used on the civilian side with respect to these crashes such as we had in Oregon.

The second part of our amendment directs the Federal Government to look into the way investigations of these accidents are followed up on.

Right now, there is a dual-track system. There is one top secret investigation of a crash that cannot be seen. There is another separate investigation for public dissemination. And I am of the view that given what has come to light about the C–130 in the last few weeks, that this dual-track investigation, this dual-track process is eroding public confidence in our system of handling these inquiries.

I believe that it is time to look at this in a comprehensive way, to lift the cloak of secrecy with respect to these investigations, unless it involves national security.

Under the second part of the amendment that Senator SMITH and I offer together here today, there would be an effort to look into ending the dual-track system. Right now, the dual-track system, given all that has come to light about similar problems in the last few weeks, in my view erodes public confidence, and it is time for the Federal Government to look at a different kind of system and, in my view, lift the cloak of secrecy unless an investigation does involve national security.

Mr. President, I want to thank the managers of the legislation, particularly the chairman of the committee, Senator THURMOND, and the ranking Democrat, Senator LEVIN. They have been extremely helpful to Senator SMITH and I in going forward on this matter. The people of our State are grieving about this, and they want answers. We thank them.

I yield the remainder of my time to Senator SMITH, who has been working with me on this. We have pursued this every step of the way on a bipartisan basis. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Thank you, Mr. President.

I thank Senator WYDEN for his remarks and diligence on this issue.

Mr. President, on November 27, 1996, as Senator WYDEN has related, a Portland-based HC–130 airplane of the 304th Rescue Squadron, with the call sign of "King 56," crashed off the coast of California, killing 10 of 11 people on board.

I read the account of this tragedy, as related by the sole survivor of this accident, T. Sgt. Robert Vogel, and I was both moved and proud knowing that under extreme stress and knowing of their peril, this Oregon-based crew performed exactly as trained, and followed procedures and worked together until the very end.

Almost 8 months has passed since this accident, and still the Department of Defense officials are unsure of the cause of the accident. Never learning the cause of this accident and the risk of having a similar accident occurring to another C–130 crew is simply unacceptable to Senator WYDEN and myself. That is why we have asked experts from the National Transportation Safety Board to perform an additional review of the accident investigation and the accident procedures conducted by the Air Force. This review is still in progress.

Although the cause of the accident is unknown, what we have learned is that there were very unfortunate shortcomings in the way the Department of Defense dealt with the families of the "King 56" crash victims.

The shortcomings relate both to the way the Department manages accident investigations and the way the Department performs casualty notifications. That is what this amendment by Senator WYDEN and myself has intended to address. We are simply asking the Department to evaluate its procedures against models used by the Federal Aviation Administration and to report to Congress whether these procedures would be beneficial and should be adopted also for military use.

I thank Senator WYDEN again for our work together in trying to correct the shortcomings in the Department of Defense accident process and to do a better job assisting the families generally, but specifically those families associated with "King 56."

I urge the Air Force to continue to question this accident so that none of us in any State has to experience a similar tragedy as Oregon has. Our volunteer men and women in the Armed Services deserve no less.

Thank you, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. While the two Senators from Oregon are on the floor, let me commend them for their amendment and for their sensitivity to families that have to face tragedy which is reflected in this amendment. Senators WYDEN and SMITH are to be strongly commended and, I hope, supported in this amendment. I think we are doing everything we can to try to clear that amendment and see that it is, in fact, adopted, as it deservedly should be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent that the present amendment be temporarily laid aside.

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

AMENDMENT NO. 804

(Purpose: To cap the cost of the F–22 fighter production program)

Mr. BUMPERS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 804.

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

The PRESIDING OFFICER. Without objection, it is ordered.

The amendment is as follows:

At the end of line 21 on page 32, insert the following new subsection:

( ) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F–22 production program may not exceed $43,000,000,000.

Mr. BUMPERS. Mr. President, this is an amendment that Senator COATS and I have been talking to other Senators about. I think it is agreed to by both sides now.

It simply says, regarding the F–22 fighter plane, the day before yesterday the Air Force said they would build the F–22 fighter, 339 planes, for $43 billion. We have spent so far a little over $18 billion in research and development of that plane.

Senator COATS, in the Armed Services Committee, got a provision put in that $18 billion—they have not spent that much yet but that is what is anticipated to be spent on research and development. Senator COATS put an amendment in the bill to make that a cap, $18 billion. This amendment would put a $43 billion cap on the production of 339 airplanes.

As I say, that simply says exactly what the Air Force says it would take to do it. I think it is a very healthy amendment. I think it is one that serves the taxpayers well, will serve us well and the contractors well. It is a commitment they are making and we are simply codifying that in this bill.

I yield the floor.

Mr. COATS. Mr. President, as the Senator from Arkansas has mentioned, we have been discussing this not only with each other but with other Members who have an interest in this particular subject. We think it makes a lot of sense on our side.

The Air Force has specified in testimony before us and in a public statement that they believe, with the adjustments that Senator Cohen has made and the QDR has made in terms of the total number of planes to be built, they can meet the cost projection. It makes a great deal of sense, I think, for the Congress to say we encourage you very, very strongly—in fact, we will put language in to give that encouragement—to meet that cost.

If we are going to have a viable tactical modernization program in the future, given the realities of the budget that we have to deal with our entire defense structure, we have to set realistic cost caps on how much we will spend. If we don't do that, we will run into problems that we have run into before, as in B–2 and other modernization programs, and we jeopardize the entire tactical air modernization program as well as funding for other aspects of our national security.

I think this makes perfect sense because we have something here that simply ratifies what the Air Force has said they can already do. They have assessed this. They said they can do it. They are working with a contractor to work out an agreement to do this. We are saying, "Amen. This is what you need to do and we will urge you and support you in this effort."

I commend the Senator from Arkansas for his amendment. We have worked together, and I believe there is agreement across the aisle that we ought to go forward with this. I think we should do just that.

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

The amendment (No. 804) was agreed to.

Mr. COATS. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, the distinguished chairman, Mr. THURMOND, and I, and the distinguished ranking member, together with others, have been working to resolve a draft that I hope will be an amendment in the second degree to the underlying amendment by the distinguished Senator from Wisconsin, which, as I understand it, from the distinguished ranking member, is now acceptable in form and, therefore, I will entertain the remarks of the distinguished ranking member.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 802, AS MODIFIED FURTHER

Mr. LEVIN. Mr. President, I send a modification of my second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment, and the amendment is so modified.

The amendment (No. 802), as modified further, is as follows:

SEC. . SENSE OF THE SENATE REGARDING A FOLLOW-ON FORCE FOR BOSNIA

The Senate finds the following:

(1) U.S. military forces were deployed to Bosnia as members of the North Atlantic Treaty Organization (NATO) Implementation Forces (IFOR) to implement the military aspects of the Dayton Agreement.

(2) The military aspects of the Dayton Agreement were being successfully implemented.

(3) Following the recommendation of the Secretary General of the North Atlantic Treaty Organization on December 11, 1996, to extend the presence of NATO forces in Bosnia until June 1998 so that progress could be achieved in implementing the civil aspects of the Dayton Agreement, the President announced his decision to extend the presence of United Stats forces in Bosnia to participate in the NATO Stabilization Force (SFOR) until June 1998.

(4) The cost of U.S. participation in operations in Bosnia from 1992 through June 1998 is estimated to exceed $7 billion.

(5) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from Bosnia by June 1998.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) The President should consult with the Congress with respect to any support to be provided to a Western European Union-led, or NATO-led follow-on force in Bosnia after June 1998.

Mr. LEVIN. Mr. President, this amendment is offered on behalf of myself, Senators REED, MCCAIN, THURMOND, BYRD, and INHOFE.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President——

Mr. WARNER. Mr. President, if I might interject, perhaps it could be voted on and then the Senator can make his remarks.

Mr. LEVIN. I would be happy to have the amendment adopted first.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 802), as modified further, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, this amendment has the same language as the original second-degree amendment in almost all respects but a few relatively minor ones. It is a sense-of-the-Congress resolution. It is not a funding cutoff. It is a sense-of-the-Congress resolution that our ground forces should be out of Bosnia in June 1998. It has the same language as last night relative to the possible support for a European follow-on force, either through the European Security and Defense Identity, which is part of NATO, or in some other kind of a NATO-led force, but without the participation of the U.S. ground combat forces.

It adds a provision at the end that the President should consult with the Congress with respect to any support to be provided to such a Western European Union-led or NATO-led follow-on force in Bosnia after June 1998. And then there are some findings in front that are factual findings before the sense-of-the-Congress language that is the heart of last night's and this second-degree amendment.

Mr. President, very briefly, we should send a message that our troops on the ground in Bosnia will be out by next June. That is the policy of the administration. We should support that mission description. We should do so in a way that will not undermine the goals of Dayton, or undermine the flexibility of our commanders in the field. The funding cutoff was too rigid, too inflexible, and too far in advance. So this approach was adopted.

General Shalikashvili and Secretary Cohen sent us a letter on July 9 that, in two sentences, reflects the spirit and heart of my second-degree amendment.

Part of that letter reads as follows: "We remain committed to a June 1998 withdrawal date." That is Secretary Cohen and General Shalikashvili speaking. The next line also is reflected in this sense-of-the-Congress resolution: "However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force by that date or, indeed, any specific date." It points out that, our forces must be able to proceed with a minimum risk to U.S. personnel: legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety.

I ask unanimous consent that the entire letter from General Shalikashvili and Secretary Cohen be printed into the RECORD at this time.

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

JULY 9, 1997.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Eighteen months ago the bloodiest conflict Europe had seen since World War II raged in Bosnia. With United States leadership, the Parties to that conflict agreed in December 1995 to cease hostilities. Today, NATO is helping to maintain this U.S.-brokered peace, a peace that provides a secure environment for political reconciliation and economic reconstruction. The four-year long cycle of violence has been broken, the warring factions have been separated and an enforceable boundary between them has been established. These successes have reinvigorated the NATO Alliance and have reestablished America's leadership.

Notwithstanding these successes, legislation setting a fixed date for withdrawal of U.S. forces is expected to be considered by the Senate. We urge the Senate to reject this legislation and we request your support. We remain committed to a June 1998 withdrawal date. However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force (SFOR) by that date or, indeed, any specific date. A fixed withdrawal date will constrict U.S. commander's flexibility, encourage our opponents and undermine the important psychological advantage U.S. troops enjoy. Our forces must be able to proceed with a minimum of risk to U.S. personnel; legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety. Finally, legislative action of this nature on a matter of European security could very well undermine the cohesion of the NATO Alliance.

We are committed to full consultation with the Congress on our deployment in Bosnia. We urge the Senate to reject attempts to legislate any mandatory date for withdrawal from Bosnia.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM S. COHEN,
Secretary of Defense.

Mr. LEVIN. Finally, Mr. President, I want to thank Senator FEINGOLD, whose initiative it was that put us on the path to making a statement to sending a message about congressional intent, which this amendment reflects. Even though there is no funding cutoff, as I believe there should not be, there should be a strong statement as to what congressional intent is at this time and under these circumstances. And this second-degree amendment that I offered last night, and have slightly modified again, which has now been adopted, is a bipartisan amendment; it always has been.

Senator MCCAIN has been active in this. Senator REED from Rhode Island, my first cosponsor, has been a very, very strong active person in the debate of this issue. I want to also express my particular gratitude to Senator REED of Rhode Island for his constant involvement and participation and help in drafting this language.

With that, I thank Senator WARNER, as always, for his work in trying to bring people together. My good chairman, Senator THURMOND, as always, is helpful in trying to resolve these issues. And the two leaders have been very active as well.

With that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his remarks.

I was simply acting on behalf of the distinguished chairman in putting this matter together and reconciling the differences. But I wish the RECORD to reflect that the Senator from Virginia, on the voice vote, voted in the negative.

Mr. President, I have consistently opposed the deployment of United States ground troops to Bosnia. In December 1995, prior to the initial deployment of U.S. ground troops, I voted against the deployment on three separate occasions. I have stated repeatedly that, in my view, there is no vital United States national security interest at stake in Bosnia that justifies putting United States ground troops in harm's way.

Having said that, I do not believe that the Bosnia amendments that we are voting on this afternoon are the right way to send the message to the administration that we do not support its Bosnia policy.

As a general matter, I do not believe it is a good idea to set deadlines for a military operation. I have criticized the administration for setting Bosnia deadlines, and I do not believe the Congress should now validate that approach.

I also feel very strongly that it is the President's constitutional right and duty to decide when U.S. troops should be deployed on a military operation, and when those troops should be withdrawn.

Although I do not support the President's Bosnia policy, and I remain of the opinion that that part of the world is not in the United States vital national interest, we have made a $7 billion dollar investment in Bosnia. A precipitous withdrawal could jeopardize that investment.

Mr. President, last evening I had the opportunity to engage in a colloquy with the Senator from Michigan on this issue. I wanted to take this opportunity this afternoon to further explain the reasons for my votes on these Bosnia amendments.

I urge other Senators who are anxious to speak, if we could be brief. I believe I am authorized to say on behalf of the distinguished chairman of the committee and the majority leader, indeed, the ranking member, that we are very close to final passage. It is our hope and expectation with the resolution of one matter, which the leadership of the Senate is now addressing, that we might be able to proceed to final passage within maybe 30 minutes.

The PRESIDING OFFICER. Who seeks time?

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, very briefly, I commend the Senator from Michigan and the Senator from Virginia and my colleagues who have proposed the second-degree amendment. I also commend the Senator from Wisconsin, Senator FEINGOLD, for focusing our attention on this very critical issue.

The danger for an immediate cutoff of funds, I think, is threefold.

First, essentially demoralizing our troops. It would be very difficult for them to understand that we have cut off funds now for an operation that is extending into June 1998. In effect, it would be like the difference between knowing that your lease expires in June 1998 and getting the eviction notice. Cutting off of funds is very close to being evicted. I don't think our troops will understand that.

Second, it would paralyze our efforts to construct a follow-on force by our European allies, a force that would not contain American troops but a force that would be necessary to maintain the peace in Bosnia. If we were to announce today a cutoff of funds, I believe we would have no chance to construct this follow-on force by our European allies.

Finally, I think we embolden those force elements who are resisting within Bosnia. This would be the message, that we are leaving, categorically, that there will be nothing to replace it, and that idea can only lead to further violence.

So I believe the best approach is the one that has been adopted in the second-degree amendment. And that is to, once again, reiterate our strong commitment to a withdrawal date by June 1998, but to give the time—and also to give the impetus—to develop a follow-on force, a non-American follow-on force, and support that force, and to continue to build on the structure of peace that is emerging today and that we hope will continue in the former Yugoslavia.

I commend again all of my colleagues who are working on this effort.

I yield my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

Mr. President, I am very pleased that the proponents of the modified Bosnia amendment have managed to work out a compromise, and I think, in fact, the changes that were made on the modification strengthened the second-degree amendment, made it stronger and tough, which, I think, is very appropriate here.

While my original amendment would have prohibited the use of funds for the deployment of ground troops in Bosnia, I was willing to accept the sense-of-the-Congress language because I think it is vitally important that the Congress send a signal about our views on this mission during consideration of this bill, the Department of Defense authorization bill.

I introduced this amendment in the first place because I felt it was critical that we debate this issue at this time. Frankly, I think it would have been somewhat irresponsible not to have any debate about the Bosnian involvement in the context of the Department of Defense authorization bill.

As I indicate by my underlying amendment, I would greatly prefer a

hard statutory requirement that the administration stick to its stated end date of June 30, 1998. That is, in fact, what the other body did. That is what the House has already done. The House voted 278 to 148 to limit the use of funds after that date. The House version and the modification to my amendment speak to the same goal. The Congress wants to see this mission end. Our main differences lay in the mechanism to achieve that goal. But when these two versions get to conference later this year, the conferees will have to resolve these differences.

Mr. President, it is my hope that the conference will include the strongest possible language with regard to this issue. We have taken an important step today toward terminating the Bosnian mission and bringing home our men and women.

I am delighted to have the support from so many Members on both sides of the aisle for my efforts in this area. I want to especially thank the Senators from Michigan and Rhode Island for their work, and the strong and consistent support of the Senator from Texas, Senator HUTCHISON, who has been working with me on this important matter all along.

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, I want to commend the Senator from Wisconsin for his courage in pursuing this matter. I want to thank the Senators from Michigan, from Arizona, from South Carolina, from Rhode Island, and from Oklahoma who are working on this to make sure that we have something that everyone can support. I think it is a very strong message to the administration that sets out the concerns of the Senate. I think with what the House did on this issue, it is going to be very clear that Congress expects a June 30 exit date for the United States. I think, certainly, if something occurs, that we should be able to discuss after that time, but I think if we plan from today, we are giving plenty of notice to everyone what our intentions are.

I think the most important issue that we must address in the next year is the issue that was promised to Senator Dole and Senator MCCAIN by the President. That is that there would be arming and training of the police force, of the Bosnians, so that they would be able to have a sense of order in their country when the NATO forces would withdraw. I am concerned that that training and arming is not taking place, and that we may come upon the June 30 deadline for our exit and they won't be fully supplied with policemen and with the armed services that will be able to keep the peace. We have a year to correct that. I hope that the administration will make sure that our word is kept, that we would have a good solid police force that would be able to keep the peace in Bosnia after June 30, 1998.

But I think the sense of the Senate provides for other options, other alternatives, as we have stated in the sense of the Senate, that if, in fact, it is not finally a peaceful situation, that the United States could leave and perhaps a NATO force without the United States could stay. And we are going to be there in a support role. We have always been there in a support role for peacekeeping.

But I think we must keep our word. The Senate has spoken. The House has spoken, and now is the time for the administration to hear the message and get along with the business of getting an exit strategy, putting these people in control of their government, giving them the training that they need to be able to sustain that peace themselves.

I appreciate very much the very bipartisan support for this sense of the Senate. I hope that the administration will hear our words and begin the strategy for the June 1998 exit of U.S. troops.

Thank you, Mr. President.

Mr. BYRD. Mr. President, one of the most difficult and intractable problems facing the United States and the North Atlantic Treaty Organization [NATO] is the civil war in the Republic of Bosnia and Herzegovina. In recent years, we have witnessed mass murder and genocide on a scale not seen in Europe since the Holocaust. We have also been concerned that this conflict could spill over into neighboring countries, which would force NATO to intervene under much worse circumstances.

The U.S. provided the crucial leadership to negotiate the Dayton peace accords, which called for NATO forces to separate the warring factions, and for democratic elections to be held, as a basis for a permanent peace in Bosnia. As a result of our efforts, fighting has ended, and the first tentative steps towards peace have been taken.

We have just started down this path to peace, however, after more than five years of war. Our early efforts have not erased the memories of concentration camps and mass murder. Building democratic institutions in such an environment is fraught with road blocks. It is easy for the foes of peace to beat the drum beat of war, and plunge Bosnia back into a renewed cycle of fighting and genocide.

The United States has clearly stated our intention to withdraw in June of 1998. The Administration is fully aware that a long-term and open-minded commitment will not be supported by Congress.

Nonetheless, if the amendment offered by Senator FEINGOLD were adopted by the Senate, it would send a loud and unmistakable signal to the worst elements of the Bosnian factions to begin to prepare for war. Senator Feingold's amendment would terminate funding for U.S. participation in Bosnia on June 30, 1998, with no discussion of what would follow in the vacuum left after our withdrawal. Indeed, a Senate vote in favor of Senator Feingold's amendment would make it more difficult for the best elements in Bosnia—those who legitimately desire to work for peace—to continue to advance their efforts. The pressures to prepare for war will likely overtake and silence any factions which wish to work for a peaceful resolution of the conflict. At the present time, the various factions have eleven more months to hold elections and prepare for the gradual end of the direct involvement of NATO troops. These efforts will, for all intents and purposes, rapidly come to an end if the Senate openly votes to completely get out of Bosnia on June 30, 1998.

The second degree amendment offered by Senator LEVIN, of which I am a cosponsor, recognizes that it is likely that a NATO follow-on force will have to remain in Bosnia after June 1998, while stating that U.S. ground combat forces should not participate in such a force. This involves the replacement of U.S. ground combat forces with those of our European partners in NATO. The Administration should exercise very strenuous efforts to convince our allies to take up the ground combat role by next June. It calls upon the President to urge our European allies to step up to the plate, and undertake preparations for a Western European Union-led or NATO-led force, to assume responsibility for the ground situation in Bosnia after June 1998. The second degree amendments supports a U.S. provision of needed American command and control, intelligence, and logistics support for such a follow-on NATO operation. This will allow NATO to continue to build democratic institutions within Bosnia to continue, and hopefully prevent an arbitrary return to bloodshed and war. It is a wiser course and one which provides a logical conclusion to U.S. efforts in the region.

Mrs. FEINSTEIN. Mr. President, I appreciate the concerns of my colleagues on this issue. I think we all agree that there are few more important foreign policy issues facing the United States then ensuring that the Bosnian peace process succeeds.

I am pleased with the effort has been made by Senators on both sides of this issue to see that we did not need to vote on a cut-off of funds for our ground forces in Bosnia.

However, it is precisely because I want to see the peace process succeed that I feel that I must nevertheless voice my concerns about this amendment.

It is my belief that our presence in Bosnia must be one without any preconditions as to time. We must stay long enough to make sure that the job we started gets done, and gets done right.

Any effort to set a date to cut off funds, as Senator FEINGOLD proposed in his amendment, or which suggests a firm date for the withdrawal of all U.S. ground combat troops, as Senator LEVIN's second degree amendment to Senator FEINGOLD's amendment does, telegraphs U.S. policy to those who would oppose us, and to those who oppose the implementation of the Dayton Accords.

I do not think that there is a single Member of this Chamber that does not wish that 1 year had been sufficient time for the Dayton Accords to be implemented, and that U.S. troops were not still needed in the Balkans.

But the simple fact of the matter is that there are aspects of the Dayton Accords which have not yet been fully implemented—aspects which require a little more time if they are going to have a chance to take root.

Earlier this year voter registration began for the municipal elections scheduled for Bosnia this September. True, I wish that conditions existed to hold these elections last year when they were originally planned. But those conditions did not exist then; they do now.

What sort of signal will we send to those who support peace and democracy in Bosnia if, even as they are preparing for municipal elections, we are telling them that the troops who safeguard the peace process and democracy are on the way out?

Bosnian President Alija Izetbegovic and his Party of Democratic Action have formed a coalition with a number of opposition parties to seek broad-minded support in the municipal elections. This amendment will cut his legs out from under him, and give strength to those who would like to see Bosnia destroyed.

This fall Serbia will hold a presidential election. It will be a difficult campaign for Milosevic's opponents, but not an impossible one. That Milosevic's grip on power might be lessened would have been inconceivable a year ago. It is not inconceivable now.

But setting a date for cutting off funds for U.S. forces or for the withdrawal of all U.S. ground combat troops without giving the President flexibility will all but guarantee Milosevic's re-election.

I do not believe that supporters of this amendment intend it as a boost to Milosevic's campaign, but that is exactly what it will do.

Right now in the Republika Srpska there is a power struggle going on between President Plavsic and pro-Karadzic hardliners based in Pale.

How this struggle will play out, and whether the more moderate supporters of President Plavsic can retain control, or whether the pro-Karadzic forces will seize control of the Republic Srpska has profound implications for the future of peace and stability in the Balkans.

The pro-Karadzic forces, the Pale hardliners, the war criminals, have adopted a wait it out strategy. They think that the United States will be withdrawing next year without any follow-on force to SFOR. If they just bide their time, they believe, come next summer they will be able to overturn Dayton and destroy any hope for Bosnia.

This amendment will tell them that they have won.

I do not think that giving support to the Pale hardliners is the intent of the supporters of this amendment, but that is exactly what this amendment does.

It will tell them that they are right; all they have to do is wait, and that the United States will leave without fully implementing Dayton, without following through on our commitment to create a secure and stable Bosnia.

After we have done so much we cannot abandon Bosnia now.

It is true there are still unsettled issues with refugees, with reconstruction, and with indicted war criminals in the former Yugoslavia. And again, I would not argue that we did not want or hope that these matters would have been taken care of by now.

But having said that, setting a date for a troop pullout will not help us to resettle refugees, to speed economic reconstruction, or to apprehend indicted war criminals.

Instead, it will send a message to refugees that they cannot hope to be safely resettled; to those trying to rebuild their businesses that they should not bother; and to war criminals that they only have to remain in hiding a little bit longer, and then they will be free to commit their ghastly crimes once again.

The continued presence of U.S. forces is critical in keeping the peace process on track. And the fact of the matter is that the United States-led peacekeeping force is the glue that holds peace process in the former Yugoslavia together.

Those who suggest we set a date certain for a troop pullout argue that we have already spent a lot of money pursuing peace in the Balkans, and that to continue to stay will cost us even more.

But to set a date to pull out now will all but guarantee that the peace process will break down, and that all that we have invested in Bosnia in the past year and a half will be wasted.

Establishing a date certain for a United States pullout will set in motion a clock whereby the forces of nationalism and ethnic hatred in the former Yugoslavia will begin to plan for renewed war.

And, if war breaks out again in the Balkans and spreads elsewhere in the region, it will be far more costly for the U.S. to have to intervene once again than if we retain the flexibility to maintain our presence.

Those who suggest we need to set a date for a United States pullout from Bosnia also argue that without this clear end-date there is danger of mission creep, and of Bosnia becoming a quagmire.

Just the opposite. Anyone who has paid attention to what has happened with the NATO peacekeeping force in Bosnia for the past year and a half can only come to one conclusion: SFOR has a clear mandate. There has been no mission creep and there is not going to be any mission creep.

In fact, concern for the safety of our troops would dictate that we allow the military to continue with planning based on their current mission and deployment, and to pull out on a schedule dictated by the military facts on the ground without having the Senate dangerously compromise their position by telegraphing our plans and intentions.

In addition, this abrupt U.S. departure will almost certainly doom any effort to create some follow-on force or mechanism to insure the peace process continues. Again, I wish it were not the case. I wish that our European allies would act in a more decisive way without United States having to take the lead—but we are dealing with reality here.

I fully support the spirit of Senator LEVIN's amendment: I too believe that Europe should take greater responsibility for Europe, and that a SFOR follow-on force led by Europe in the context of the European Security and Defense Identity should be the next phase of peacekeeping in Bosnia.

But if the United States precipitously pulls out of Bosnia our European NATO allies may be unable to lead a follow-on force. What if United States ground combat troops are required in Bosnia until August 1, 1998, or even December 1, 1998, to effect a smooth, safe, transition?

Indeed, under the dynamic set in motion by this amendment, if Europe wanted to lead such a follow-on mission in Bosnia with United States support it would be reasonable of them to question whether or not we would be there to support them.

Do we really want to set a precedent here of giving our friends and allies reason to question whether the United States will be there to support them when they need our assistance? To send that sort of message would have tremendous implications—and none of them good—for U.S. interests throughout the globe.

It is my hope, and I think that of many of my colleagues, that a European-led follow-on force to SFOR will take the lead in maintaining the peace

in Bosnia come next June. But that follow-on force may require some United States military support and assistance, on the ground, in Bosnia.

This amendment, by preventing the United States from supporting our European allies, will destroy any chance that such a European-led force could come into being.

Both the President and the Secretary of Defense have suggested that United States forces will be able to pull out of Bosnia by June 30, 1998. There is no reason to doubt their word or intention.

But, as my colleagues surely know, the unexpected may occur. There may be good reason to keep some or even a substantial United States force in Bosnia past next June. Or, there may be reason to pull our forces out sooner. The bottom line here is that we cannot and should not put our military in a disadvantageous position by setting a date certain for a pull out.

It is my belief that if we continue to work the peace process, and give the President the discretion that, as Commander in Chief, he deserves, by the time United States forces prepare to leave Bosnia and Herzegovina, the peace process will have been given sufficient time to develop deep, sustainable, roots.

To adopt this amendment will risk killing the peace process and all but condemns Bosnia to further bloodshed.

Again, I would like to extend my appreciation to my colleagues on all sides of this issue who have worked hard to find a compromise. Nevertheless, I feel that I must I oppose this amendment and would urge my colleagues to oppose it as well.

Mr. BIDEN. Mr. President, I would like to state for the record that although I voted for the Levin substitute amendment, I did so as one of the second choices that I described in my statement earlier today.

The Levin substitute amendment, in my opinion, was an improvement over the Feingold amendment in that rather than cutting off funds for United States ground forces in Bosnia after June 30, 1998, it puts our NATO European Allies on notice that we expect them to provide the post-SFOR ground forces, while we provide command and control, intelligence, logistics, and if necessary a ready reserve force in the region.

My first choice, as I said earlier, would have been to give President Clinton freedom of movement for the next 12 months to carry out the unfulfilled portions of the Dayton accords and to negotiate appropriate international security arrangements for Bosnia and Herzegovina after June 30, 1998.

I thank the Chair and yield the floor.

AMENDMENT NO. 759, AS AMENDED

The PRESIDING OFFICER. The Chair would observe that amendment 759, as amended, has not been agreed to.

Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 759), as amended, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, what is the pending amendment, if I could ask?

The PRESIDING OFFICER. The pending amendment is the REED amendment No. 772.

Mr. LEVIN. Mr. President, I ask unanimous consent to set aside the pending amendment temporarily.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 805

(Purpose: To achieve savings in the cost of the CVN-77 nuclear aircraft carrier program)

Mr. LEVIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 805.

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

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

The amendment is as follows:

At the end of section 122, add the following:

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN-77 nuclear aircraft carrier and manage the program so that the CVN-77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The mounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decrease in costs attributtal to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN-77 aircraft carrier, as compared to the technology built into the baseline design of the CVN-76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

Mr. LEVIN. Mr. President, my amendment would establish a cost cap on the cost of the next nuclear aircraft carrier, and ensure that we achieve the savings that we expect from beginning to fund the ship next year, which is a number of years earlier than planned.

Mr. President, the committee bill authorizes $345 million in fiscal year 1998 to begin incrementally funding construction of the next *Nimitz* class nuclear aircraft carrier, CVN-77, based on claims of cost savings by the shipbuilder. The Committee did not adopt safeguards to ensure that the taxpayers actually receive the savings on which this unusual action is based. Those are the safeguards which are contained in this amendment.

Let me just review the bidding. The Navy budget projects a total cost of $5.2 billion for CVN-77, funded normally—that is, with advance procurement of $695 million in fiscal year 2000 and the remaining $4.5 billion of full funding in fiscal year 2002.

The shipbuilder—Newport News Shipbuilding—has come forward with a proposal to save $600 million by having the Government provide funding for CVN-77 earlier than the Navy budget proposes it. This claim has been repeated over the last 2 months in a highly visible media campaign.

The shipbuilder claims that we could buy the CVN-77 under their alternative for $4.6 billion—a savings of $600 million —if we provide incremental funding over the next 5 years, starting with $345 million in fiscal year 1998.

I have been very skeptical in the past of providing phased or incremental funding for defense programs. The normal method of funding major defense procurement programs is to provide full funding in one lump sum in the year in which the program is started, with the exception of certain limited long-lead items which are funded through advance procurement. As a general rule, incrementally funding major weapons programs reduces visibility over total program costs, and can lead to a "buy in" situation in which it becomes more difficult to control total program costs and future cost growth.

Mr. President, I believe that we should try to achieve savings in Defense modernization wherever we can, particularly savings of the magnitude of $600 million. Meeting our modernization goals for the military services over the next 10 years within a stable defense budget is going to be a significant challenge. We need to look for innovative ways to save money, and this approach to funding the CVN-77 looks like something we should do if—and this is the critical if—we really save

money. At the same time, I feel strongly that we must protect the interests of the taxpayer, if we are to take full advantage of the opportunity for savings.

It will disadvantage the tax payer if we incrementally fund CVN–77 without the assurances that the reason for doing it—saving dollars—is in fact achieved.

That's why we should adopt this amendment putting a ceiling on the total cost of this ship that is in line with what the shipbuilder promised.

If we don't, we will be in a terrible bargaining position.

The amendment puts a limit on the total cost of the next carrier, using the cost cap language that was developed for the *Seawolf* submarine as a model. The amendment: establishes a cost cap of $4.6 billion for CVN–77, $600 million below the Navy's budget estimate fully funding this ship in the usual manner; it excludes outfitting and post delivery costs; and it adjusts the cost cap automatically to reflect changes in inflation or costs attributable to compliance with changes in Federal, State, or local laws.

This amendment adds three important additional provisions:

It includes a proviso that allows the Navy to change the cost cap for the ship based on changes in costs that are incurred by inserting new technology—compared to the previous carrier, CVN–76.

It includes a proviso that allows the Navy to change the cost cap for the ship if the funding is changed in later fiscal years from the plan on which the shipbuilder based his proposed savings.

And it includes an annual reporting requirement on changes in the end cost of the CVN–77, so there will be visibility into the technology improvement program that will allow the Navy to demonstrate how technology insertion is causing any substantive changes in the end cost of the ship.

My bottom line is that, despite my overall concerns about incremental or phased funding, I am willing to support this funding approach for the next aircraft carrier, because I believe we can achieve the savings under the phased funding approach. We must, however, have a vehicle to guarantee that the Government will achieve the promised savings, which is the driving argument for phased funding.

Mr. President, this amendment will help guarantee those savings, while providing room to adjust the price of CVN–77 for the legitimate factors indicated.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, the Chief of Naval Operations has described the smart buy proposal as a proposal which has great merit. Both the Navy and the Rand Corp. have verified that the savings claimed by the contractor under this plan can indeed be achieved.

However, these savings will not be achieved unless the funding profile outlined in the smart buy proposal is carried out, as follows: fiscal year 1998, $345 million; fiscal year 1999, $170 million; fiscal year 2000, $875 million; fiscal year 2001, $135 million; and fiscal year 192002, $3,075 million. Therefore, the Levin amendment before us is based on the strong expectation that the administration will provide funding in its annual budget submissions to fully fund CVN–77 in accordance with the smart buy proposal, and that the Congress will support those budget submissions with annual appropriations.

Without a firm commitment to this program by the Navy—as evidenced by including funding for this program in the SCN account for each year from fiscal years 1999 to 2002—the $600 million in savings to the American taxpayer could well be lost. We expect the Navy to follow through on its commitment and to achieve the savings it has represented to be possible.

Likewise, I know my colleague agrees with me that the savings cannot be achieved if the Congress does not authorize and appropriate the amounts set forth in the smart buy proposal. Although the amendment before us contains a mechanism to deal with the failure of the Navy to provide the appropriate funding, there is nothing to address problems caused if a future Congress fails to provide adequate funding for this program. If at some point the Congress does not provide the necessary funding, we will have to revisit the limitation contained in this amendment and adjust it accordingly. Does the Senator agree that this is the course we will follow?

Mr. LEVIN. I agree with the Senator from Virginia. The $600 million savings that we all expect to achieve are based upon the funding profile set forth in the smart buy proposal. I will work with the Senator from Virginia to ensure that we maintain that funding profile and achieve these savings, and I expect the Navy to do the same.

If for any reason the Navy fails to include the funding profile in its budget request, the amendment that we are offering provides a specific remedy: the funding limitation would remain in place, but would be adjusted to address the impact of the changed funding profile. Paragraph (2)(E) of the amendment specifies that the limitation will be revised to reflect any adjustments needed to accommodate a change in funding. Would the Senator from Virginia agree that this is the effect of this amendment?

Mr. WARNER. I am in complete agreement with the Senator from Michigan.

Mr. President, this is a matter on which my distinguished colleague and I have worked for some time. I do not feel that it is necessary to place these financial constraints, because this contract, unlike others, has built-in checks and balances. Nevertheless, we have reconciled our differences, and to that extent I will go ahead and accept his amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 805) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are working—the chairman, the ranking member, and others. I anticipate momentarily a statement from two other Senators that could well be the last items other than the adoption of a series of agreed-upon amendments. Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, at this time the distinguished Senator from Massachusetts, together with Senator SMITH of New Hampshire, will address the Senate on another matter.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order at this point?

The PRESIDING OFFICER. The Senator needs consent to call up his amendment.

AMENDMENT NO. 680, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to call up amendment No. 680.

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to modify the amendment at this time, and I send such a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment will be so modified.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 680, as modified.

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

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

The amendment (No. 680), as modified, is as follows:

Beginning on page 336, line 20, strike all after "SEC. 1067." through "(50 U.S.C. 401a)." on line 3 of page 338 and insert in lieu thereof the following:

POW/MIA INTELLIGENCE ANALYSIS

(a) The Director of Central Intelligence in consultation with the Secretary of Defense, shall provide analytical support on POW/MIA matters to all Departments and agencies of the Federal Government involved in such matters. The Secretary of Defense shall ensure that all intelligence regarding POW/MIA matters is taken into full account in the analysis of POW/MIA cases by DPMO.

Mr. KERRY. Mr. President, this is a modification mutually arrived at together with Senator SMITH of New Hampshire and Senator MCCAIN in an effort to try to improve the intelligence-gathering process with respect to POW/MIA matters, and I thank Senator SMITH of New Hampshire for his cooperation and Senator MCCAIN. I think we have strengthened the ability of the process to guarantee that intelligence is going to be properly and fully vetted in the process but at the same time be able to continue the cooperative effort that we have achieved over these last years in that process.

I think the compromise we have arrived at is a thoughtful one and an appropriate one with respect to the best intelligence gathering and control. So I think we have served the process well. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I appreciate the help of the Senator from Massachusetts on this matter. We have reached agreement. The intent here is to see to it that those who are collecting intelligence on POW/MIA matters both now and in the future would have the opportunity to vet that through the intelligence community, and we have accomplished that with the compromise language, and we accept that language on this side.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we had here a problem between the Intelligence Committee and the Armed Services Committee. It was resolved through intense negotiations in the last few minutes. I thank Senator SMITH of New Hampshire, who we all know is the leader on this issue. His commitment to getting a full resolution not only in the past but in the case of conflicts in the future is well known. I thank Senator KERRY for his willingness, obviously, to move forward and comprise.

Again, I thank Senator SMITH of New Hampshire because I believe that this achieves the goal that he sought and at the same time allows us to come to an agreement here without further acrimony or dissent on this issue.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment the distinguished Senator from Arizona, Senator SMITH of New Hampshire, and Senator KERRY and urge we proceed to finish this off.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I do not think there is any further debate. We are ready to proceed to a vote.

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

The amendment (No. 680), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

COOPERATIVE THREAT REDUCTION FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

Mr. KYL. Mr. President, I urge my colleagues to support an amendment I have offered to the national Defense authorization for fiscal year 1998 that sets conditions for continued United States assistance to Russia for the purpose of chemical weapons [CW] dismantlement and destruction. I offer this amendment because I am disturbed that—despite the fact that the United States has already provided $150 million in CW destruction aid to Russia through the Cooperative Threat Reduction [CTR] Program—we appear no closer today than when we started this endeavor to meeting our core objective of eliminating Russia's offensive chemical weapons capability.

Instead, Russia has to date failed to demonstrate a commitment—either political or financial—to destroying its chemical weapons capability. Russia has not lived up to CW agreements it has signed. It has failed to implement obligations undertaken in the 1990 Bilateral Destruction Agreement [BDA], which calls for United States verification of the destruction of Russian chemical stocks. And Russia is not working with us to resolve outstanding compliance issues associated with the 1989 bilateral Wyoming Memorandum of Understanding, which requires both sides to fully and accurately account for their respective chemical weapons stockpile. Moreover, Russian ratification of the Chemical Weapons Convention [CWC] remains a distant prospect, despite the fact that one of the principal arguments made in favor of United States ratification was that it would induce the Russians to do the same.

In the meantime, Mr. President, as we continue to pour into Russia more and more chemical weapons destruction aid, the Russians continue to pour more and more rubles into developing ever more deadly chemical weapons. According to press reports, Russia has developed three new nerve agents made from chemicals—used for industrial and agricultural purposes—which are not covered by the CWC. This development program has been confirmed by a prominent Russian scientist who was jailed for revealing Moscow's continuation of covert chemical weapons production. In addition, Russia continues to modernize its strategic offensive forces. According to a recent Hoover Institution study, Russian spending on research and development for strategic weapons has increased sixfold in the last 3 years. They are developing an upgraded mobile ICBM; working on miniaturized nuclear warheads; building a new class of SLBM-carrying submarines; and constructing enormous underground command and control bunkers to protect against a nuclear attack by the United States.

In light of these ongoing strategic and chemical modernization efforts, it is more than reasonable, Mr. President, to question seriously Russian claims that they do not have the financial wherewithal to destroy their chemical weapons stockpile. It seems to me that United States assistance to Russia for CW destruction has, in fact, had the perverse effect of underwriting Russia's offensive chemical program. Moreover, the practice of providing unconditioned funding reduces, if not eliminates, any incentive for Russia to set aside its own resources for matching United States funds. I would note that, while the United States has authorized $150 million for the purpose of destroying Russian chemical weapons and nearly half of that has been obligated, Russia has committed only $24 million for destruction of its own CW stocks, but has failed to obligate or spend any of this money.

My proposed amendment conditions fiscal year 1998 United States assistance to Russia for CW destruction—totaling $55 million—to Russia's living up to existing agreements concerning destruction and dismantlement of its chemical weapons capability. The amendment closely parallels the approach taken in the fiscal year 1996 National Defense Authorization, when both Houses of Congress agreed to fence—but not cut—Nunn-Lugar funds for CW-related activities until the President certified certain conditions were met. It is also very similar to a provision contained in the Chemical and Biological Weapons Threat Reduction Act of 1997, S. 495, which the Senate approved in April of this year. The intent is to reassure the Russians that—if they are serious about getting rid of their chemical weapons—we are fully prepared to offer them financial assistance to do so. However, the

amendment is intended to make equally clear that the United States Congress does not intend for the American taxpayer to subsidize a continuing Russian offensive chemical weapons capability.

Specifically, the amendment requires the President to certify that three conditions are met before Cooperative Threat Reduction funds for CW destruction may be released:

First, that the Russians are making reasonable progress toward implementation of the 1990 Bilateral Destruction Agreement [BDA];

Second, that the United States has made substantial progress toward resolution, to its satisfaction, of outstanding compliance issues related to the Wyoming MOU and BDA; and

Third, that Russia has fully and accurately declared all information regarding its chemical weapons programs.

If the President cannot certify that these conditions are met, the proposed amendment does provide an alternative for releasing funds. In such a case, the President must however certify that "the national security interests of the United States could be undermined" by not carrying out the CW destruction activities provided for in the CTR Program.

Mr. President, it was my original hope to go beyond what we agreed in S. 495, and to send an even stronger message to the Russians that a mutually beneficial bilateral relationship requires both parties to demonstrate a firm commitment to live up to agreements already undertaken and to work together toward common goals. I am disturbed that, since enactment of S. 495, the CWC has entered into force without Russian participation, Russia has failed to renounce its offensive chemical warfare program, the Russian Duma has refused to allocate any new funds for CW destruction, and we have not reached any agreement under the CTR Program to cap our own contribution to this endeavor. Nevertheless, I am satisfied that this amendment sends a signal to the Russians and, if enacted into law, I encourage the President and senior administration officials to use this amendment for maximum leverage to induce the Russians to once and for all forswear a offensive chemical weapons capability.

LAND CONVEYANCE AT FORT DIX

Mr. TORRICELLI. Mr. President, countless thousands of American soldiers received their basic training at Fort Dix Army Base in my home State of New Jersey. However, the 1988 BRAC reassigned the basic-training mission of Fort Dix into a much more limited training role for our reserve forces.

The economic impact in the surrounding communities was devastating. Local merchants whose business depended upon business generated by the Army personnel at Fort Dix suddenly saw their consumer base gone along with 3,500 jobs and countless others in the subsequent years.

With funding assistance from the Federal Government and the Burlington County Department of Economic Development, a new master plan was drafted to reduce the area's reliance on the military and begin development of a downtown shopping area as well as new housing facilities.

While the community struggles to rebuild, the majority of the land formerly occupied by Fort Dix has been moth-balled and sits idle. For years, the community has been negotiating with the Army to acquire a 35-acre plot of land owned at Fort Dix owned by the Federal Government for use in the downtown development.

I am pleased that this transfer now enjoys the support of the Army and that an amendment to transfer this 35 acres to the Borough of Wrightstown along with an additional 5 acres to the New Hanover Board of Education for an expected expansion of the school was included in H.R. 1119 that recently passed the House of Representatives.

I had planned to offer a similar amendment to this legislation but after consultations with subcommittee chairman INHOFE and ranking member ROBB I have decided to withdraw the amendment and would instead like to engage in a colloquy with my distinguished colleagues.

Mr. President, I know you are familiar with this issue and are sympathetic to the plight faced by communities like Wrightsborough who have experienced significant economic difficulties in the wake of base closures. I am confident that based on my conversations with you that when this legislation goes to conference you and Senator ROBB will give every consideration to the merits of this issue and the amendment adopted by the House.

Mr. INHOFE. Thank you, Senator TORRICELLI, for bringing this issue to the attention of the subcommittee. I am sympathetic to the plight of so many of our communities which have had to essentially re-build in the wake of base closings and you have my assurance and that of this subcommittee that we will give every consideration of this proposed conveyance when it is discussed in the conference.

Mr. ROBB. I, too, would like to thank the Senator from New Jersey for bringing this issue to our attention and assure you that the subcommittee will review this issue in conference in the context of our policy of not interfering with the BRAC disposal process and that it will receive the consideration it deserves when it is discussed in conference.

Mr. TORRICELLI. I would again like to thank Chairman INHOFE and Ranking Member ROBB for their attention to this important issue.

SECTION 824

Mr. KENNEDY. I would like to clarify the intent underlying section 824 of the Defense Authorization Act. Section 824 does not in any way affect or address the issue of the Executive authority that the President may have to carry out empowerment contracting programs or other similar programs that make use of benchmarks and other incentives to support various categories of business.

Mr. SANTORUM. I agree with your understanding. You accurately describe my view of the intent of section 824.

Mr. LIEBERMAN. I concur. That is my understanding as well.

Mr. KENNEDY. I thank the Senators for their cooperation.

ESOP

Mr. ROBB. Mr. President, I recently learned of a dispute between the Department of Defense and a number of contractors regarding the allowability of cost of employee stock ownership plans, known as ESOP's.

According to the contractors. DOD has retroactively changed its interpretation of the relevant accounting in a manner that will cost contractors millions of dollars and could drive some of them out of business completely. The contractors also say that DOD has improperly applied the standards of a proposed rule even after that proposed rule has been withdrawn.

I am concerned about the effect this could have on these companies and the employee's retirement plans which could be jeopardized by this action.

I had intended to attach an amendment to prohibit DOD from applying the terms of the withdrawn rule but because that matter is currently in litigation I will instead withhold that amendment and work this out in conference. In discussions with the Senator from Michigan, Senator LEVIN, he expressed concerns about the equity of any retroactive application as well.

Mr. WARNER. I share my colleague's concern about this issue and the possible impact it could have on employee stock owned companies. I understand the need to protect the viability of our ESOP companies and their employees, and will continue to work with them and the Department of Defense to resolve this issue.

Mr. LEVIN. The Senator is correct. I certainly share his concern about any action by DOD to retroactively apply a new standard, or to apply the terms of a rule that has been withdrawn.

However, the Department of Defense disputes the contractor's position, and says that the issue is currently in litigation. I understand that the House has included a provision addressing this issue in their version of the bill, and I don't think we should lock this in until we have an opportunity to hear out both the contractor and the Department.

I would be happy to work with Senator ROBB on this issue, and if it turns

out that the Department has retroactively applied a new standard, I will fully support the Senator from Virginia.

Mr. SANTORUM. I share the concerns expressed by Senator ROBB and have asked the Defense Contract Audit Agency to give me a detailed explanation of their current position on this dispute.

Mr. ROBB. I thank my colleague from Virginia, the Senator from Michigan, and the Senator from Pennsylvania. I will not offer the amendment at this time, and I look forward to working with them in conference.

PROPOSED EXPANSION OF USUHS

Mr. FEINGOLD. Mr. President, I was disappointed to read language in the committee report accompanying the fiscal year 1998 Defense authorization bill which called upon the Uniformed Services University of the Health Sciences [USUHS] to propose the construction of an additional building on the USUHS campus. While I fully appreciate such language is not binding, the provision is a clear invitation to the controversial school to expand the physical plant of a program which many already consider to be costly.

More particularly, the provision is inconsistent with the view of a number of Members of Senate and the other body that USUHS not only should not be expanded, but instead should be terminated. That view is shared by others as well. The Department of Defense has proposed phasing out this school, and proposals to close the school have also been offered by the Congressional Budget Office [CBO], the Grace Commission, and the National Performance Review.

Mr. President, USUHS is the most expensive source of physicians for our military, according to CBO costing 4 to 10 times as much as other sources and supplying only a tiny fraction of the needs of the Pentagon for new physicians—less than 12 percent in 1994.

Expanding the physical plant of a program that is already 4 to 10 times as expensive as alternative sources of physicians for our military makes no sense, and is inconsistent with both the increasing pressure on the Defense Department's budget and our efforts to balance the budget.

Mr. President, I urge the Department of Defense to carefully review the nonbinding language included in the report accompanying the fiscal year 1998 Department of Defense authorization legislation before it moves to expand a school that cannot justify its current cost to taxpayers.

LAND CONVEYANCE PROVISIONS

Mr. LAUTENBERG. I would like to ask the senior Senator from South Carolina, and chairman of the Armed Services Committee, Senator THURMOND, and the senior Senator from Michigan, and ranking minority member of the Armed Services Committee, Senator LEVIN, to clarify the committee's position on land conveyance provisions in the Defense authorization Bill.

It is my understanding that the chairman and ranking member oppose special legislation for the conveyance, at other than fair market value, of any properties, facilities, or installations which have been closed or realigned under the jurisdiction of the Base Closure and Realignment Commission [BRAC] if such legislation would interfere with the statutory disposal process for BRAC properties. Thus, the committee has not included any such conveyances in the fiscal year 1998 Defense authorization bill.

Further, it is my understanding that the Senate conferees to the fiscal year 1998 Department of Defense authorization bill will oppose any conveyances of properties, facilities, or installations closed or realigned in the BRAC process if those conveyances would interfere with the BRAC disposal process contained in current law.

Mr. THURMOND. The senior Senator from New Jersey's understandings are correct.

Mr. LEVIN. I concur with the chairman.

Mr. LAUTENBERG. As the chairman and ranking member are aware, I have requested that the committee include provisions to facilitate conveyances to two New Jersey communities in the fiscal year 1998 Department of Defense authorization bill. However, I have been told that since my requests concern properties closed under the BRAC which are already in the midst of the statutory closure process, the committee could not support these requests.

Accordingly, if any provisions for conveyances of properties, facilities, or installations closed or realigned by BRAC that would intervene in the statutory BRAC disposal process are included in the conference agreement to the Defense authorization bill, I request that provisions also be included to convey the Naval Reserve Center in Perth Amboy, NJ, to the city of Perth Amboy, for economic development purposes, and the Nike Battery 80 family housing site, East Hanover Township, NJ, to the township council of East Hanover, for low and moderate income housing.

Mr. THURMOND. As the Senator knows, the outcome of conference cannot be forecast. As chairman it is my goal to support the Senate position and provide the Nation the best possible defense bill.

Mr. LEVIN. I appreciate the Senator from New Jersey's concern and it is the committee's understanding that the outcome of the current disposal process which is already underway for the two properties the Senator mentioned is likely to be consistent with the outcomes that the Senator's amendments would have provided.

Mr. LAUTENBERG. I appreciate the Senators' recognition of the importance of these conveyances to the economic well-being of these New Jersey communities, and thank the Senators for their agreement to my request.

TWRS PRIVATIZATION FUNDING

Mr. GORTON. Mr. President, I would like to engage in a colloquy with the Senator from New Hampshire [Mr. SMITH], the chairman of the Strategic Forces Subcommittee, which has jurisdiction over the title 31 provisions on the Department of Energy programs.

Mr. SMITH. If the Senator will yield, I would be pleased to engage in a colloquy.

Mr. GORTON. I thank the Senator. I was prepared to offer a floor amendment to this bill, S. 936, to address a very critical program at the Department of Energy site at Hanford. As the chairman is aware, a major and costly cleanup effort is underway at that site as a result of its contributions to the cold war achievements. Part of the cleanup effort will address the highest threat to human health, at the site, the 177 underground storage tanks that not only hold hazardous waste, but high and low levels of radioactive wastes. The Hanford tank waste remediation system project, known as TWRS, is the most critical and costly element in the cleanup of the Hanford site. Those underground tanks contain at-risk nuclear wastes, which have already leaked into the environment. Adequately addressing this situation is absolutely essential, and is in fact codified in the Tri-Party Agreement entered into by the DOE, EPA, and Washington State. Regardless of the method of contracting selected, the time line required in that agreement must be met.

Currently, DOE is employing an innovative contracting approach to dealing with the remediation of those tank wastes called privatization. DOE embarked on privatization to attract outside financial resources to finance the final design, construction and operation of cleanup projects, which would in turn allow their scarce budget resources to be used to accelerate other cleanup actions. The Department also wanted to take advantage of a commercial approach that has shown in the private sector not only to save dollars, but to reduce the time required to accomplish the task.

Section 3104 of the bill authorizes $275 million for DOE environmental management privatized projects, including $147 million for TWRS at Hanford. This funding is critical to demonstrate to the privatization contractors the Department's financial commitment to proceed with privatization. Without sufficient funds being reserved, the privatization contractors—which plan to put up their capital to develop the cleanup project—and the

contractors' investors have little assurance that TWRS or other privatization contracts will be fully funded.

While I am concerned that the committee's authorization is not high enough to preclude some out-year BA spikes for the privatization program, I will forgo offering an amendment to increase this year's funding with the understanding that the committee recognizes the need to provide at a minimum $147 million in budget authorization for TWRS to send the correct signal to the contractors and financial community.

Do I have the assurance of the Senator that he will stand fast on the Senate position of $147 million for TWRS in the upcoming conference with the House?

Mr. SMITH. If the Senator will yield, yes I will vigorously defend in the conference the Senate position of providing at least $147 million for TWRS.

Mr. GORTON. Even if we secure the full $147 million in conference, as I hope we do, the fiscal year 1998 authorization is significantly less than the administration request. Does the failure to authorize TWRS funding at the administration's request level in any way suggest that Congress is backing away from the TWRS privatization project?

Mr. SMITH. If the Senator will yield further, the fact that we did not authorize TWRS at the level initially recommended by the administration in no way should be viewed as prejudicial. We believe the authorization of $147 million, coupled with the $170 million already appropriated in fiscal year 1997 is sufficient for the TWRS project to proceed with absolutely no delay in the schedule or change in the intended work scope. The TWRS project will have $371 million in authorized funds available if the committee mark becomes law. Given anticipated spending rates for both contractor teams, the TWRS project will end fiscal year 1998 with a surplus of $207 million. We believe this authorization level sends the proper signal to the contractor and the investor communities that Congress is committed to cleaning up Hanford's tank farm.

Mr. GORTON. Does the committee and the chairman further understand that the $147 million provided in fiscal year 1998 represents a very minimum amount given the overall work intended, and the need to bank some budget authority to avoid significantly larger budget authority requirements in later years?

Mr. SMITH. Yes, and I can assure the Senator that this committee will take a close look at the TWRS project next year, and if the issues and reporting requirements identified in section 3131 are addressed by DOE, and hopefully they will be, we will provide the budget authority necessary for the continuation of the project.

Mr. GORTON. Finally, section 3131, particularly subsection (b), suggests that the authorization amount for privatization projects as defined in section 3104 cannot be used for new contractual obligations until DOE provides a report setting forth a number of basic cost, construction, and savings related provisions. Yet, in the context of the TWRS project, contracts are already in place with two contractors. Each contract contains two parts: a part A in which the contractors will provide deliverables to support the construction and operation of a TWRS facility, and a part B in which DOE, assuming part A deliverables are acceptable, authorizes the contractor, or contractors, to proceed with the permitting and construction of a waste processing facility. Since two Hanford tank waste remediation systems' contracts have already been awarded, and any followon work for part B would be considered an exercised option, I want to be clear that these provisions in section 3131 do not constitute an abrogation or termination of the current contracts in existence.

Mr. SMITH. If the Senator will yield further, that is correct. It is not the intent to abrogate or terminate the existing contracts. However, it is the intent of the provision that any future privatization contracts or contract renewals or options exercised pursuant to an existing contract funded under section 3104 must be preceded by a detailed DOE report to Congress as called for in section 3131(b) of the bill. With respect to the TWRS contract, the section 3131 limitations and notice and wait requirement are applicable to the authorization to proceed with phase 1B. We are in no way attempting to slow down work on the Hanford tank farm cleanup. We are, in fact, trying to ensure a stable funding environment for such projects in order that they can move forward expeditiously.

Mr. GORTON. I thank the Senator for his clarification on these points. I also appreciate his assurance to support $147 million in TWRS in conference and his demonstrated commitment to the environmental management privatization concept. I yield the floor.

GULF WAR VETERANS' HEALTH

Mr. BYRD. Mr. President, I support the amendment offered by my colleague from Connecticut, Senator DODD, and I am asking that I be included as a cosponsor. This amendment addresses some of the lessons to be learned from the Persian Gulf War in relation to the health of U.S. military personnel who served in that operation, many of whom are suffering from what has come to be called Persian Gulf War Illness, or Gulf War Syndrome.

This amendment requires the Department of Defense (DoD) and the Department of Veterans Affairs (VA) to assess the needs of, and prepare plans to provide effective health care to, veterans of the Persian Gulf War and their dependents. It also directs the DoD and VA to consider the health care needs of reservists and former members of the military who suffer from Persian Gulf War Illness and who have fallen through the cracks of the military and veterans health care systems. If ultimately implemented, this plan, which is due by March 1, 1998, would be a significant improvement over the existing tragic situation faced by many Gulf War veterans and their families. This is the responsible way to deal with this issue, rather than leaving these families to struggle individually to deal with the effects of the invisible wounds suffered in the service of our Nation. I have spoken previously about a soldier struggling to provide health care for his child, fighting to cope with the child's severe deformities and health conditions that may have resulted from his exposure to toxins during the Gulf War, and about service members who have left the military because of their declining health and who cannot get medical insurance because of health conditions they believe are the direct result of their service.

A special concern that has arisen from our Gulf War experience concerns the use of new and investigational drugs and vaccines to protect our military personnel from the deadly effects of chemical and biological weapons. My colleague from West Virginia, Senator ROCKEFELLER, has taken a particular interest in this matter, and I commend him for his vigilance in looking after the interests of our military personnel in this regard. This amendment contains a provision to modify the U.S. Code to require notice to all service personnel whenever new or experimental drugs are being administered. It also requires the Secretary of Defense to ensure that all service members' medical records accurately document the administration of these drugs, so that possible involvement in future post-war illnesses can be better studied.

In addition to looking at ways to deal with the health after-effects of the Gulf War, this amendment also implements other lessons learned from health problems arising from that conflict. It requires the Secretary of Defense to establish a system to better monitor the health of military personnel before deploying them to future operations overseas, and to maintain those records more efficiently. This will correct deficiencies noted from the Gulf War experience. The amendment also requires a plan to better track the daily movements and locations of units and individuals during future military operations. We have seen how important this is, given the difficulty that DoD has had over the past year in identifying those units that were in the vicinity of the Khamisiyah ammunition depot when U.S. forces destroyed it after the Gulf War, possibly releasing

toxic chemical nerve and blister agents into the atmosphere. In admitting this incident, DoD officials first said only a small number of troops were in the immediate area, but, over time, the number of units has continued to grow, and the number of individuals affected has climbed to over 27,000. The number is expected to continue to grow as more information becomes available. Mr. President, these delays only add to the concerns of our veterans, and only continue to delay the effective medical treatment of affected soldiers.

Also in preparation for future wars in which chemical and biological weapons might be employed, this amendment requires a plan to deploy a specialized chemical and biological detection unit with military forces sent into those dangerous situations. In the Persian Gulf War, some 14,000 chemical alarms were set out and DoD witnesses have testified that the alarms sounded an average of three times a day, for a total of some 1.7 million alarms. Yet, most were dismissed as false alarms or battery tests. That is not information designed to instill confidence in these alarms, to say the least. A specialized unit could provide more reliable detection and confirmation of the threats faced by our forces.

On the medical front, this amendment calls for a review of the effectiveness of medical research initiatives regarding Gulf War illness, as well as a recommendation on the adequacy of federal funding for this issue. Last year, I offered an amendment, which was adopted, that provided $10 million for independent scientific research into the possible role of low levels of chemical warfare agents in Gulf War illnesses and their impact on the children of Gulf War veterans. This was a field of inquiry that had not been previously addressed by the Department of Defense or by the VA, and I am pleased that the DoD has moved quickly to award those funds to peer-reviewed research programs. I hope that these studies will provide answers in an expeditious manner, so that any findings might be rapidly put to use in providing effective treatment for our Persian Gulf veterans. It will be helpful to have an assessment of whether our efforts to date to help these soldiers and their families have been sufficient.

Finally, this amendment initiates a program of cooperative DoD-VA clinical trials to assess the effectiveness of medical treatment protocols for Persian Gulf veterans suffering from ill-defined or undiagnosed conditions.

Mr. President, these are useful provisions that will continue to place a much needed focus on the lingering and serious health concerns remaining from the Persian Gulf War. The slow and half-hearted efforts of the Department of Defense to address the health concerns of Persian Gulf veterans over the last six years has fed the cynicism that is spreading throughout our military, causing soldiers to lose confidence and faith in the system that is supposed to support them, and which they are expected to obey without question. That cynicism is a dark and spreading cancer that must be caught and corrected early, before the system is weakened beyond repair. This amendment is a step in that direction, and I am pleased to cosponsor it. I thank my colleague, Senator DODD, for his efforts.

CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM

Mr. CLELAND. Mr. President, I wanted to express my support for the amendment offered by the Chairman of the Senate Armed Services Committee which would extend a chiropractic health care demonstration program currently underway by the Department of Defense.

Congress authorized for fiscal year 1995 a demonstration program to evaluate the feasibility and desirability of furnishing chiropractic care for the military health service system. The demonstration was intended to be carried out over a 3-year period. Under the program, major military treatment facilities were permitted to contract for chiropractic health care. I would add that this follows in the wake of congressional support for allowing chiropractors to be commissioned in the armed services. This amendment extends the demonstration program for 2 more years and would expand it to at least three additional military treatment facilities.

I believe we should expand the range of health care options available to soldiers, not restrict them. A few years ago, the distinguished minority leader, Senator DASCHLE, noted on the Senate floor that the United States has traditionally kept alternative forms of medicine on the fringes of society. He went on to note that, while we must protect patients from harmful treatment, we should allow them to choose the method and practitioner they prefer, especially when evidence indicates that a group of practitioners provides high quality, cost-effective care.

While I am not a doctor, I do believe that chiropractic health care presents an important health care option for our soldiers, especially given the types of health problems associated with the rigorous physical activity that our soldiers routinely engage in. Lower back pain is a frequent ailment that many soldiers understandably suffer from time to time. Many beneficiaries of the military health care system support the option to seek chiropractic treatment. I believe we should support that option.

The demonstration program will allow the Department of Defense to gather the necessary information to determine the impact and desirability of chiropractic care. I believe this is an important step toward assuring that we fully meet the health care needs of our men and women in uniform. They support the option of using chiropractic care. Let's gather the necessary information in order to make an informed decision on the matter. I am pleased that the Senate has adopted this amendment.

Mr. KOHL. Mr. President, I would like to speak for a few minutes about the importance of this bill and the profound responsibility which we have in determining our Nation's defense budget.

I am a cosponsor of a tactical fighter amendment which will be proposed later today by my distinguished colleague from Wisconsin. Senator FEINGOLD's amendment, which calls upon the Department of Defense to focus on strategic needs rather than special interests, represents an intelligent and responsible approach to protecting the security of our Nation. It is only the first step in what should be a revolution in our thinking about defense planning and spending.

Mr. President, some people believe that the revolution in military affairs is only a technological revolution: developing cutting-edge technology to preserve our military dominance into the future. In order to be successful, however, a revolution must impact strategy as well as technology.

While we, as a country, lead the world in defense technology, we are not making similar progress in our thinking about defense. While our technologies may be sleek, our defense complex is not. As a result, we spend far more than we need to in order to remain the world's superpower.

Many people say that we can't cut corners when it comes to national security. I agree. But that doesn't mean that we can't cut costs. In recent weeks we have stood on this floor and cut costs in Medicare and debated all too limited funding for education. Are we saying that we can we afford to cut corners with our children? Our parents? Of course not. We are saying that we have to cut costs—not corners.

I think we all want the same thing: to do the best for our country. And that means protecting our children, our parents, and the security of our Nation. It also means making wise financial decisions regarding all of our priorities. Without a sound economy, our children, our parents, and the security of our country are at risk.

Mr. President, I think we can be proud of what Congress has done this year in support of a balanced budget. Still, within that balanced budget we are not doing enough to challenge old-style thinking. In particular, I want to draw our attention to the fact that, when every other spending area is up for debate and in most cases adjusting to budget cuts, the defense budget seems to be untouchable.

In fact, both the Senate and the House plan to give the Administration $2.6 billion more than it requested for defense spending. Why?

Mr. President, it is impossible to have rational debate about defense spending issues because there is a majority in this body that hears the words "cut defense" and then does not listen to anything else.

Now, I realize that we have a bipartisan budget agreement this year—an agreement that takes us toward a balanced budget. Out of respect for that hard won compromise, I will not introduce any amendments to cut defense spending at this time. However, I urge us, as a Congress and as a Nation, to set aside our special interests and old-style thinking, and to look at defense spending just as we approach every other issue of importance to our Nation's future.

Let's not give the military things they don't need and, in some cases, haven't asked for. And let's be realistic and smart about what it takes to defend our national interests.

Do we really need 18 Trident submarines? If we retired just two of the older Tridents, we would still have the most powerful submarine fleet in the world—by far.

Similarly, there is an honest debate among experts about the ideal number of aircraft carriers. Many believe that we could hold the fleet down to 10 carriers and have more than enough to defend our global interests. Either of these plans would save billions of dollars over the next few years. Why isn't this debate going on in the Senate?

I could tell you that, if we gave up those Tridents or carriers, we could fund education or prevent crime or reduce the deficit. That's true. And all of those initiatives could use more funding. But that is not the only argument I want to make today. Yes, I believe we should spend more on kids. But even if we already had every dollar we needed for education, we still should spend our defense dollars wisely. I do not believe that we are doing that today.

I urge all of my colleagues to join me in an honest debate about our defense needs. If we don't start examining the defense budget more closely, it will remain a sacred cow to which we are beholden rather than a tool which we use to further the best interests of our country.

Mr. GLENN. Mr. President, I rise to make a few comments concerning S. 936, the fiscal year 1998 national defense authorization bill.

I worked this year with my colleague from Indiana, Senator COATS, on the Subcommittee on Airland Forces. This was our first year as chairman and ranking member on the subcommittee and I am pleased that we were able to work together very cooperatively.

It was in the spirit of bipartisanship that we reviewed the administration's budget request, the services' so-called wish lists, the testimony of our witnesses and our colleagues' requests for funding of various programs. In our first meeting, we agreed that we would adopt criteria for assessing funding requests, not unlike the criteria Senator MCCAIN and I established in the area of military construction several years ago.

Section 1059 of the bill expresses the sense of the Senate that, in considering providing additional funding for the Reserve Component equipment, the Senate look to whether there is a Joint Requirements Oversight Council validated requirement for the equipment, that the equipment is in the Reserve Component's modernization plan and is in the Defense Department's Future Years Defense Program, that the equipment is consistent with the employment and use of the Reserve Component, that the equipment is necessary for the national security of the country, and that additional funds could be obligated in the upcoming fiscal year. Section 1059 expresses the sense of the Senate that these criteria be met to the maximum extent practicable. I appreciate my colleagues' willingness to apply these standards to our funding decisions, so that we can work to make sure we are buying things that we truly need.

In accordance with the recent report of the Quadrennial Defense Review, the bill also adds about $150 million in funding for the Army's Force XXI ["21"], a "digitization" program that I agree has a great deal of potential. I am a strong supporter of the Army's efforts and I certainly agree that digitization of the battlefield offers tremendously enhanced situational awareness.

My concern as we embark on this multibillion-dollar effort is that, in our enthusiasm to exploit these technologies to our advantage, we should not ignore the vulnerabilities to which these systems could already succumb.

We need to red team this technology—by this, I mean, we need to put ourselves in our adversaries' shoes and think about what our enemies would do to capitalize on our reliance on digitization. Would they jam us, would they spoof us, could they bring the whole system down? I believe that we need to be just as enthusiastic about testing potential vulnerabilities of digitization, because we can bet that our potential adversaries will be trying to undo us.

So, we are requiring a report on digitization and I am pleased that, at my request, the report will also outline the Army's plans to address jamming vulnerabilities and to use electronic countermeasures. I will be looking forward to that report, Mr. President.

I'd also like to take a moment to discuss one of the most difficult areas in the budget request: funding for tactical aviation programs. The Air Force, Navy and Marine Corps will all be modernizing their fighter forces over the course of the next two decades. The good news is the services will field the most modern and the most lethal aircraft in the world, the bad news is that these programs will be extraordinarily expensive.

Over the life of the F-22, the F/A-18 E/F and the Joint Strike Fighter programs, we can expect to spend several hundreds of billions of dollars in procurement alone, never mind operations and support costs. Some thought that maybe the QDR would make dramatic changes to these programs, but the QDR essentially revalidated the requirements for these programs with relatively small changes in the number of aircraft to be purchased in the out years—and it is still unclear to me when, or even whether, those cuts in the number of aircraft we will buy are going to generate any meaningful savings.

Making decisions on the enormous funding requests associated with these programs would be challenging enough alone, Mr. President, but when they are put in the context of the overall DOD budget and what just about everyone acknowledges is a sizable funding shortfall in future procurement accounts makes this task all the more daunting.

The Subcommittee on Airland Forces had several very good hearings on these programs. We had service witnesses, OSD witnesses, CBO, and contractors present testimony on our requirements and our progress in these programs both from a technical risk and a cost standpoint.

I have been very concerned that we not repeat mistakes made in the past, where Congress was left in the dark and we ended up with an unacceptably expensive program like the B-2 program. I'll be very candid, Mr. President, I have some strong reservations about what is currently happening in the F-22 program. The program is experiencing a $2 billion overrun in the research and development program, with a risk that there may be sizeable cost growth in the procurement program as well.

The Air Force and the contractor assure us that they can absorb these overruns by restructuring the program and by taking out some preproduction verification aircraft. Some argue that this approach increases concurrency in the program, while the Air Force argues that by slowing down the engineering and manufacturing development phase of the program that they will be able to reduce overall concurrency. I think the jury is still out on that Mr. President, and that we are going to have to watch this program very carefully.

Reasonable minds are going to disagree on what the best approach is to

addressing this problem. I am afraid that I must disagree with the committee's approach on F–22. The bill before us cuts $500 million out of the program—20 percent of this year's request. I just don't see how taking such a big cut out of the program can address the cost overrun. There's no connection between the two as far as I can tell, and worse than that, I'm concerned that cutting the program will only serve to increase the technical risk.

I don't want my colleagues to misunderstand me. I agree that we need to be vigilant in our oversight of the F–22 program and we need to make sure that adequate controls are in place so that we don't end up with runaway costs. But, I think a better way to deal with the situation is to fence the money—put up hurdles that the Air Force must clear before it can have all of the money that's been requested. Once those hurdles have been cleared, the Air Force can move forward with the program as planned. Under the committee bill, even if the Air Force meets every program requirement, they will still be $500 million short at the end of the year—it seems more punitive than remedial, Mr. President.

There are some other parts of the bill to which I am adamantly opposed. First, I take strong exception to the section included in the general provisions which would prevent the General Accounting Office [GAO] from conducting any self-initiated audits, under its basic legislative authority, until all other outstanding congressional requests have been completed.

This language amends title 31 of the United States Code and is an unwarranted and unjustified intrusion into the jurisdiction of the Committee on Governmental Affairs. It represents a major policy shift in the operation and authority of GAO. One which this committee adopted without any consultation or input from the Governmental Affairs Committee.

The Governmental Affairs Committee held an oversight hearing on GAO last Congress. There were several Members on each side of the aisle at that time who served on both committees. I don't recall any Member raising this as an issue or discussing problems regarding GAO's self-initiated audits to light.

Moreover, the committee, under my chairmanship, contracted with the National Academy of Public Administration [NAPA] to comprehensively review GAO's management and operations. The NAPA study did not identify any problems related to GAO's conduct under their basic legislative authority, nor did it make any recommendations for our consideration on this issue. In fact, quite the contrary. Some analysts thought GAO should perform more, not less, self-initiated audits. In their view, GAO was often subject to rather parochial and narrow Member requests which only drained GAO's time and resources. I would note that GAO currently conducts 80 percent of its work in response to Member requests. A few years ago, it was far more evenly split.

Since 1921, the Comptroller General has had broad authority to evaluate programs and investigate on his own initiative all matters relating to the receipt, disbursement, and use of public money. Self-initiated authority has provided GAO the flexibility to pursue critical issues that auditors and investigators uncover in the course of their work. It is essential to the maintenance of generally accepted standards of independence and impartiality. Any restriction of this authority would be akin to us muzzling the auditor. The effect of this provision would be that, for example, work could not proceed on the next set of high risk list reports until all Member requests—just think if a Member requested GAO to examine alien abductions—not only had been staffed, but had been completed. On large jobs, it may take well over a year to do the work.

I know from my long service on the Governmental Affairs Committee that Members often disagree with GAO's conclusions on a particular report. That has happened to me more than once. But if we demand objectivity, and I think all of us do, then we must give GAO the independence and authority they need to do the job. We want them to be able to investigate mismanagement or fraud wherever it exists.

I regret that this committee did not see fit to consult with GAO's authorizing committee before slipping this provision in a massive bill at the last moment. I know that I, during my chairmanship of the Governmental Affairs Committee, would at least have consulted with the Armed Services Committee if we were going to act on legislation affecting title 10.

For these reasons, I will do all I can to strike this provision from this bill and I would hope my colleagues on both committees would join with me.

The committee's bill contains five land conveyance provisions—including one that was added at literally the last minute of the markup—and in their current form I am opposed to each of them. These conveyances are as follows:

Section 2813, Land Conveyance Hawthorne Army Ammunition Depot, Mineral County NV. This provision would authorize the Secretary of the Army to convey, at no cost, 33 acres of real property currently used as Army housing to Mineral County Nevada.

Section 2815, Land Conveyance, Topsham Annex Naval Air Station, Brunswick, ME. This provision would authorize the Secretary of the Navy to convey, at no cost to the Maine School Administrative District No. 75, 40 acres or real property including improvements to the property.

Section 2816, Land Conveyance Naval Weapons Industrial Reserve Plant No. 464 Oyster Bay, NY. This provision would authorize the Secretary of the Navy to convey at no cost 110 acres of real property, including equipment, fixtures, special tools, and test equipment all of which comprise the Naval Industrial Reserve Plant No. 464 to the County of Nassau, NY.

Section 2817, Land Conveyance Charleston Family Housing Complex, Bangor, ME. This provision would authorize the Secretary of the Air Force to convey at no cost 20 acres of real property currently used as Air Force housing to the city of Bangor, ME.

Section 2818, Land Conveyance Ellsworth Air Force Base, SD. This provision would authorize the Secretary of the Air Force to convey at no cost 5 parcels of land totalling more than 290 acres to the Greater Box Elder Area Economic Development Corporation in Box Elder, SD. Each of the five parcels of land contains military housing units.

I am extremely disappointed that the committee has discontinued a process to evaluate land conveyances which started when I was chairman of the Readiness Subcommittee, and which was continued by Senator MCCAIN when he was chairman. This informal process sought to ensure that taxpayer's interests were partially protected, by conducting an expedited 30-day screen conducted by the General Services Administration for other Federal interest of each proposed conveyance. Because these land conveyance provisions waive the Federal Property and Administrative Services Act, the committee cannot assure taxpayers that the Federal Government is not seeking to acquire property that is similar to what the legislative provisions are giving away.

Now, Mr. President, some have suggested that screening this property for Federal interest is just a bureaucratic procedure that delays the productive use of property which the Member in his or her judgement believes to be the best interest of his or her constituents. Others have suggested that this process is a waste of time because the expedited screening policy implemented by Senator MCCAIN and myself never resulted in property being flagged for other Federal use.

I would like to address each of these points.

First, Federal screening is the law of the land. If Congress, and the Armed Services Committee in particular, believe that it is no longer necessary, the appropriate action is to amend the Federal Property and Administrative Services Act. It also appears that the intent of several of these conveyances is to get around the McKinney Act which Congress passed to address the needs of the homeless. I think it should be made clear that the McKinney Act

has by and large been successful in providing housing to the homeless. If the proponents of these conveyances disagree, they should seek to amend McKinney rather than continually waive it.

Now let me explain why Federal screening of excess property makes sense. I refer to a chart provided by the General Services Administration entitled, "Recent Examples of Excess Real Property Screened by GSA with Federal Agencies and Subsequently Transferred to other Federal Agencies for Continued Federal Use."

Mr. President this chart shows why Federal screening of excess property saves taxpayer dollars. The chart lists five examples, including two from the Department of Defense, where excess property from one agency was transferred to another Federal agency as a result of the screening process. The total value of property in these five examples is almost $36 million. What this means Mr. President, is that the screening process saved Federal taxpayers $36 million dollars because the receiving agencies were able to utilize property which the holding agency no longer needed.

Now I would ask the chairman or ranking member of the Readiness Subcommittee whether he can tell me if there is any Federal interest in the property which the committee proposes to give away?

I would further ask my friends what harm they see in ensuring that taxpayer's interests are minimally protected by requiring a Federal screen before allowing these conveyances to go forward? Would my colleague consider accepting an amendment for each of the conveyances I have identified that would require a satisfactory Federal screen as a condition of the conveyance?

It seems to me that there is the potential with these land conveyances for the taxpayer to lose twice. Once because another Federal agency may have a need for this property. And a second time because we are authorizing the military to give away the property instead of trying to seek a fair market value for it.

In the past, when I was chairman of the Readiness Subcommittee we asked the General Services Administration to provide a preliminary estimate of the value of the property which the committee was proposing to give away. I would note that each of the five conveyances included in the committee's bill would convey the property for no consideration. I think, at a minimum, we should at least have a ball park estimate of how much money the Government is losing with these provisions.

I would expect that my colleagues who speak of the importance of balancing the budget and are so-called deficit hawks would be interested in the result of GSA's valuation of these properties.

To conclude I have asked the GSA to conduct a 30-day screen for each property, and make an estimate, to the extent possible, of the value of each proposed conveyance. I will make this information available to my colleagues as soon as I have it.

In addition, I am strongly opposed to the committee's action in raising the budget for the space-based laser by $118 million. Deployment of this dubious star wars holdover would violate the ABM Treaty, cost an exorbitant amount, and not address any real current or anticipated near-term threat to our security. I have similar concerns about the $80 million that the committee is recommending for the anti-satellite [ASAT] program.

The committee can find $118 for the space based laser and $80 million for ASAT, but is slashing $135 million from one of our most valuable national security programs, the Cooperative Threat Reduction Program. The proposal to cut $25 million from the Energy Department's Materials Protection, Control and Accounting [MPC&A] Program, another $50 million from the Department's international nuclear safety program, and $60 million from the CTR program itself—are to me extremely ill-advised. I strongly support the efforts by Senator BINGAMAN to restore and to increase funds for the MPC&A Program and the Initiatives for Proliferation Prevention Program.

Perhaps most extraordinary of all was the committee's agreement to increase the National Missile Defense Program by a whopping $474 million without even first requiring a detailed explanation of how these funds would be spent. The committee's action offers strong evidence of a double standard at work in the current Congress, in which social and environmental programs are being slashed and subjected to congressional micromanagement, while a massive and provocative defense program escapes close congressional scrutiny. The committee is giving all the appearance here of handing the NMD Program a blank check, at the same time another bill, S. 7, would force the President to deploy a NMD system by the year 2003. I regard these actions both as poor defense policy and poor management of the public's funds.

Finally, I regret that the committee has acceded to the Department's request to cut end strength further. I understand the rationale that is used to support continued end strength reductions, i.e., to cut end strength in order to generate cash savings that can help pay for modernization programs, and I agree completely that our servicemembers deserve to have the best and most modern equipment available. However, I do not agree with the approach that we reduce the size of the force to pay for it.

We are using the military for peacetime operations as much today as at any time during the cold war. I believe that if we want to continue to deploy a superb and ready force, we cannot cut the size of the force year after year and operate at the same optempo. Even if modernization programs can reduce the manpower needed to conduct wartime or peacetime operations in the long term, in the near term, we still need people to carry out our important worldwide commitments.

I am concerned that we are rapidly falling below the manning levels necessary to either conduct our peacetime operations or credibly maintain a combat force capable of carrying out two nearly simultaneous major regional contingencies. Unfortunately, I do not believe it is possible to build a consensus in the Congress to maintain the appropriate size force, which I believe to be about 1.6 million active duty, when the Defense Department, itself, argues that it does not need these personnel and views the savings from end strength reductions as a relatively easy way to fund its weapons programs.

Mrs. FEINSTEIN. Mr. President, I rise in support of the DOD authorization bill for fiscal year 1998. This is a responsible bill that recognizes the national security threats we face, and properly funds the operations and modernization accounts needed to support the finest military in the world.

Over the past year, we have been constantly reminded that our military must be able to respond to a variety of threats all over the globe. The United States is unlike any other country in that we can identify important national interests in every region on the Earth, and our military must have the right equipment, training and resources to protect those interests. Our Armed Forces must be prepared for a variety of missions, from peacekeeping, humanitarian, and peace enforcement operations to rapid, full scale deployment.

This authorization bill recognizes the missions and roles our Armed Forces will face and provides an appropriate level of funding. While the fiscal year 1998 DOD authorization bill is nearly $3 billion higher than the President's budget request, it keeps total defense spending $3.3 billion below last year's inflation adjusted level. Although some of my colleagues may think this a negligible reduction, this is the 13th year in a row where the U.S. defense budget is less than it was the year before.

I believe this bill takes a significant step forward regarding DOD's depot maintenance policy. It maintains the public/private competition for depot maintenance workloads at Kelly and McClellan Air Force Bases which can save future taxpayer dollars. If the competitions for these workloads are won by the private sector, hundreds of

millions of dollars in savings could be realized by avoiding the costs of new military construction, movement of the workload, and retraining workers at the remaining Air Logistics Centers. Privatization of non-core depot maintenance workloads is supported by Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, Dr. John White, Deputy Secretary of Defense, the Aerospace Industries Association, Business Executives for National Security, and the U.S. Chamber of Commerce. Public/private competition is a good idea, and I am pleased this bill recognizes its value.

This bill also moves to address the critical readiness issues by authorizing more than $77 billion in near-term readiness funding. This includes an increase of more than $1 billion for high priority programs such as ammunition procurement, flying hours, cold weather gear, and barracks renovation.

This year's defense bill also recognizes the needs of our men and women in uniform. I believe the committee wisely includes additional military construction projects, adopts a single, price-based housing allowance based on a national index for housing costs, and a 2.8 percent pay raise to better our uniformed military's standard of living.

I applaud the adoption of Senator STEVENS' amendment, to which I was an original cosponsor, to create a position on the Joint Chiefs of Staff for a four-star general to represent the National Guard Bureau. The National Guard is a vital part of our armed services, serving in times of crisis both at home and abroad. A four-star general will give the National Guard, which now comprise 55 percent of our ground forces, equal consideration and input at the real decision making levels in the Department of Defense.

I do not, however, support all the extra funds that were added to this bill. I felt it important to support of Senator BINGAMAN's amendment to cut $118 million from the Space Based Laser Program. I believe that a national missile defense is a laudable goal. There is, however, no immediate or even mid-term threat to U.S. security that suggests the need for the immediate development of this space based national missile defense system. Only Russia and China have nuclear-armed ICBM's that can reach the United States and China has no more than a dozen or so of these weapons. There is consensus within the national security and intelligence communities that it is very unlikely that additional countries can or will build ICBM's within the next two decades.

I will continue to strongly support the funding of critical theater missile defense systems and a national missile defense system that meet projected threats and achieve an affordable ballistic missile defense. Under this scenario, should threats to the United States begin to materialize, we will have sufficient lead-time to respond to those threats, and dedicate higher funding levels to develop and deploy a national missile defense system.

I also supported the Wellstone amendment to offset cuts in the veterans' health care budget by allowing the Secretary of Defense to transfer up to $400 million from DOD funds. I believe it is imperative that we support our veterans who have fought to guarantee us our freedom. The planned cuts in the VA will certainly have an effect on the availability and quality of health care and other essential services that are available to our veterans. I believe it would be only fair to give the Secretary of Defense the ability to transfer the funds which would offset the VA cuts, especially when this bill authorizes $2.6 billion more than the President's request.

Finally, Mr. President, I believe the Senate has acted wisely in requiring a comprehensive study of the base closure process before any further base realignment and closure rounds can occur. As the senior senator from California, I have seen firsthand how cumbersome and nightmarish the BRAC process has been. Communities continue to struggle with the base reuse process. In addition, environmental cleanup of closed bases is proceeding much slower and at much greater cost than expected. Finally, there are no reliable figures to show how much the Department of Defense has saved in the prior BRAC rounds, much less reliable estimates for savings in future rounds. I will not vote for further base closure rounds until these problems are resolved.

Mr. THOMPSON. Mr. President, I seek to withdraw an amendment I have filed to the fiscal year 1998 Defense authorization bill because I see that pressing ahead with this amendment at this time would only delay passage of this important legislation. Before I formally withdraw my amendment, however, I wish to inform my colleagues about the circumstances which prompted me to introduce this measure—circumstances which continue today.

A basic unfairness exists within the current regulations for membership in the National Guard. This inconsistency arbitrarily penalizes some patriotic Americans who serve their country well. It also hinders the ability of some National Guard units to attract and retain the most qualified individuals, thereby undermining the effectiveness of those units.

This situation was brought to my attention because of a constituent of mine, Robert Echols, of Nashville. Mr. Echols, a Federal district court judge in the Sixth Judicial Circuit in Tennessee, is also a colonel in the Tennessee National Guard where he has served with distinction for 27 years. In September 1995, Colonel Echols was recommended for promotion to the rank of brigadier general.

Although Colonel Echols' promotion was supported by the chief judge of the sixth judicial district, the Tennessee National Guard, and the National Guard Bureau here in Washington, to date his promotion has been delayed. The Assistant Secretary of the Army for Manpower and Reserve Affairs has cited a regulation limiting Guard service by certain Federal officials to explain this delay. Further exacerbating the unfairness to Colonel Echols is the fact that this regulation is inconsistently applied. Other Federal officials who should fall within the scope of the regulation serve in the Guard unhindered.

I have been working with the Pentagon since early this year to rectify this unfair situation. Thus far, no solution has been found. Indeed, the Pentagon has been unwilling to reconsider Colonel Echols' circumstance. They have also opposed my amendment to this legislation.

I offered my amendment in an attempt to address the specific situation of district court judges serving in the National Guard. Considering that the chief of the sixth circuit has written that Mr. Echols' Guard service does not hinder his ability to serve as a judge, it is clear to me that civil servants in this category should be considered for National Guard service on a case-by-case basis. That is what my amendment would have done.

Nevertheless, it has become clear to me that pressing forward in this fashion at this time will only delay passage of the critical Defense authorization bill, probably without rectifying the underlying problem. I will, therefore, withdraw the amendment at this time. I do intend, however, to continue working to find a solution to this unfair situation which penalizes Americans seeking to serve their country and undermines the effectiveness of National Guard units.

Mr. LUGAR. Mr. President, as the fiscal year 1998 Defense authorization bill moves to conference to resolve differences between the Senate and House versions of the bill, I am hopeful the conferees will give careful consideration to the Senate provision addressing the issue of the disposal of the U.S. chemical weapons stockpile. This provision requires an additional report to Congress by the Secretary of Defense on options available to the Department of Defense for the disposal of chemical weapons and agents.

Since 1985, Congress has directed the Army to conduct a number of studies and evaluations of our Nation's chemical weapons stockpile in order to determine the safest and most effective method of disposal. Regardless of the destruction timetables set forth in the

recently ratified Chemical Weapons Convention, U.S. chemical agents and munitions must be disposed of by 2004 as a matter of national policy.

Determining a safe and cost effective method for disposal of our Nation's chemical weapons stockpile is an issue of concern to many communities and citizens located near the Army's eight CW storage sites. In my home State more than 1,000 1-ton containers of bulk VX nerve agent are stored at the Newport Army Chemical Activity, Newport, IN.

At the direction of Congress, the Army examined a range of disposal options and methods and involved significant public participation in the review process. The Army also considered the recommendations contained in an independent report on certain alternative technologies prepared by the National Academy of Sciences at the request of Congress.

On December 6, 1996, the Army recommended that the Department of Defense utilize a neutralization process for disposal of bulk chemical agents stored at Aberdeen Proving Ground, MD, and Newport, IN. On January 17, 1997, the Department of Defense authorized the Army to proceed with the necessary activities to pilot test two neutralization-based processes for the destruction of chemical agents stored at Aberdeen and Newport.

As the conference meets to resolve differences between the House and Senate-passed versions of the fiscal year 1998 defense authorization bill, I am hopeful conferees will be mindful of the important progress made by Congress and the Army since 1986 to address this issue.

Mr. WARNER. Mr. President, on behalf of the distinguished chairman, we are prepared to exchange a package of routine amendments which have been agreed to by the chairman, Mr. THURMOND, and the distinguished ranking member, Mr. LEVIN, and as far as this Senator knows that is the last item prior to final passage.

Mr. LOTT. Mr. President, it sounds to me as if good progress has been made here, and we are about ready to come to final passage on this very important legislation. I think it is a monumental achievement to be able to move a Department of Defense authorization bill in the way this has been moved and in the time it has been moved.

Therefore, after this vote, then, it will be the last vote of today. Following the disposition of the DOD authorization bill, the Senate will proceed to executive session to consider the nomination of Joel Klein to be an Assistant Attorney General. I expect some debate at the very minimum on that nomination today. The Senate will begin the DOD appropriations bill at 12 noon on Monday and at 3 p.m. on Monday conduct a cloture vote on the Klein nomination. Therefore, the next rollcall vote will occur at 5 p.m. on Monday. I encourage all Members who intend to amend the DOD appropriations bill to be prepared to offer their amendments on Monday. We hope to complete that bill by the close of business or afternoon Tuesday. This will be the final vote this week until Monday.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, as soon as this is worked out, I will not hold up the vote, but I just want to commend everyone for getting this very important bill through the Senate. The distinguished committee chairman, Senator THURMOND, our wonderful President pro tempore, has worked hardest to make sure that we have the armed services authorization with the policies in place that we need to provide for the strong national defense of this country. I commend him and his ranking member, Senator LEVIN, and all of those on the committee who have tried to make sure that we are using our tax dollars in an efficient way but with the foremost goal of providing the security of our country and for the support of the troops both in training, quality of life, and the technology that we need to make sure that our troops are the safest they can be when they are in the field and that they have the best equipment of any troops in the world, so that when they are called on to fight for the security of our Nation, they will be able to do the job.

I commend the committee and I commend its leaders.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I do not intend to talk any longer than necessary, until we get a signal that we are ready to go to final passage. I don't want to hold anything up. I know a lot of people have planes to catch and commitments to make, and are very anxious to finalize this bill as quickly as possible. But, in that we were in a quorum call and not quite there yet, let me just take this opportunity to say how profoundly disappointed I am that we were not able to do anything to move toward additional base closings.

I doubt there is a Member in this body that doesn't understand that we have too much capacity. We had a force structure designed to address the cold war. The threats have changed, the force structure has been reduced, but the base infrastructure has not been reduced accordingly. As a consequence, with a fixed top budget line, that means we have to spread our resources around in areas that are not essential and sacrifice areas that are essential.

We do not begin to have the amount of money needed to modernize our forces. We have been talking about this for years and we keep postponing that. The quality of life for our soldiers, particularly in housing, has suffered. The state of our military housing is deplorable. Nearly two-thirds of current military housing is substandard and substandard by military standards, which is even below civilian standards. I am ashamed at what we ask people who commit to serve this country to live in; how we ask them to live. I have toured and visited those barracks, those homes. As former chairman of the personnel subcommittee, I made it a point to visit many bases both here and abroad. The state of our military housing is deplorable.

We cannot begin to shift enough funds there if we can't find the funds to shift. One of the ways proposed to address that is additional rounds of base closings. I know they are painful. None of us want to close bases in our States. I have had to participate in two base closings in our State and we only had two bases. But the people of Indiana supported that because they felt it was necessary, we did have excess capacity. And it was done in a fair manner. It was not easy. It was not painless. But it was necessary.

The argument that we have heard here on the floor that we don't know what the cost is going to be is a ludicrous argument. If you take that to its logical conclusion, we ought to be doubling the number of bases because it is going to save us money, because if cutting bases costs money it just makes sense that adding bases, new bases, would save money.

Every industry in America has had to adjust to the global changes that are taking place in business and become more productive. They have had to do more with less. So whether it's auto companies or electronics manufacturers or whatever, they have had to close excess capacity. Does that mean people get laid off? Yes. Transferred? Yes. Does it mean that communities are impacted? Yes. But for the institution to be viable for the future, it is a necessary step. Otherwise everybody gets hurt. Yet we refuse to do that here. I am just disappointed that we could not

at least put some process—not even defining the process—but some process that would move us toward reducing this infrastructure and addressing the long-term problem that we have.

We might not get the savings in 3 years. It might not directly offset in the 5-year budget plan. But we know it is going to accrue positively for the Department of Defense at some point in the future; that maintaining these bases is simply going to continue to drain money from essential functions, to put pressure on pay, to put pressure on health care for the military members and their dependents, to put pressure on housing, quality of life, modernization and everything else.

Mr. President, we are moving toward finalizing this bill. It looks like an agreement is reached and I will yield the floor. We can talk about this more at another time.

Several Senators addressed Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the fiscal year 1998 Defense budget request sent over by the administration continues to reflect the low priority given to our men and women serving in the armed services. For the third straight year, the administration has inadequately funded the national security interest of this Nation, particularly in the modernization accounts. Congress added $2.6 billion in funding to the administration's request in order to provide the resources necessary to execute required national tasking. Additionally, the committee refocused the administration's budget request, adding over $5.2 billion to the procurement and research and development modernization accounts.

Service Chiefs requested that any potential additional funding be devoted toward key modernization accounts, as reflected in the respective services unfunded priority lists. Unfortunately, the bills proposed by the Senate Armed Services Committee and the House National Security Committee include a plethora of programs not requested by the Defense Department, virtually ignoring the request of the Pentagon and impeding the military's ability to channel resources where they are most needed. In my opinion, this bill contains in excess of $4.9 billion in questionable add-ons and expenditures that do little to contribute to our national security. Similarly, the House defense bill contains over $5.5 billion in objectionable defense adds.

Mr. President, the following highlight some of the more egregious projects:

The military construction and family housing accounts received unrequested plus-ups for low-priority U.S. based projects totaling over $772.0 million, including over $262.5 million for the National Guard and Reserves. This MILCON plus-up represents over $100 million more than was added to the 1997 Defense budget request. However, unlike last year, the committee has not had the luxury of adding nearly $13 billion to the overall budget request. The MILCON plus-up includes over $85 million for the construction of nine readiness and reserve centers for the Guard and Reserve at the same time that National Guard and Reserve end-strength is being cut by over 54,000 personnel.

The procurement account includes the unrequested funding of $343.3 million for six C–130 aircraft. General Fogleman testified before the committee that the Air Force had too many C–130 aircraft, in fact, he called it "An embarrassment of riches." The House bill includes $331 million to keep the B–2 line open. The Chief of Naval Operations, No. 1 priority on his unfunded priority list was the addition of four F/A–18E/F aircraft. This request, his No. 1 priority, was overlooked by both committees.

The Senate bill includes $2.6 billion for procurement of four new attack submarines and proposes a teaming arrangement which effectively eliminates competition among shipyards. The American taxpayer will soon find itself funding submarines less capable by design than the *Seawolf*, and without the benefit of economic common sense which competition and free market principles would provide the cost will approach that of the *Seawolf*.

The bill includes unrequested plus-ups in excess of $42 million for automotive and combat vehicle technology research, including research on vehicle composites, electric drives, and battery recharging.

Included are plus-ups to medical research and development projects totaling over $26.5 million for retinal display research, freeze dried blood, and human factors engineering, among others.

Funding of approximately $17 million for unrequested research into the next generation Internet. I believe Bill Gates and Steve Jobs are capable of continuing the computer revolution without additional funding from DOD.

Mr. President, in summary, I am sure there are many programs on my list which may be good programs. I am sure that they benefit certain States, however, with military training exercises continuing to be cut, backlogs in aircraft and ship maintenance, flying hour shortfalls, military health care underfunded by $600 million, and 11,787 servicemembers reportedly on food stamps, I believe we need to forgo, in General Fogleman's terms, the "Embarrassment of riches".

Overall, I believe the committee has produced a fine defense bill, and I voted in favor of reporting it out of committee. It is imperative that we maintain the additional $2.6 billion added to the administration's request and I support the redirection of funds to the modernization accounts. However, the allocation of some of those funds to unnecessary spending still warrants concern, and I urge my colleagues to look carefully at these add-ons.

I ask unanimous consent two tables of objectionable programs be printed in the RECORD.

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

Objectionable programs in the fiscal year 1998 Senate Armed Services defense bill

[In millions of dollars]

PROCUREMENT	
Army: C–XX Medium-Range Aircraft (5)	23.0
Navy:	
SSN–21 (SEAWOLF)	153.4
New Attack Submarine	2,600.0
Advance Procurement for TAGS–65	75.2
Other Propellers and Shafts	38.3
Amphibious Raid Equipment	1.6
Air Force:	
C–130J Logistics	48.0
WC–130J (3)	177.0
Logistic Support for WC–130J	29.7
EC–130J	70.5
C–130J (2)	95.8
National Guard and Reserve Equipment	653.0
RESEARCH AND DEVELOPMENT	
Army:	
University and Industry Research Centers	2.3
Combat Vehicle and Automotive Technology	4.0
Medical Advanced Technology	4.6
Combat Vehicle and Automotive Advanced Technology	9.0
DoD High Energy Laser Test Facility	10.0
Army Research Institute	3.6
National Automotive Center	4.0
Plasma Energy Pyrolysis System	8.7
Radford Environmental Development and Mgmt. Program	6.0
Naval Surface Warfare Center (ID) and Industry R&D	1.75
Intravenous Membrane Oxygenator Technology	1.0
Navy:	
Oceanographic and Atmospheric Technology	16.0
Medical Development	2.5
Industrial Preparedness	50.0
National Oceanographic Partnership Program	16.0
Freeze-Dried Blood Research Project	2.5
Air Force:	
Phillips Lab Exploratory Development	15.0
High Frequency Active Auroral Research Program	11.0
Defensewide:	
Electronic Commerce Resource Centers	3.0
Management Headquarters (Auxiliary Forces)	5.8
Advanced Lithography	22.0
OPERATION AND MAINTENANCE	
Center for Excellence in Disaster Management and Humanitarian Assistance (Hawaii)	5.0

Objectionable programs in the fiscal year 1998 Senate Armed Services defense bill—Continued

[In millions of dollars]

MISCELLANEOUS	
Center for the Study of the Chinese Military National Defense University (NDU)	5.0
Senate procurement, RDT&E, and miscellaneous, total	4,172.0
Senate Milcon and Family Housing	772.9
Total Senate Questionable Spending	4,944.9

Objectionable Programs in the fiscal year 1998 House National Security defense bill

[In millions of dollars]

PROCUREMENT	
Army:	
C-12 Passenger Jets (modifications)	6.0
Automatic Data Processing Equipment	13.0
Navy:	
SSN-21 (SEAWOLF)	153.4
New Attack Submarine	2,600.0
KC-135 Tankers Re-Engining (3)	179.7
TAGS Oceanographic Ship (1)	75.2
LCAC SLEP	17.3
Fast Patrol Craft (modifications)	20.0
Sonobuoys (those not on "wish list")	13.5
Marine Corps: Fuel Storage Tanks	2.0
Air Force:	
B-2A Spirit Bomber	331.2
EC-130J (1)	49.9
C-130J (5)	293.0
AGM-65 Maverick Missile (no missiles procured; keep production line warm)	11.0
Weather Observation/Forecasting Program	4.0
Defense-Wide:	
Automated Document Conversion System	30.0
BMD National Laboratory Program	50.0
University-Based research Center to Oversee DoE Defense Projects	5.0
National Guard and Reserved: Total Reserved and Guard Equipment Add	700.3
RESEARCH AND DEVELOPMENT	
Army:	
Passive Camera Technology	5.0
Combat Vehicle & Automotive Technology	11.0
Field Battery Recharging Capability	5.0
Battery Manufacturing Technology	3.0
Combat Vehicle Composites	2.0
Combat Vehicle Electric Drive	1.0
Combat Vehicle Improvement Programs	20.1
Electromechanic & Hypervelocity Research	1.9
Projectile Detection & Cueing	2.5
Computer-Based Land Management Model	4.9
BEST	4.0
VREMT	3.5
Scram Jet Development	8.0
Tactical Internet C3 Protection	2.0
Electrorheological Fluids Recoil	5.0
Human Factors Engineering Technology	5.1

Objectionable Programs in the fiscal year 1998 House National Security defense bill—Continued

[In millions of dollars]

Eye Research, Retinal Display Technology	5.0
Life Support For Trauma & Transport	6.0
End Item Industrial Preparedness Activities	15.0
Navy:	
Freeze Dried Blood	2.5
Medical Mobile Monitor	4.0
Proton Exchange Membrane Fuel Cells	1.8
Carbonate Fuel Cells	3.5
Surface/Aerospace Surveillance And Weapons Technology Free Electron Laser	10.0
Surface/Aerospace Surveillance and Weapons Technology Free Electron Laser	10.0
AN/SPS-48E Air Search Radar at Naval Engineering Center	6.0
Air Force:	
Phillips Lab Exploratory Development	6.0
Protein-based Ultra-High Density Memory	3.0
ALR-69M Radar Warning Receiver	[1] 14.0
Space Plane	15.0
Space Scorpius	15.0
Solar Thermionics Orbital Transfer Vehicle	20.0
Atmospheric Interceptor Technology	25.0
Eglin Air Force Base Instrumentation Improvements	14.8
Defense-Wide:	
Next Generation Internet	15.0
Wide Bandgap Semiconductors	10.0
Computing Systems and Communications Reuse Technology	4.5
Flat Panel Display Dual Use Initiative	23.0
3-D Microelectronics Technology Initiative	7.5
Environmentally Safe Energetic Materials Research	3.0
Advanced Lithography Technologies Program	21.0
MARITECH	4.0
Joint Robotics Teleoperation Capability Program	10.0
OPERATION AND MAINTENANCE	
Center for excellence in Disaster Management and Humanitarian Assistance (Hawaii)	5.0
MISCELLANEOUS	
Center for the Study of Chinese Military National Defense University (NDU)	5.0
PILOT PROGRAM	
Plasma Arc Melter System Pilot Program	4.0
TITLE XXXVI	
Maritime Administration Authorization of Appropriations	109.0
Procurement, RDT&E, and miscellaneous total	4,917.0
Milcon and Family Housing	733.6
Total House questionable spending	5,650.6

[1] Denote programs for National Guard or Reserve.

Mr. McCAIN. Mr. President, I want to just for 10 seconds thank my friend from Indiana, the most knowledgeable member of the Armed Services Committee on personnel issues, and his advocacy for what is right about this base closing issue. It is important and critical. I think most of my colleagues will understand the argument he just made because we are going to pay for this in a big way if we don't reverse the vote that was taken most recently. I yield.

AMENDMENT NO. 423, WITHDRAWN

Mr. INHOFE. Mr. President, I ask unanimous consent to withdraw my amendment No. 423.

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

The amendment (No. 423) was withdrawn.

Mr. WARNER. I am pleased to say on behalf of Senator THURMOND, the ranking member and I, are now ready to take up a series of amendments which have been agreed to by both sides. Following the adoption of these amendments, I know of no reason why we cannot go to final passage.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 666, WITHDRAWN

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment No. 666, an amendment of Senator WELLSTONE, be withdrawn at this time.

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

The amendment (No. 666) was withdrawn.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENTS AGREED TO EN BLOC

Mr. THURMOND. Mr. President, I send a package of amendments to the desk and ask consent that these amendments be considered as read and agreed to en bloc; the motion to reconsider be laid upon the table en bloc, and finally, that any statement relating to any of the amendments appear at this point in the RECORD. These amendments are cleared amendments and have been agreed to by both sides of the aisle.

Mr. LEVIN. No objection, Mr. President.

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

The amendments were considered and agreed to en bloc, as follows:

AMENDMENT NO. 594, AS MODIFIED

(Purpose: To consolidate and strengthen restrictions on the use of human test subjects in biological and chemical weapons research)

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

SEC. 1075. RESTRICTIONS ON USE OF HUMANS AS EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) PROHIBITED ACTIVITIES.—No officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) INAPPLICABILITY TO CERTAIN ACTIONS.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemicals and to protection against chemical or biological weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) REPORT AND CERTIFICATION.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

"(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.".

(e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND EXECUTED LAWS.—Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

Mr. WYDEN. Mr. President, I wish to thank the managers of the Department of Defense authorization bill and the committees for their assistance and support of my amendment.

Earlier this year, the Senate ratified the Chemical Weapons Convention. This historic treaty puts into U.S. law a clear prohibition on the testing, production, and stockpiling of an entire class of terrible weapons of mass destruction, and we are now part of the international institutions which will enforce the treaty worldwide.

Even with this clear ban, constituents have written me concerned that, without their consent, human test subjects are used to research chemical and biological weapons agents, or that the Government, with the consent of local elected officials and Congress, may conduct experiments on civilian populations. Very often, these concerns are based on reading existing provisions in the United States Code that appear to permit it. The provision in question, contained in title 50, United States Code, Chapter 32, Section 1520, is a relic of the cold war, and my amendment strikes it.

Further, to make it clear that such testing is no longer permitted, this amendment spells out a clear, easily understood prohibition of the use of human test subjects in chemical and biological weapons research. To prevent confusion, this amendment spells out the distinction between weapons testing and such peaceful medical research such as the search for a cure for AIDS or developing vaccines for deadly diseases. But to make sure that even this peaceful research is not misused, my amendments adds a new reporting requirement for the Pentagon to describe in detail every year exactly what sort of medical and peaceful research is conducted and requires the Department of Defense to certify that full informed consent was obtained in advance from anybody participating in this research. Congress, and most importantly, the public must have the best possible information about these programs.

A provision that, on the surface, appears to permit testing of chemical weapons on civilian populations has no place in U.S. law, and I thank my colleagues for joining me in striking it.

AMENDMENT NO. 595 AS MODIFIED

(Purpose: Reports on procedures for providing information and assistance to families of victims of Department of Defense aviation accidents)

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

SEC. 1041. REPORT ON DEPARTMENT OF DEFENSE FAMILY NOTIFICATION AND ASSISTANCE PROCEDURES IN CASES OF MILITARY AVIATION ACCIDENTS.

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

(1) There is a need for the Department of Defense to improve significantly the family notification procedures of the department that are applicable in cases of Armed Forces personnel casualties and Department of Defense civilian personnel casualties resulting from military aviation accidents.

(2) This need was demonstrated in the aftermath of the tragic crash of a C-130 aircraft off the coast of Northern California that killed 10 Reserves from Oregon on November 22, 1996.

(3) The experience of the members of the families of those Reserves has left the family members with a general perception that the existing Department of Defense procedures for notifications regarding casualties and related matters did not meet the concerns and needs of the families.

(4) It is imperative that Department of Defense representatives involved in family notifications regarding casualties have the qualifications and experience to provide meaningful information on accident investigations and effective grief counseling.

(5) Military families deserve the best possible care, attention, and information, especially at a time of tragic personal loss.

(6) Although the Department of Defense provides much needed logistical support, including transportation and care of remains, survivor counseling, and other benefits in cases of tragedies like the crash of the C-130 aircraft on November 22, 1996, the support may be insufficient to meet the immediate emotional and personal needs of family members affected by such tragedies.

(7) It is important that the flow of information to surviving family members be accurate and timely, and be provided to family members in advance of media reports, and, therefore, that the Department of Defense give a high priority, to the extent practicable, to providing the family members with all relevant information on an accident as soon as it becomes available, consistent with the national security interests of the United States, and to allowing the family members full access to any public hearings or public meetings about the accident.

(8) Improved procedures for civilian family notification that have been adopted by the Federal Aviation Administration and National Transportation Safety Board might serve as a useful model for reforms to Department of Defense procedures.

(b) REPORTS BY SECRETARY OF DEFENSE.—(1) Not later than December 1, 1997, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for conducting a single, public investigation of each Department of Defense aviation accident that is similar to the accident investigation process of the National Transportation Safety Board. The report shall include—

(A) a discussion of whether adoption of the accident investigation process of the National Transportation Safety Board by the Department of Defense would result in benefits that include the satisfaction of needs of members of families of victims of the accident, increased aviation safety, and improved maintenance of aircraft;

(B) a determination of whether the Department of Defense should adopt that accident investigation process; and

(C) any justification for the current practice of the Department of Defense of conducting separate accident and safety investigations.

(2) Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among Armed Forces and civilian personnel of the department. The report shall include—

(A) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments; and

(B) a description of the assistance provided to members of the families of such personnel.

(c) REPORT BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL.—(1) Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents, and submit a report on the review to Congress. The report shall include a discussion of the following matters:

(A) Designation of an experienced nonprofit organization to provide assistance for satisfying needs of families of accident victims.

(B) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(C) Protection of members of families from unwanted solicitations relating to the accident.

(D) A recommendation regarding whether the procedures or similar procedures should be adopted by the Department of Defense, and if the recommendation is not to adopt the procedures, a detailed justification for the recommendation.

(d) UNCLASSIFIED FORM OF REPORTS.—The reports under subsections (b) and (c) shall be submitted in unclassified form.

AMENDMENT NO. 598, AS MODIFIED

(Purpose: To add a subtitle relating to Persian Gulf war illnesses)

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The Secretary of Defense shall submit to Congress not later than March 15, * * * a plan to ensure that the results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location or locations to improve future access to the records. The report shall include a schedule for implementation of the plan within 2 years of enactment.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND ENVIRONMENTAL HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and environmental hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF DRUGS UNAPPROVED FOR THEIR INTENDED USAGE.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive a drug unapproved for its intended use, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer a drug unapproved for its intended use or who are likely to treat members who receive such a drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the drug is first administered to the member, if practicable, but in no case later than 30 days after the drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the unapproved drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered has not been approved for its intended usage.

"(2) The reasons why the unapproved drug is being administered.

"(3) Information regarding the possible side effects of the unapproved drug, including any known side effects possible as a result of the interaction of the drug with other drugs or treatments being administered to the members receiving the drug.

"(4) Such other information that, as a condition for authorizing the use of the unapproved drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of drugs unapproved for their intended usage.".

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

AMENDMENT NO. 626

At the appropriate place in the bill, add the following:

SEC. . LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees, and

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.); the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

Mr. HELMS. Mr. President, this amendment will help address the critical educational needs of the children of the fine soldiers and airmen serving at Fort Bragg and Pope Air Force Base in North Carolina.

Across America, many communities surrounding major military installations are at a great disadvantage by having large numbers of military-connected schoolchildren, yet they receive nowhere near adequate impact aid. Harnett County in North Carolina is one of them. Harnett County is a relatively rural, agricultural county; that has experienced tremendous growth in its military-connected student population during the last decade.

Many soldiers stationed at Fort Bragg, and airmen assigned to Pope Air Force Base, have found a home in Harnett County because of its peaceful quality of life, its proximity to the bases and many other desirable aspects. According to one housing developer, 98 percent of the families buying in his community are military families. Harnett County has welcomed these newcomers but, in so doing, has struggled for the past several years to provide the basic services required to accommodate this burgeoning population.

Mr. President, Harnett County's schools have been especially impacted by this influx of military dependents. Recent years have seen thousands of students added to the rolls of Harnett County's school system. This growth has resulted in severe overcrowding in Harnett County schools. Many children have been forced to attend classes in temporary facilities, such as cafeterias, gymnasiums, auditorium stages, libraries, and trailers. In some schools, students must wait in line up to an hour even to use the bathroom.

Mr. President, projections indicate that Harnett County taxpayers will have to spend $87,000,000 for new schools within the next decade merely to keep up with this growth. As a rural county, Harnett has little industry or commercial development that can be used to generate significant tax dollars for school construction. The county simply does not have nearly enough resources to build more schools to serve these military dependents without substantial assistance.

The Federal Government has an obvious obligation to provide for the education of military dependents. Because of the nature of military service which requires frequent moves and reassignments, military families seldom have an opportunity to establish strong roots in a community or to become active in local schools. The Federal Government has a duty to ensure that these parents, who are prepared to risk their lives and go to war in 18 hours to serve our country, need not worry about the quality of education afforded their children.

For almost 50 years, Federal law has addressed the costs incurred by local communities in the education of military dependents through the payment of impact aid. These payments are designed to alleviate local government's inability to raise revenue for schools in the customary manner of raising property taxes since they are constitutionally prohibited from taxing installation property. These payments are not intended to benefit the local governments, but are intended to insure that service-members' children are not treated as second-class citizens and thereby disadvantaged by their parents' devotion to their country.

Nevertheless, the responsibility for making these payments has been removed from the Department of Defense and placed upon the Department of Education over the years. In so doing, the Federal Government has steadily reduced its payments to local educational agencies that serve these children. Despite rhetoric in support of education to the contrary, the President's own budget punishes these children by proposing a reduction of $72 million or 10 percent below the fiscal year 1997 level. I have always believed that the Federal Government has a limited role in education, but clearly, it has a role when its actions place a direct negative economic impact upon a community, such as Harnett County.

Some may argue that we owe no obligation to communities surrounding military bases. They may say that because communities now compete to retain military bases that our duties are mitigated. Our duty is owed to the service member, not the community. Besides, every community surrounding a military installation does not share equally in the economic benefit of having the installation closeby. For example, Harnett is the only county in the Fort Bragg impact area that suffers an

economic loss due to its being adjacent to Fort Bragg. According to the latest statistics, Harnett County loses at least $122,000 per year because of Fort Bragg.

Adding to the education funding crisis, Fort Bragg purchased an additional 7,000 acres in the county last year. That purchase nearly doubled the amount of land the Federal Government owns in Harnett. This purchase caused Harnett County to permanently lose an additional $24,000 in annual tax revenues. The projected fiscal year 1997 impact aid payment to Harnett County is only $37,712. Compare that to the $278,177 that the county would receive if impact aid basic support payments were fully funded.

During the past few years, I have worked closely with concerned Harnett County leaders, including the school board and county commissioners, Army officials at Fort Bragg and here at the Pentagon, literally spending hundreds of hours working to try to address these critical Army needs. If I may quote from a March 9, 1995, letter by then Fort Bragg commanding general, Lt. Gen. Henry Shelton to Secretary of the Army Togo West:

> I sympathize with counties that have to educate our children, especially those, like Harnett County, that have recently experienced a substantial increase in the number of students from military families. I am concerned that the U.S. Department of Education is providing less impact aid for some military family members than for others, and that this disparity in impact aid might adversely affect the quality of education that some of our military family members are receiving. We should be providing the same high level of assistance for every child. Education is a key component of quality of life. For this reason, we should make every effort to ensure that all of our military family members receive a quality education regardless of where they live.

General Shelton, of whom I am extremely proud, is now a four-star general in charge of the military's special operations command, went on to say to Secretary West "[my staff] offered to assist Harnett County * * * [and] discussed the possibility of conveying to Harnett County parcels of land for the construction of schools."

General Shelton's commitment to the well-being of his troops has been continued by his successor as commanding general, Lt. Gen. John Keane, who is and has been working closely with civilian leaders such as Mike Walker, Assistant Secretary of the Army for Installations, Logistics and Environment. They have determined that two outparcels that the Army owns are not required for future Army use. Mr. President, as a result of this decision, both General Keane and Secretary Walker sent letters to me a day or so ago, supporting the conveyance of two small parcels of land to Harnett county for educational and economic development purposes. I ask unanimous consent that these two letters dated July 9, 1997, be printed in the RECORD at this point, following which I shall continue my remarks.

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

DEPARTMENT OF THE ARMY,
Fort Bragg, NC, July 9, 1997.

Hon. JESSE A. HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This letter details my recollection of the discussions I and other Army representatives had with you leading up to the Army's recent acquisition of the former Rockefeller property commonly known as "Overhills."

It was discussed that, along with the main property of approximately 11,000 acres vitally needed by Fort Bragg for military training, there were also two noncontiguous outparcels totaling about 300 acres. These outparcels were of limited training value due to their small size and location, each surrounded by private property. I do not believe their inclusion in the purchase materially affected the overall cost of Overhills. Rockefeller representatives simply wanted to sell all the property together to one buyer.

In the discussions, there was also agreement to support any subsequent legislation intended to declare the outparcels excess property and transfer them to the county in which they are located. I continue to support such a transfer.

Sincerely,

JOHN M. KEANE,
Lieutenant General,
U.S. Army, Commanding Officer.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, July 9, 1997.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: As you know, the Army recently acquired approximately 11,000 acres in order to help alleviate the overall shortfall in training lands at Fort Bragg. The property included two outparcels of land (Tract No. 404–1, containing approximately 137 acres, and Tract No. 402–2, containing approximately 157 acres), noncontiguous to the installation and noncontiguous to each other. The Army has determined that these properties will not be used for training or other purposes due to their size, configuration, and location. These parcels did not contribute significantly to acquisition costs and are not required for future Army use.

I hope this information is helpful for your purposes.

Sincerely,

ROBERT M. WALKER,
Assistant Secretary of the Army, (Installations, Logistics & Environment).

Mr. HELMS. The map shows that neither of these small parcels of land is contiguous to the primary training areas at Fort Bragg—known as the Northern Training Area and Overhills property; they are also noncontiguous to each other. These properties are open farmland, surrounded by private property, without the foliage and terrain that Army units stationed at Fort Bragg require for operational training.

Mr. President, local leaders and Army officials had planned for the Army to provide a long-term lease for the construction of three schools—an elementary school, a junior high school, and a high school on land lying along N.C. 87 which crosses the recently acquired Overhills property. Over the last several months, they mutually agreed to forego that arrangement because of concerns that placement of schools in that area would impose restrictions on training and negatively impact the habitat of the red-cockaded woodpecker. Together, they agreed that the ideal location for these new schools was on the open tracts the Army had previously identified as being available for conveyance to the county.

Last year, North Carolina voters approved a bond referendum for the construction of new schools. I am told that to use those funds, the county must own the land. Therefore, a long-term lease by the Army on these parcels would not be useful to the county or the Army. It is critical that parcel No. 404–2 be transferred now since Harnett County plans to break ground on construction later this year in an attempt to finally catch-up with the increasing demand for education imposed by the children of military personnel. This amendment further authorizes the Secretary of the Army to sell parcel No. 404–1 at fair market value.

Mr. President, North Carolinians are proud of the several great military installations within our borders. For more than 50 years, North Carolinians have been especially proud of Fort Bragg, home of the U.S. Army's elite XVIII Airborne Corps, the 82d Airborne Division, and our Special Operations Forces. These units and other units stationed at Fort Bragg are on the front line of our Nation's defense; standing ready to deploy anywhere, any time, to preserve freedom in the world.

Just 2 days ago, we were reminded once again about the price of liberty. Eight soldiers at Fort Bragg were tragically lost when their Blackhawk helicopter crashed. The victims have been identified and their families notified but the cause of the crash is still being investigated.

Those who have served in the military understand the sense of family and community that exists among those, particularly those who have volunteered to put themselves in harm's way, for the benefit of their fellow-citizens. These courageous and selfless Americans use the instruments of war to secure our peace and prosperity. Each of these brave Americans experiences a feeling of loss when one of their own is lost. The North Carolinians who live around Fort Bragg share that sense of loss. Those citizens and the Fort Bragg family have embraced the families of the lost soldiers and are doing all they can to comfort them at this tragic time.

I spent four nonheroic years in the Navy during World War II. I have always had great affection and respect for the soldiers and defense support personnel who devote their lives to the defense of our country. I will do anything in my power to ensure that they are provided everything they need to do their jobs.

This includes not merely providing an adequate training area, equipment and hardware; but also the quality of life and peace of mind to enable each soldier to focus on his mission, accomplish it, and return home safely. Unmistakably essential to that quality of life is the proper education of their children.

Listen again to the words of General Shelton, "[e]ducation is a key component of quality of life. For this reason, we should make every effort to ensure that all of our military family members receive a quality education regardless of where they live."

Mr. President, a vote against this amendment is a vote against the Army's senior civilian and military leaders charged with responsibility for the readiness and well-being of these fine men and women at Fort Bragg.

A vote against this amendment is a vote against their children who depend upon us to help educate them so that they too can serve their country when they grow to adulthood.

Mr. President, I do hope Senators will support this amendment which takes a small step toward addressing the educational needs of the children of our Nation's finest soldiers. It's the right thing to do and I am confident that Senators will agree.

AMENDMENT NO. 628

(Purpose: To require a report on options for the disposal of chemical weapons and agents)

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

AMENDMENT NO. 638

(Purpose: To authorize appropriations for the Greenville Road Improvement Project, Livermore, CA)

At the appropriate place in the bill, insert the following: "Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvements to Greenville Road in Livermore, California".

AMENDMENT NO. 659

(Purpose: To provide for funding of the NATO Joint Surveillance/Target Attack Radar System)

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

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

AMENDMENT NO. 669, AS MODIFIED

(Purpose: To provide $500,000 for the bioassay testing of veterans exposed to ionizing radiation during military service)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $300,000 shall be available for testing described in subsection (b) in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

(c) COLLECTION OF SAMPLES.—The appropriate department or agency shall collect the required bioassay samples, at the request of a veteran who participated in the U.S. atmospheric nuclear testing or the occupation of Hiroshima and Nagasaki, Japan, and forward them to Brookhaven National Laboratory, under the appropriate Chair of custody.

AMENDMENT NO. 671, AS MODIFIED

(Purpose: To require a study concerning the provision of certain comparative information to TRICARE beneficiaries)

At the appropriate place, insert the following;

SEC. . STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional fee-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by an out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

AMENDMENT NO. 681

Add at the appropriate point in the bill the following:

SEC. . AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENT.—For the purposes of this section, the term "European air defense agreements" means

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

AMENDMENT NO. 707

(Purpose: To designate the Y-12 plant in Oak Ridge as the National Prototype Center)

At the appropriate place, insert:

SEC. . DESIGNATING THE Y-12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y-12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

Mr. THOMPSON. Mr. President, I want to thank the chairman of the Armed Services Committee, Senator STROM THURMOND, and the other members of the committee for supporting my amendment, which will designate the Y-12 plant in Oak Ridge, TN as a "National Prototype Center."

Mr. President, for the first time in nearly half a century, the United States is neither designing nor producing any new nuclear weapons. The size of the U.S. nuclear stockpile is shrinking, and the size of the nuclear weapons complex is shrinking along with it. That is appropriate.

However, as we reduce the physical size of our nuclear weapons complex, we must not allow the unique experience and expertise that have developed at the nuclear weapons production plants to simply disappear. Instead, we should use these unique resources to further enhance our national security and economic competitiveness.

The Y-12 plant in Oak Ridge has played a critical role in our nuclear weapons complex since 1943. Every weapon in the current U.S. nuclear stockpile contains some part that was manufactured at Y-12. In the course of fulfilling this critical mission, Y-12 and its workforce have developed applied manufacturing expertise that is unsurpassed anywhere in this country. This makes Y-12 perfectly suited to become a National Prototype Center.

Prototypes provide the first concrete test of a product after the initial research and development have been performed. Businesses and the military use prototyping to test their designs and to anticipate and prevent problems later in the production cycle.

However, circumstances in the 1990's have made prototyping more difficult for both the military and industry. The threats facing our military today are fundamentally different from those we faced during the Cold War, and the defense budget has shrunk as well. This means that the military must now produce defense systems in relatively small volumes—sometimes as small as one. Commercial industries are facing some of the same challenges, as they strive to produce smaller numbers of more customized products. These trends have made prototyping even more important, but they have also made it prohibitively expensive in many cases.

I believe that we will benefit as a nation if we find a way to preserve these important prototyping capabilities, and I believe the solution lies with Y-12. Y-12 has already helped to develop numerous prototypes for the Department of Defense, NASA, and others, from components for the Seawolf submarine's propulsion system to a new and more advanced type of pencil lead. Designating Y-12 as a National Prototype Center will highlight Y-12's ability to rapidly transform complex hardware designs into precision prototypes through the use of advanced manufacturing techniques. It will also allow customers to take advantage of the resources of a world-class national laboratory—the Oak Ridge National Laboratory—which is located in close proximity to the Y-12 plant.

Mr. President, this National Prototype Center will not only enhance our national security by preserving vital weapons manufacturing expertise, it will also enhance our economic security by helping to solve tough problems for U.S. industries so that they can get their products to the global marketplace more quickly. And it will be cost-effective.

The American taxpayers have already invested billions of dollars in the equipment and expertise that reside at Y-12. It makes little sense for that investment to be duplicated by other Federal agencies or U.S. industries. At a time when cost control is a major consideration in developing new weapons systems and commercial products, it makes sense instead for others to take advantage of existing state-of-the-art facilities at Y-12. My amendment would allow them to do just that, and I thank my colleagues for supporting it.

AMENDMENT NO. 714, AS MODIFIED

(Purpose: To require the Secretary of Defense to conduct an explosive munitions demilitarization demonstration program)

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

SEC. 235 DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of Defense may conduct an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program, the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) The Secretary shall use competitive procedures in selecting participants for the demonstration program described in subsection (b). In addition the Secretary shall include a cost benefit analysis of this technology generally for explosives munitions destruction.

(d) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes.

(e) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(e) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000 for the explosives demilitization technology program (PE 63104D).

(3) The amount provided under section 101(5) for special equipment for user testing is hereby decreased by $6,000,000.

Mr. SESSIONS. Mr. President this amendment would authorize an increase of $6 million to the budget request for the Explosive Demilitarization Technology program (PE 63104D) to conduct a demonstration program at Anniston Army Depot. This is a much needed demonstration of current commercial off-the shelf blast chamber

technology as an acceptable alternative to open burning/open pit detonation (OB/OD) by reducing significantly emissions and noise caused by OB/OD. The demonstration has nation-wide application if successful and is in keeping with the military's program of continuing technology evaluation of demilitarization methods for existing conventional ammunition as described in the Joint Demilitarization Study, September 1995, page II–4–14, a study prepared for the Director, Environmental and Life Sciences, Defense Research and Engineering, Office of the Secretary of Defense.

Mr. President annually we spend millions of dollars on the production of new munitions of all types. At the other end of the pipeline however is the vexing problem of disposing of outdated munitions of all types. The enormity of the problem for this Nation is this: The stocks managed by the Army, DOD's Manager for Conventional Ammunition (MCA), currently stored in 26 States totals approximately 449,308 tons of material and costs over $12 million annually to store according to a DOD 1995 Joint Demilitarization Study. More serious however is the fact that the study predicts an additional 730,420 tons will be generated into that stockpile by the end of fiscal year 2001.

Let me state again the magnitude of the problem for the Nation: through the end of fiscal year 2001, over 1.2 million tons of material will pass through or reside in the military conventional ammunition account. This is enough ammunition to exceed 2800 earth covered magazines and will cost over $1.2 billion to destroy if we assume that it costs approximately $120 million to destroy 107,000 tons of material using fiscal year 1995 projections. The technology in the COTS blast chamber has the potential of mitigating local environmental concerns; the potential of increasing destruction throughput; and is capable of destroying in a safe and environmentally sound manner greater than 98 percent of the explosives the DOD stores utilizing particular bag house technology at locations in America, Europe, and the Pacific.

Alabama stores in excess of 22,437 tons of material ranking us fifth in size of stockpile. Environmental considerations are of paramount importance to me and to a balanced national level demilitarized program. I think DOD, the Army, and the Joint Ordnance Commanders Group, Demilitarization and Disposal Subgroup, are playing a major role in ensuring that our various storage sites, to include Anniston Army Depot, are in compliance with Federal, State, and local regulations. Likewise, I think the DOD is also quite sensitive to public opinion. While better cost-efficient ways must be found to destroy this increasing amount of material, we must take advantage now of new technologies in the R&D stage to compliment the current OB/OD method of destruction, with the view that not in the too distant future those technologies will not only replace aging organic demilitarization facilities, but close the chapter on the risky OB/OD method before the environmental challenges close the book for us.

The JOCG cited three environmental challenges in a study to be considered in life cycle management of the demilitarization program. They are: permitting facilities; disposal of residuals; and, cleanup. With new technologies the effects of each can be mitigated and give local communities new hope that their environment will no longer be fouled by OB/OD.

Mr. President, on June 19 Anniston Army Depot received permission from the State of Alabama to proceed with the construction of its chemical weapons disposal facility. This is an emotionally charged issue, but one we are assured will be managed every step of the way with safety of the operation and concern for the community as its highest priorities. Previous plants in our country are proving that this can be done. However, conventional ammunition destruction lags behind, in my opinion, on both counts. For this reason I strongly believe that a demonstration program at Anniston involving COTS blast chamber technology begins the long awaited opportunity to rid North Alabama of another type of munition material, that only grows more unstable with time and will furnish the date upon which the JOCG can make full-scale development decision for other locations in the country.

Today, TOW missiles rounds, currently in storage, are experiencing storage problems and must be dealt with as a higher destruction priority over older missiles. Storage quantities for TOW missiles reaches nearly 400,000 rounds. I cannot conceive that OB/O, in Alabama or anywhere else in the Nation, is the most efficient and most responsible method of destruction for these missiles. Other methodologies must be utilized and they must be demonstrated now.

Mr. President, the COTS blast chamber I am recommending for this demonstration program is totally enclosed, constructed of steel and consists of a hydraulic chamber door, exhaust fan and over-pressure controls. The chamber is large enough to accommodate the TOW missiles I described. Noise measurements of 0.5 percent of what is allowable by the Occupational Safety and Health Administration are cited by the manufacturer. Emission controls for exhaust rates and temperatures are also controlled. The chamber will work with Anniston's current Subpart X permits, and according to the manufacturer the blast chamber is 80 percent cleaner than OB/OD. These are pluses for any community in our country.

Mr. President, our environment will not wait; the munitions will not wait, and the people should not have to wait for the slow wheels of government. Let us begin moving now, by bringing this demonstration program on line in fiscal year 1998 and see if we as a country cannot benefit from a simple technology that can get the job done.

AMENDMENT NO. 752, AS MODIFIED

(Purpose: To provide for the assignment of an officer in the grade of O–7 or above to the position of defense attache in France)

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

SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attache in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

AMENDMENT NO. 729, AS MODIFIED

(Purpose: To require the concurrence of the Secretary of State for providing Department of Defense support for counter-drug activities of Peru and Colombia, and to limit the authority to provide such support pending a plan for a riverine counter-drug program)

On page 276, between lines 13 and 14, insert the following:

(c) CONCURRENCE OF SECRETARY OF STATE REQUIRED.—Subsection (a) of such section, as amended by subsection (a), is further amended by inserting ", with the concurrence of the Secretary of State." after "Secretary of Defense may".

On page 276, line 19, insert ", with the concurrence of the Secretary of State." after "Secretary of Defense may".

On page 278, line 20, strike out "paragraph (2)" and insert in lieu thereof "paragraph (3)".

On page 280, line 24, strike out "(2)", and insert in lieu thereof the following:

(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, together with the Secretary of State, has developed a riverine counter-drug plan (including the resources to be contributed by each such agency, and the manner in which such resources will be utilized, under the plan) and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(3) * * *

AMENDMENT NO. 743

(Purpose: To establish and authorize the issuance of the Cold War service medal)

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

SEC. . 535. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

§ 1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service

medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any one person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) DEFINITIONS.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"Sec. 1131. Cold War service medal.".

AMENDMENT NO. 761

(Purpose: To enable the Los Alamos, New Mexico Schools to function without annual assistance payments under the Atomic Energy Communities Act of 1955 through alternative funding sources with additional positive impact to areas close to Los Alamos National Laboratory)

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act. $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

Mr. DOMENICI. Mr. President, this amendment is critical to recognize the mandate of the last Congress to stop assistance payments to the School District of Los Alamos, NM. under the auspices of the Atomic Energy Community Act of 1955. It enables the high quality of education in northern New Mexico required to attract the staff of the Los Alamos National Laboratory—the staff that enables the laboratory to fulfill its Federal missions. And it recognizes that many school districts in the vicinity of the laboratory are now contributing to the educational programs required by the laboratory's staff and that these districts must offer suitably challenging educational programs.

The Atomic Energy Community Act of 1955 enabled assistance payments for communities and school districts impacted by the presence of major atomic energy facilities. These facilities were primarily located in remote areas, to address the security concerns accompanying their missions. Assistance payments were required in recognition of the nearly complete dependence of these cities on AEC facilities that did not pay local taxes. It was also in recognition that the quality of the schools available in these communities played a critical role in the recruitment and retention of personnel at these remote sites. And in those early days, most of the laboratory staff lived in Los Alamos.

Over the years, most of these atomic energy communities moved to either attain economic self-sufficiency or were close enough to self-sufficiency that they could accept buyout provisions to enable their self-sufficiency.

Of school districts, only Los Alamos still needed these payments. In last year's Energy and Water Appropriations Act, we noted that fiscal year 1997 would be the last payment to the Los Alamos schools under the Atomic Energy Community Act of 1955. The Department was directed to develop other approaches for continued funding needs.

The amendment we consider here today represents a critical step in providing required resources for the Los Alamos schools. It implements the plan developed by the Department to fulfill the congressional mandate. It recognizes that the personnel required at Los Alamos are now resident in many communities, not only Los Alamos, in the remote areas of northern New Mexico. The requirement to provide educational programs that will aid in recruitment and retention for the staff of Los Alamos National Laboratory is still present, but many school districts now house the workers for the laboratory—not only Los Alamos. Those districts also need enriched programs to accomplish their contribution to the laboratory's Federal mission. In response to the congressional mandate, the Department developed the concept of an educational foundation in northern New Mexico, that can supply educational enrichment funding to these school districts.

This amendment authorizes funding to start this foundation and specifies that only interest from the initial Federal investment will be used for educational enrichment programs. The Department intends to fund this foundation, pending appropriations, over a period of about 5 years, during which time it will build the foundation's funding to a level to supply appropriate levels of enrichment funding to those districts impacting laboratory workers.

The amendment is an important step in stopping further funding under the Atomic Energy Community Act of 1955 and fulfills the mandate of the previous Congress.

Mr. BINGAMAN. Mr. President, section 3161(c) of the fiscal year 1996 National Defense Authorization Act called for the Department of Energy to examine the need for continued funding of the Los Alamos School District and to make recommendations to the Congress. If the Department's recommendation 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 needed 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.

The amendment that I am offering today, with my colleague the senior Senator from New Mexico, is the result of this planning process, involving the Los Alamos National Laboratory, the Department of Energy, and the Los Alamos school board, and takes a major step toward downsizing the Department's contribution to the Los Alamos School District.

The amendment provides for a Federal payment in fiscal year 1998 of $5 million to a foundation that will support educational excellence in the schools serving the children of Los Alamos employees. This Federal payment will be matched by a contribution by the University of California—out of its contract fee for managing and operating Los Alamos National Laboratory—and by private fundraising in the State. The amendment further provides that the interest earned on any Federal

payment will remain with the foundation, instead of reverting to the U.S. Treasury, as would be the case absent a special provision to the contrary. In our discussions with the majority members of the Senate Armed Services Committee on this amendment, we have agreed that future payments to the foundation from the Department will be in order, so that the corpus of the endowment is sufficient to sustain excellence in the school system, but that more analysis is required to arrive at an overall figure for such additional support. This is the first step toward bringing to a close the annual payment to the school district.

It is important to recognize that the Los Alamos School District is subject to a number of special conditions that makes the development of alternative funding sources difficult.

The State of New Mexico funds its public schools under an equalization formula. Thus, the Los Alamos School District is not funded from local property taxes directly, but from a Statewide fund into which all such property taxes go. This factor represents an important constraint on the ability of the community to tax itself to enhance its school system. As part of the agreement that resulted in this legislative proposal, the school board has agreed to seek special legislation in New Mexico that would allow it to raise revenues to supplement the State-mediated funding.

Because of its geographic isolation and lack of developable land, Los Alamos is one of the highest-cost-of-living communities in New Mexico, with a cost of living 40 percent higher than the State average and 23 percent higher than the average for all of the United States. Thus, even though Los Alamos receives the same State funding as other comparably sized school districts, in Los Alamos the dollars do not go as far.

Setting up an educational foundation to help shoulder the burden that the Department has been carrying makes good sense. Further, the Los Alamos School District has committed to a number of actions that will further decrease the need for Department of Energy support in the future. It will increase fees to students for various activities, implement energy efficiency measures, and reduce administrative costs. Already, this year the Los Alamos School District has reduced its spending by roughly $900,00 through such measures, and it will continue to examine contracts and functions in the future in order to reduce costs.

The Department of Energy and the Congress have always recognized that the quality of the local school system is a significant factor is many relocation decisions involving personnel whom Los Alamos National Laboratory would like to attract and retain. The national interest in maintaining the strength of the laboratory translates into a need to have a mechanism that will produce a superior school system in the communities which are home to the technical employees of the laboratory. This proposal is a major step toward doing that at reduced cost to the Government, and I urge its adoption.

AMENDMENT NO. 763, AS MODIFIED

(Purpose: To congratulate Governor Christopher Patten of Hong Kong)

At the appropriate place in the bill at the following new section:

SEC. . (A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eight British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure, and the political climate was positive and stable;

(6) Chris Patten's legacy to Hong Kong is the expansion of democracy in Hong Kong's legislative council and a tireless devotion to the rights, freedoms and welfare of Hong Kong's people.

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(B) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

AMENDMENT NO. 806

(Purpose: To authorize contracting for procurements of capital assets before funds are available in working-capital funds for such procurements)

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

SEC. 369. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(1)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

AMENDMENT NO. 807

(Purpose: To delete the authority to convey the B–17 aircraft under section 1070 without consideration)

On page 341, line 18, strike out ", without consideration,".

On page 341, at the end of line 23, add the following: "The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.".

Mr. DEWINE. Mr. President, I want to take a moment to comment on the proposed technical amendment I have offered to section 1070 of S. 936, the fiscal year 1998 Department of Defense authorization bill. Specifically, section 1070 would grant the Secretary of the Air Force the authority to convey to the Planes of Fame Museum in Chino, CA, a B–17 aircraft known as the "Picadilly Lilly." It is my understanding that the aircraft is in need of repairs, and the museum would be willing to do the necessary work on the B–17 provided the museum had clear title to the aircraft.

Technically, it is my understanding that the aircraft is historical property under the administration of the U.S. Air Force Museum, which is located at Wright-Patterson Air Force Base in Dayton, OH. It is also my understanding that the Air Force Museum has been attempting to work out an agreement with the Planes of Fame Museum that would allow for the latter facility to take the B–17 in exchange for other historical property. I am told the Air Force Museum is prepared to continue to work in good faith with the Planes of Fame Museum to arrive at an exchange that is mutually beneficial.

The technical change I am offering simply is designed to ensure that if the Secretary of the Air Force exercises the discretion provided in section 1070, the Secretary determine appropriate compensation in exchange for the B–17. The provision, as amended, now would provide the Secretary with the authority to convey the aircraft, after determining an appropriate level of compensation, and securing other conditions of conveyance. I certainly hope that the Secretary of the Air Force and the Air Force Museum will work together with the Planes of Fame Museum to reach an agreement that is in the best interests of all parties.

Mr. President, let me close by thanking my distinguished friend from Virginia, Mr. WARNER; the chairman of the Armed Services Committee, Mr. THURMOND; and their staffs for their assistance with this amendment.

AMENDMENT NO. 808

(Purpose: To establish at the Naval Undersea Warfare Center a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector)

On page 353, between lines 7 and 8, insert the following:

SEC. 1107. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) ESTABLISHMENT.—The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) PURPOSE.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems Command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures (including governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) CURRICULUM.—The curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) DISTANCE LEARNING OPTION.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) PERIOD FOR PILOT PROGRAM.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing a similar program for all of the Department of Defense.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

AMENDMENT NO. 809

(Purpose: To provide funds for the operation for Fort Chaffee, Arkansas)

At the appropriate place in the bill, add the following: "of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas."

AMENDMENT NO. 810

(Purpose To authorize $12,000,000 to be set aside for contracted training flight services)

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

SEC. 369. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

Mr. CLELAND. Mr. President, the Contracted Training Flight Services Program was instituted 10 years ago because the Air Force and Air National Guard determined that civilian companies could provide a high level of electronic warfare training at a much lower price than the military itself.

The track record of this program has indeed shown that civilians can provide this training at a significantly lower price. The mathematics are clear. This program serves a vital training need: modern sophisticated, and high quality electronic countermeasures training. It is far cheaper to provide this training using cheaper-to-operate commercial jet aircraft than our military fighters.

The Senate Armed Services Committee has a history of supporting this program and believes that it has resulted in significant savings to the Air Force and Air National Guard. I am pleased that Senator COVERDELL join me in offering this amendment, and I urge its adoption.

AMENDMENT NO. 811

(Purpose: To ensure the President and Congress receive unencumbered advice from the directors of the national laboratories, the members of the Nuclear Weapons Council, and the commander of the United States Strategic Command regarding the safety, security, and reliability of the United States nuclear weapons stockpile)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons

issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) DEFINITIONS.—

(1) REPRESENTATIVE OF THE PRESIDENT.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

AMENDMENT NO. 812

(Purpose: To authorize a land conveyance, Hancock Field, Syracuse, New York)

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of 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 subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. D'AMATO. Mr. President, I rise today to cointroduce legislation with Senator MOYNIHAN that would greatly assist economic development in Syracuse, NY. This legislation concerns Hancock Field in Syracuse. There are two parcels of land there that the Air Force Base Conversion Agency intends to dispose of, and would be of great value to the Hancock Field Development Corp. In this amendment, we ask that these parcels of land be conveyed to the corporation so that they may use the land to further economic development in the region and increase jobs.

The first parcel of land was formerly the base housing management area. It is at a strategic spot on Performance Drive because it is needed to complete a major access way to the industrial airpark. The second parcel is 15 acres at the center of the airpark which is currently the site of the 152d Air Control Group, which is moving to a new location very soon. This parcel is owned by the Federal Government and will be declared surplus and disposed of through the traditional GSA property disposal process, rather than the BRAC disposal process.

These small actions will have a big effect on the redevelopment at Hancock. I am very pleased that this amendment has been agreed to. I would also like to thank Chairman THURMOND and Senator LEVIN, the ranking member on the Armed Services Committee. Their leadership in getting this important legislation passed was very instrumental.

AMENDMENT NO. 813

(Purpose: To authorize a land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana)

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (I) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district, access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. BAUCUS. Mr. President, I am pleased to offer an amendment to the Department of Defense authorization measure providing for the conveyance of the Havre Air Force Station and Training Site in northcentral Montana to the Bear Paw Development Corp.

These two facilities comprise over 90 acres of real property. Seventy-seven buildings are located on the property, including 45 single family homes. The U.S. Air Force deactivated these facilities in 1993 although it has maintained the facilities since that time.

Members of the Bear Paw Development Corp. include Hill, Blaine, Liberty, and Chouteau Counties, the cities of Havre, Chinook, Harlem, and Fort Benton, the town of Chester and the Fort Belknap and Rocky Boy's Tribal Governments. It was officially recognized by the U.S. Economic Development Administration in 1968 and has received similar recognition from the State of Montana as well.

Bear Paw Development provides a variety of community and economic development services to its members including helping local governments plan for infrastructure improvements and secure needed financing. It also provides training and technical assistance to businesses through the Small Business Development Center and the Montana Microbusiness Program.

My amendment provides that Bear Paw will convey the single family homes as well as several other buildings to the Box Elder School District adjacent to the Rocky Boy's Reservation and the Hays/Lodgepole School District on the Fort Belknap Reservation. Both school districts will use the buildings for classrooms and school facilities.

In addition the Human Resource Development Council in Havre will receive eight homes which it will use to house the homeless.

The real property and remaining structures will be utilized by Bear Paw for local economic development projects.

Mr. President, this conveyance results in several important benefits: Relieving the Air Force and taxpayers of the responsibility of preserving deactivated facilities, helping local school districts provide adequate and safe school facilities for their students, and promoting economic stability and growth in northcentral Montana. Truly all parties will benefit from this transfer.

Thank you for your consideration.

AMENDMENT NO. 814

(Purpose: To authorize the production of tritium in commercial facilities)

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d). The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act."

AMENDMENT NO. 815

(Purpose: To require the screening of real property authorized or required to be conveyed by the Department of Defense)

On page 397, between lines 11 and 12, insert the following:

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

§ 2697. Screening of certain real property before conveyance

"(a) REQUIREMENT.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Service Act of 1949.

"(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

"(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

"(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market, value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

"(b) EXCEPTED AUTHORITY.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) 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).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) LIMITATION ON MODIFICATION OR WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

"(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2697. Screening of certain real property before conveyance.".

"(b) APPLICABILITY.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

Mr. GLENN. Mr. President, I am pleased the committee has adopted an amendment Senator MCCAIN and I have offered which requires the General Services Administration to conduct a Federal screening of property conveyed by the Department of Defense. This amendment also requires that GSA provide Congress with a statement of value for any real property which is conveyed by the Department of Defense.

This provision will codify a process which started when I was chairman of the Readiness Subcommittee, and which was continued by Senator MCCAIN when he was chairman. I congratulate and thank Senator INHOFE and Senator ROBB for accepting this amendment. In previous years, this informal process sought to ensure that taxpayer's interests were partially protected, by conducting an expedited 30-day screen conducted by the General Services Administration for other Federal interest of each proposed land conveyance in the defense authorization bill. Because these land conveyance provisions implicitly waive the Federal Property and Administrative Services Act, the committee cannot assure taxpayers that the Federal Government is not seeking to acquire property that is similar to what the legislative provisions are giving away.

Now, Mr. President, some have suggested that screening this property for Federal interest is just a bureaucratic procedure that delays the productive use of property which the member in his or her judgment believes to be the

best interest of his or her constituents. Others have suggested that this process is a waste of time because the expedited screening policy implemented by Senator MCCAIN and myself never resulted in property being flagged for other Federal use.

I would like to address each of these points.

First, Federal screening is the law of the land. If Congress, and the Armed Services Committee in particular, believe that it is no longer necessary, the appropriate action is to amend the Federal Property and Administrative Services Act.

Now let me explain why Federal screening of excess property makes sense. I ask unanimous consent to insert in the RECORD, at the conclusion of my remarks, a chart provided by the General Services Administration entitled, "Recent Examples of Excess Real Property Screened by GSA with Federal Agencies and Subsequently Transferred to other Federal Agencies for Continued Federal Use."

Mr. President, this chart shows why Federal screening of excess property saves taxpayer dollars. The chart lists five examples, including two from the Department of Defense, where excess property from one agency was transferred to another Federal agency as a result of the screening process. The total value of property in these five examples is almost $36 million. What this means, Mr. President, is that the screening process saved Federal taxpayers $36 million because the receiving agencies were able to utilize property which the holding agency no longer needed.

I would expect that my colleagues who speak of the importance of balancing the budget and are so-called deficit hawks would be interested in the result of GSA's valuation of these properties.

So to conclude, I am pleased that the committee has accepted this amendment. As a result I do not intend to offer the amendment I have filed on the individual land conveyance provisions. I look forward to working with my colleagues to ensure that this provision is retained in conference.

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

RECENT EXAMPLES OF EXCESS REAL PROPERTY SCREENED BY GSA WITH FEDERAL AGENCIES AND SUBSEQUENTLY TRANSFERRED TO OTHER FEDERAL AGENCIES FOR CONTINUED FEDERAL USE [1]

Holding agency	Property name	Acres	Receiving agency	Value
Air Force	Pease Air Force Base, New Hampshire	1,054	Fish and Wildlife	$24,000,000
National Institute of Health	Triangle Park, North Carolina	132	EPA	6,600,000
Navy	Brooklyn Navy Yard, New York	5.7	Bureau of Prisons	4,000,000
GSA	Curtis Bay Storage, Maryland	12	Corps of Engineers	900,000
GSA (reverter)	Wellesley Island, New York	5	Border Patrol	240,000

[1] Federal screening requires minimal property information from the Holding agency and can be conducted many months prior to an excess action.

AMENDMENT NO. 816

(Purpose: To make available $15,000,000 for the DOD/VA Cooperative Research Program)

On page 15, line 22, strike out "$2,918,730,000" and insert in lieu thereof "$2,903,730,000".

On page 30, line 14, strike out "$10,072,347,000" and insert in lieu thereof "$10,087,347,000".

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

• Mr. ROCKEFELLER. Mr. President, this amendment seeks to further a valuable, mutually beneficial affiliation between the Department of Defense and the Department of Veterans' Affairs by authorizing a $15 million increase for the DOD/VA Cooperative Research Program. This program encourages health-related research which benefits both veterans and active duty military personnel. In fact, fostering this collaborative relationship was the original intent of the DOD appropriation, back when this program began in 1987. It has been funded every year since then. Funding for this amendment is made available from the Army procurement, specifically, special equipment for user testing.

Each year, the DOD/VA Cooperative Research Program begins with jointly selected, specific research topics, and the Departments, working together, come up with priorities for research areas and the appropriate funding levels. The VA and DOD jointly designate representatives to oversee the entire process. The result is research which provides a strong, direct link between DOD and VA investigators to pursue research of mutual interest, and facilitates research that follows the natural course of disease or injury in individuals, first as active duty military personnel, and then as veterans.

I am cosponsoring this amendment with Senator DURBIN and Senator SPECTER who also believe that the joint research program reaps tremendous benefits. I thank the distinguished junior Senator from Pennsylvania for his willingness to reach agreement on this amendment.

In fiscal year 1997, DOD and VA agreed to spend the funds provided for this program on such areas as a new Environmental Epidemiology Research Center and studies on combat casualty care including bone healing, blood replacement, skin repair, vascular repair, and spinal cord injury. Last year's program also yielded expanded research on prostate cancer and emerging pathogens.

In addition, I am particularly encouraged by a new research program on psychiatric disease and post-traumatic stress disorder targeted at identifying risk profiles for soldiers who might have a higher probability of developing PTSD. This PTSD-prevention program will be developing methods to screen potential combat-ready soldiers for PTSD. As the ranking member of the Committee on Veterans' Affairs, I have witnessed the devastating effects of PTSD on the lives of former military personnel, and I am enormously encouraged by research which may prevent the onset of PTSD.

Because of the collaborative nature of the joint program, this amendment does not specify research areas for focus. Rather, it leaves that decision with the Departments. Given the number of unanswered questions surrounding the illnesses and health problems of gulf war veterans, however, I am optimistic the DOD and VA will want to pursue more research in this area to help identify effective treatments and recognize the battlefield risks that our troops face in today's warfare. This research would not only address the current health problems of gulf war veterans, it will also help identify prevention measures for future deployments. As the nature of war changes, the modern military must cope with threats that include environmental hazards and possible biological or chemical warfare, as well as the more traditional hazards of combat. Research is needed to ensure that we are ready to meet these new risks.•

Mr. SPECTER. Mr. President, I am pleased to join with my colleagues from West Virginia and Illinois in offering an amendment which would authorize continued funding for the successful program of medical research conducted jointly by the Departments of Defense and Veterans Affairs.

This important and cost-effective program began in 1987 and has been funded at approximately $20 million per year every year since then.

This research partnership is built on the concept of joint DOD-VA policy making, scientific review, and research performance. Research efforts are targeted at areas of mutual DOD-VA concern such as mutations in microorganisms that become known pathogens and are encountered by soldiers in foreign environments, trauma and wound

healing, and stress-related chronic illnesses including PTSD and the possible effect of stress on undiagnosed symptoms experienced by Persian Gulf War veterans.

The Department of Defense and Veterans Affairs are joined by their common responsibilities to the men and women who are first service members, but subsequently become veterans. In the DOD-VA Cooperative Research program each Department brings unique strengths to the table to advance their joint missions and commitments. Perhaps that is why DOD's Dr. Anna Johnson-Winegar, Director, Environmental and Life Sciences, has been quoted as saying "Our investigators are very enthusiastic about participating in these joint initiatives."

Mr. President, both the Departments of Defense and Veterans Affairs will benefit from the approval of this amendment. Even more importantly, the men and women who now wear the uniforms of our Armed Forces and who will one day become veterans will reap the benefits of the medical research authorized by this amendment.

Mr. DURBIN. Mr. President, I applaud the authorization of $15 million for the DOD–VA Cooperative Research Program. Authorization of these funds will guarantee the continuation of this laudable research effort.

The DOD–VA Cooperative Research Program supports important research that contributes significantly to the health missions of both DOD and the Department of Veterans Affairs [VA]. Since 1987, the VA medical and prosthetics research appropriation has been supplemented by funds transferred to VA under a cooperative agreement with DOD. The DOD–VA research program has become a truly collaborative effort and one that is mutually beneficial to both DOD and VA. The work performed under this program addresses conditions affecting both active duty personnel and veterans, such as post-traumatic stress disorder, the consequences of exposure to environmental hazards, wound repair, brain and spinal cord injury, and skin and vascular repair. No other program supports this type of mission-relevant cooperative research.

I expect that with this funding, areas of mutual interest to DOD and VA in the fields of medical and psychological research will continue. Specifically, this funding encourages innovative endeavors in accordance with the five jointly established programs: the DOD–VA environmental epidemiology research center; research on psychological diseases and post-traumatic stress disorder; cardiovascular fitness; research in prostate cancer and emerging pathogens; and casualty care enhancement.

It is imperative for the health and well-being of our veterans and active-duty military personnel that Congress continue to fund this important initiative by authorizing $15 million for the DOD–VA Cooperative Research Program. This is the least that we can do in recognition of the invaluable service rendered by our veterans and military personnel.

AMENDMENT NO. 817

(Purpose: To express the sense of the Senate that the process of enlarging the North Atlantic Treaty Organization should be a continuous process)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

Mr. COATS. Mr. President, this week, Heads of State and Government of the member countries of the North Atlantic Alliance met in Madrid and agreed to expand of NATO by inviting the Czech Republic, Hungary, and Poland to begin accession talks with NATO. These central European countries were always considered the likely first nations to be invited to join since the collapse of the Soviet Union and the emergency of democracy in these countries.

Since the end of Soviet hegemony in Central and Eastern Europe, these countries have strived to break free from the oppressive burden of State controlled economies and one party governments with great success. I applaud the advances which these nations have made.

There are other nations which deserve recognition for their enormous accomplishments. While their successes have been more recent, they nonetheless have demonstrated a commitment in a positive direction which should be acknowledged and encouraged. Both Romania and Slovenia present a tremendous case for NATO enlargement. While the administration has determined not to pursue their accession at this time, I believe that these nations have made significant strides which certainly recommend them for NATO membership in the near term.

The Senate has supported the concept of expanding NATO for those emerging democracies of Central and Eastern Europe, which have struggled and successfully shaken the yoke of their former communist systems. In October 1996, Congress voted overwhelmingly by 81 to 16 to approve the NATO Facilitation Act. This bill provides valuable resources to assist these nations in making essential changes to their defense structure in order to help prepare them for NATO membership.

Last month in the State Department bill, the Senate included Romania, the Baltics, and Bulgaria as eligible for this assistance. This positive step reflects the progress in democracy-building and economic development being undertaken in these nations. I believe that more needs to be done to encourage these new democracies along the positive path they are following. They need firm commitments and a clear understanding that NATO is not off limits to them.

The amendment I am proposing, along with Senator BREAUX, Senator BROWNBACK, and Senator GORDON SMITH, is a sense of Senate that NATO strongly signal other Central and Eastern European nations that enlargement process will not end with these first three nations. The communiqué from the NATO Madrid Summit states that:

> The Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership, and as NATO determines that inclusion of these nations would serve the overall political and strategic interests of the Alliance and that the inclusion would enhance overall European security and stability.

There should be invitations extended to other nations that meet the criteria for membership at the NATO summit associated with the 50th anniversary of the North Atlantic Treaty in April 1999. It is important for the United States and NATO to continue to clearly demonstrate the intention to continue to enlarge NATO based on the progress of these emerging democracies. By so doing, NATO sends an unmistakable message to other central European countries that they will have an opportunity to become a part of NATO as they continue to strengthen democratic institutions, pursue free market economies, and modernize their military in support of NATO objectives.

I believe that Romania presents a particularly strong case for future

membership. Last November, the people of Romania voted overwhelmingly to elect Emil Constantinescu as their new President. His election demonstrated that Romanians wanted to firmly put the communist era—which had dominated Romania's Government and economy—behind them. In voting to oust Ion Iliescu in favor of Constantinescu, they rejected state socialism, stagnant economies, corrupt government practices in search of a revitalized economy, a new political openness and reconciliation, and a pro-western posture. With Constantinescu they got a reform-committed President and a parliament to match. The process of change in Romania is now firmly in place.

Romania's new Government has initiated price liberalization and privatization. They are enacting laws to encourage greater foreign investment, a step which was desperately needed. The President has been clear from the start that economic reform would be difficult but the Romanian people have continued to support his policies. The international financial institution's recognize Romania's positive ecomomic steps and have reward them accordingly. In April the International Monetary Fund announced a loan of $430 million to Romania and the World Bank loans of up to $530 million.

In addition, Romania has put aside historic differences with its neighbors. They have produced political agreements with Hungary and Ukraine to reconcile border disputes and resolve ethnic tensions. Indeed, President, Constantinescu has showed a tremendous effort to reach out to the Hungarian ethnic minorities in Romania by bringing Hungarians into the government.

As a military alliance, NATO needs to take seriously the commitment of prospective members to contribute to NATO's collective security. Romania has also shown the commitment needed to bring its military to modern standards. They have expressed a willingness to take on the responsibilities and costs associated with NATO membership. Romania was the first nation to join the Partnership for Peace program and have participated in missions in Bosnia and Albania as well as other peacekeeping missions. They understand that NATO is not a one-way security arrangement. Romania fully intends to contribute effectively to the security and stability of the alliance. They are already increasing their defense budget and their military is firmly under civilian control. They are incorporating new training procedures to conform with NATO standards. In addition, Romania is well on its way to meeting the considerable interoperability objectives established by NATO.

I believe also that Romania's geographical location would serve NATO's strategic considerations as well. Romania's membership would be an important asset in strengthening NATO's southern flank and provide a key geostrategic position at the Black Sea.

Mr. President, I urge adoption of this amendment as a commitment to continue the process of a NATO enlargement.

AMENDMENT NO. 818

(Purpose: To provide for research, development, test, and evaluation of Multitechnology Integration in Mixed-Mode Electronics)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATION OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

Mr. FAIRCLOTH. Mr. President, this amendment authorizes appropriations of $7,000,000 for a project called multitechnology integration in mixed-mode electronics. It is a project that will help give the United States a military advantage over our potential adversaries because it will support the development of technologies far superior to the off-the-shelf technologies that are becoming available to all nations on the global markets.

As technologies are developed and commercialized, they become more standardized, mass produced, and widely available. We need to move beyond this cycle and find unique ways to integrate technologies into products that offer superior performance and are not available off-the-shelf.

This appropriation increase is offset by a reduction in the Army's procurement appropriation for purchasing special equipment for user testing.

I urge my colleagues to support this amendment.

AMENDMENT NO. 819

(Purpose: To authorize a multiyear contract for the Family of Medium Tactical Vehicles (FMTV))

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

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accoredance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of our years and include an option to extend the contract for one additional year.

Mr. THURMOND. Mr. President, this amendment would authorize the Secretary of the Army to enter into a multiyear procurement contract for the family of medium tactical vehicles [FMTV]. This authority is significant for the following reasons:

First, the Army fleet of aging trucks, the backbone for our premier land force, has reached the end of its useful life and new trucks are required to support the heavy demand we place on these vehicles.

Second, the Army will complete acquisition of the first round of new FMTV trucks through an existing multiyear in 1998. The soldiers in the field love these new trucks. They are reliable, capable, and are easily maintained. We must continue to field these trucks to our soldiers as quickly as possible.

Third, the multiyear authority will be exercised within the current budget and will result in 9.5 percent savings over the life of the multiyear or $122.3 million. This means that the Army will be able to field more trucks than would otherwise be possible with current budget constraints.

Mr. President, I strongly support the fielding of these trucks and believe that this multiyear will make the best use of available resources and will help our soldiers. I strongly urge my colleagues to support the amendment.

I ask unanimous consent a description of the background on the FMTV be printed in the RECORD.

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

FAMILY OF MEDIUM TACTICAL VEHICLES [FMTV] MULTI-YEAR

Sponsor: Senator Thurmond.

Amendment: Add a provision authorizing a multiyear program for FMTV.

Background: The FMTV program has, after a somewhat rocky start, provided extremely high quality medium trucks to replace the aging truck fleet throughout the Army. The old 2.5 ton and 5 ton trucks that one sees in pictures from the Vietnam era through some present day operations are in many cases older than the soldiers driving them. The Army will conclude its first multiyear program for the FMTV in mid-1998 (fiscal year). To date, the Army has procured approximately 10,000 of these new trucks out of a requirement for 85,400. The committee did not recommend a multiyear provision for 1998 as the Army failed to adequately fund the program (with resources necessary to maintain production) and the follow-on assumption that this failure does not demonstrate steady fiscal support for this important piece of equipment.

Arguments to support a multiyear provision: Much needed truck that needs to be fielded expeditiously to replace a very old and costly fleet. Soldiers love the new trucks and they are performing well.

Any action that would reduce the cost of this program must be considered favorably.

The Army did request additional funding on its "wish list" for the FMTV (thereby demonstrating support and commitment to the program).

Authorizing a multiyear will result in a 9.5 percent cost savings (over the four year life of the multiyear) or $122.3 million dollars.

Arguments Against the Multiyear Provision: The Army failed to adequately fund

this program in 1998 and result would have been a break in production (2–4 months). [Note—The committee added $44 million to resolve this problem] This does not demonstrate support for funding required for a program for which they request a multiyear authority.

Recommendation: Support the multiyear provision.

AMENDMENT NO. 820

(Purpose: To require the Secretary of the Air Force to conduct a cost and operation effectiveness analysis regarding ALR radar warning receivers)

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

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) COST AND OPERATION EFFECTIVENESS ANALYSIS.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56M radar warning receiver.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

AMENDMENT NO. 821

(Purpose: To provide $5,000,000 for a facial recognition technology program)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competition procedures in selecting participants for the program.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

Mr. KENNEDY. Mr. President, my amendment would authorize an additional $5 million for the DOD's Counter-Terrorism Technical Support Program, to fund the development of facial recognition access control technology. FRAC technology is an innovative means of positively identifying individuals, either singularly or in a crowd, for a range of security purposes. The Eigenface method of facial recognition is the core technology of a new system that quickly recognizes and identifies a person by capturing his or her face on a quickly scanning camera. This new biometric identification method computes in each face a characteristic set of component images, or Eigenfaces, which can be used to positively identify an individual.

This rapid-scanning capability is superior to traditional ID cards, authorization keypads, palm readers, and most retinal scanners. Unlike conventional systems, it can scan a crowd and pick out individual faces, rather than require individuals to position themselves before a scanner. It is perfect for use at airports, border crossings, or wherever large numbers of people pass through for entry and time-consuming identification procedures are not practical. This technology will support the counter-terrorism effort the Congress established last year, addressing one of the most pressing national security threats we face.

Mr. SMITH. I want to commend the Senator from Massachusetts for this very useful amendment. Facial recognition is a critical tool in securing sensitive areas and safeguarding military and civilian personnel. It will improve our ability to control access to critical facilities and at our borders. I am glad to cosponsor this amendment.

Mr. KENNEDY. I would like to thank the Senator from New Hampshire for his support of this important funding. The technology is inexpensive, well-understood, and uses off-the-shelf-equipment. The Defense Department, the Federal Aviation Administration, and the Department of Justice have all acknowledged the potential benefit of Eigenface identification systems for their security needs. I am grateful for your support of the important provision.

I also want to mention that the source of the offset for this funding increase is $5 million provided for travel and transportation of personnel in the Army's Research, Development, Test, and Evaluation account. This reduction brings the account down to the same level provided in fiscal year 1997. All of the other services have requested and been provided the same level of funding for this function in fiscal year 1998 as they were provided in fiscal year 1997.

Mr. THURMOND. Mr. President, I believe that this amendment will help fill an important gap in our defense capability. I support this additional $5 million for facial recognition technology.

Mr. LEVIN. I join Senators KENNEDY, SMITH, and THURMOND in their support of this innovative technology. It will have a dual role as an access control device and for protecting the United States from the ever-increasing threat of terrorism.

AMENDMENT NO. 822

(Purpose: To require a report on the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997)

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(A) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement on future reductions in nuclear forces. The report shall address the U.S. approach (including verification implications) to implementing the Helsinki joint statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles; measures relating to nuclear long-range sea—launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters of Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

Mr. DASCHLE. Mr. President, I want to express my support for a very important amendment offered by Senator BINGAMAN, a key member of the Senate Armed Services Committee.

The bill before us is a critical one. It authorizes $269 billion for the military activities of this country—everything from the pay for the men and women who so capably serve this country to the aircraft, tanks and ships they operate to the housing in which they reside. This single bill provides for all of this. The members of the committee are to be commended for their excellent work.

Despite the numerous critical issues this bill does address, there is one crucial area that the Senator from New Mexico and I think requires further attention—the status of our efforts with the Russians to implement the START II agreement and, as importantly, design meaningful and verifiable measures to take us beyond the constraints of START II.

Mr. President, many in this body on both sides of the aisle believe that reducing the number of existing nuclear weapons and controlling their spread to other countries represents the gravest challenge to our national security. START II called for a limit of 3,500 deployed warheads by 2003. At the Helsinki summit earlier this year, Presidents Clinton and Yeltsin agreed to reduce this ceiling to 2,000 to 2,500 by the end of 2007. In addition, they concurred on the need for exchanges of information about total United States and Russian stockpiles of strategic warheads and about the elimination of excess warheads. Finally, they agreed to negotiate confidence-building "transparency" arrangements such as on-site inspections.

These are all worthwhile measures and, in this Senator's opinion, very timely. The Pentagon has already indicated it can protect this nation's interests and deter would-be aggressors with significantly fewer weapons than would

be permitted under START II. I agree with this assessment. Therefore, like Presidents Clinton and Yeltsin, Senator BINGAMAN and I think it's appropriate to explore doing much more than called for in START II.

That is the purpose of our amendment. We ask the President to submit a report to Congress describing how the United States plans to implement the Helsinki accords. The decisions reached at Helsinki will have far-reaching implications for both the United States and Russia. We hope that with this report, the administration will analyze the consequences of their announced path as well as describe any other additional approaches that merit further inquiry.

Despite the fact that the cold war ended nearly a decade ago, the United States and the Russians still maintain thousands of nuclear weapons poised to be launched within seconds of receiving notice to do so. None of these weapons are on bombers. The United States decided years ago that it no longer needed to keep bombers on such a high alert status. However, we and the Russians each maintain roughly 3,000 weapons on ballistic missiles ready to go at the push of a button. With this amendment, we hope the administration will consider whether keeping such large numbers of weapons in such a high alert status remains in our national interest. As stated in a recent editorial by Senator Nunn and Bruce Blair, "It is time to rethink the unthinkable. The United States and Russia should cast off the mental shackles of deterrence and make our nuclear relationship more compatible with our political relationship." The authors go on to state we can accomplish this by first reducing the number of weapons we have poised to launch at a moment's notice. This report would address this important question as well as the other central elements contained in the Helsinki agreement.

Mr. President, with this amendment, we are asking the administration to examine the case made by Senator Nunn, Gen. Lee Butler, and many others. Although we are requesting just a study of this issue, it is a study that could eventually lead us to a safer, more secure world. I believe this is the time, and this is the bill, for the Senate to express its desire to explore this course.

AMENDMENT NO. 823

(Purpose: To state the sense of the Senate relating to the utilization of savings derived from the base closure process)

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

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

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section _____ should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

Ms. SNOWE. Mr. President, this amendment will address concerns that we have discussed here on the floor regarding the Base Realignment and Closure [BRAC] process.

Before the Congress ever considers to authorize future BRAC commissions—a process which I strongly oppose, we should take a more detailed look at whether those elusive savings from infrastructure reductions will ever be achieved. That is what I accomplish by the amendment which I offer today.

Mr. President, I have consistently asked what has happened to savings from the past four BRAC actions. The Pentagon estimated savings from the four previous base closing rounds to reach $57 billion over a 20-year period with annualized savings of $5.6 billion per year starting in 2001. In its April 1995 report, the GAO estimate for such savings projects the savings at less than half these numbers. GAO estimates that the 20-year savings may be $17.3 billion, with annual recurring savings possibly reaching $1.8 billion.

Mr. President, GAO conducted further analysis and issued a following report in a April 1996. In this report, GAO found that the total amount of actual savings that may be estimated from BRAC actions is uncertain for several reasons. One of which is that DOD accounting systems do not provide adequate information or isolate their impact from that of other DOD initiatives.

Despite the fact that DOD has complied with legislative requirements for submitting annual cost and savings estimates, the GAO further states that the estimates' usefulness is limited because the estimates are not budget quality, and that the inclusion of the estimates of reduced personnel costs by all the services are not uniform and further, the GAO determined that certain community assistance costs were excluded.

In one example, GAO identified the fact that DOD BRAC cost estimates excluded more than $781 million in economic assistance to local communities as well as other costs.

Mr. President, in its December 1996 report, CBO stated that it was unable to confirm or assess DOD's estimates of cost savings because the DOD is unable to report actual spending and savings from BRAC actions.

So now Mr. President, we have the Pentagon, the GAO, and CBO with differing estimates on what has actually happened and what is supposed to happen as a result of the four previous BRAC rounds. There is no consensus on the numbers—and that is a significant problem. It seems everybody has a different number on the issue, and there are numerous inconsistencies on the estimates of what the savings are supposed to be. And the Congress has been assured that starting in the year 2001, the savings may in fact be realized. I question that assurance Mr. President, because I do not think we know what they will be. But what we do know now, is that any savings from the past four base closure rounds have yet to be realized.

Mr. President, the intent of DOD to streamline its infrastructure cost is not lost on us. We must recognize that the need to fill the projected $17 billion gap between projected procurement funding and the procurement funding objective of $60 billion. Mr. President, throughout this year's DOD authorization process, the Congress has heard testimony from the Secretary of Defense, the Chairman of the Joint Chiefs, the respective service chiefs and service secretaries, and to a person, each has testified on the importance of modernizing our military forces for the 21st century. But Mr. President, that just is not happening.

Mr. President, the projections for national defense outlays decrease 34.4 percent over the period from 1990 to 2002. We have all seen the downward pressure on defense spending. Yet the future years defense plan [FYDP] calls for a 40-percent increase in the military's modernization budget within the confines of an overall defense budget that will more likely be flat at best. We have seen procurement funding plummet from $54 billion in 1990 to today's level of just over $42 billion.

The U.S. military has undergone a significant transformation in the post-

cold-war period. Specifically, from 1989 to 1997, DOD reduced total active duty end strength by 32 percent, with further reductions to 36 percent by 2003 as a result of the QDR. After the completion of four previous base closure rounds, the world-wide base structure will have been reduced by 26 percent, and domestic facilities will have been reduced by 21 percent. In more tangible numbers 97 of 495 major bases, as well as hundreds of smaller facilities and housing areas, and the realignment of many other bases and facilities has already been accomplished by this process.

However, we are chasing elusive infrastructure savings, and there is no straight line corollary between the size of our forces and the infrastructure required to meet two nearly simultaneous major regional conflicts. DOD has even admitted to GAO investigators that they do not have accounting systems in place to isolate the impact of specific initiatives, such as BRAC.

The amendment which I offer states that it is the sense of the Senate that the savings through previous BRAC actions which are estimated by the Department of Defense be made available to the Department solely for the purpose of modernization of new weapons systems.

Mr. President, I am offering this amendment so that the Congress will send a very clear message to this administration. The Congress recognizes the limited resources that are available to the Department of Defense, and that we have to insure that these dollars are invested wisely. Not only so our military forces can meet the commitments of today, but also so our military forces will be prepared to meet the challenges of the 21st century, and continued to be the most capable military force in the world.

Mr. President, we must send a very clear message that the past base closure process which has been so devastating to many local communities will actually result in savings that can be invested in our force modernization.

Mr. President, that is what my amendment accomplishes, and I urge my colleagues to support it.

AMENDMENT NO. 824

(Purpose: To conform limits for Department of Energy General Plant Projects to recommendations from the Department contained in a Congressionally mandated report on the subject)

On page 425, line 12, strike "$2,000,000" and insert "$5,000,000".

On page 425, line 17, strike "$2,000,000" and insert "$5,000,000".

On page 429, line 6, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 825

(Purpose: To provide for a pilot program relating to use of proceeds from the disposal or utilization of certain Department of Energy assets for activities funded by the defense Environmental Restoration and Waste Management account)

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site and under the jurisdiction of the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee and under the jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in advance in appropriations Acts, the Secretary may use amounts credited to the defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

AMENDMENT NO. 826

(Purpose: To require the Secretary of Defense to assess and report on the Cuban threat to United States national security)

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

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

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

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those action of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and 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. The report shall contain—

(1) a discussion of the result of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

AMENDMENT NO. 827

(Purpose: To require a report on fire protection and hazardous materials protection at Fort Meade, Maryland)

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

AMENDMENT NO. 828

(Purpose: To authorize the Secretary of the Army to enter into an agreement to provide police, fire protection, and other services at property formerly associated with Red River Army Depot, Texas)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

AMENDMENT NO. 829

(Purpose: To propose a substitute for section 1040, relating to GAO reports)

Strike out section 1040, and insert in lieu thereof the following:

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

Mr. MCCAIN. Mr. President, I am offering an amendment to delete section 1040 from the bill and replace it with an annual reporting requirement.

Let me take just a moment to express my concerns with some activities of the General Accounting Office over the years. Starting with the Persian Gulf war, when the GAO sent auditors to the battlefield to inspect Apache helicopters, I have been concerned about the GAO's self-initiated activities, particularly in the areas under the jurisdiction of the Armed Services Committee. In the past several years, the GAO has undertaken increasing numbers of self-initiated audits while relegating congressionally mandated activities to a lower priority.

Because of this inappropriate prioritization, the committee included a provision in the fiscal year 1998 Defense authorization bill that would require the Comptroller General of the United States to certify to Congress that all audits, evaluations, other reviews, and reports requested by Congress or required by law are complete prior to the initiation of any audits, evaluations, other reviews, and reports that are not required by Congress. I sponsored this provision because I believe it would make the GAO, a legislative branch agency, far more responsive to the needs of the Congress.

I understand there are a number of concerns regarding this provision. One concern is that this provision would effectively prevent the GAO from performing any valuable, self-initiated jobs that could save billions of dollars. I find this extremely hard to believe. With 535 Members of Congress, from different backgrounds and with varied interests, it is hard to imagine a situation where the GAO could not find a congressional sponsor for an audit which would save billions of dollars.

Another concern is that this provision is not in the jurisdiction of the Armed Services Committee. Mr. President, it is because the GAO continues to perform a number of self-initiated jobs relating to issues under the jurisdiction of the Armed Services Committee, while the requests of committee members are either canceled or remain unfinished, that the committee decided to take action.

A third concern questions the necessity of such a provision. We have been told that only 20 percent of the GAO's work is self-initiated. First of all, I have concerns regarding the GAO's definition of what is self-initiated and what is requested by Congress. I understand that if a staff member expresses some interest in an issue, an audit may be initiated as a request of the Senator for whom that staff member works. I personally believe a signed request letter from a Member of Congress should be required before an audit can be considered a congressional request. Furthermore, I have concerns that these numbers do not provide a complete picture. Although only 20 percent of GAO's total workload may be self-initiated, a far larger percentage of the work within a particular division may be self-initiated. For example, I understand that as of June 16, 1997, 50 percent of the work being performed by the National Security and International Affairs Division was self-initiated.

I am also troubled by what appears to be the pursuit of personal agendas by GAO personnel that permeates much of their work. Many of GAO's reports provide only one side of a story rather than the whole picture. Just as we require witnesses in a court of law to tell the truth, the whole truth, and nothing but the truth, we should require no less from the GAO. If we in Congress take the work of the GAO seriously, and use it in our efforts to make well-informed decisions that serve the best interests of the American taxpayer, than GAO should be expected to provide the entire picture rather than one side that serves the interests of a specific group.

Mr. President, despite my concerns and the GAO's demonstrated lack of responsiveness, I have decided to amend my original language at the personal request of Senators THOMPSON and GLENN. As the chair and ranking member of the Governmental Affairs Committee, I am sure that they will do all they can to ensure that the work of the GAO is more responsive and complete. However, if for some reason the GAO continues to demonstrate a disregard for the needs of the Congress, I intend to reintroduce the original language

and rein in the rogue activities of the GAO.

AMENDMENT NO. 830

(Purpose: To propose a substitute to section 363)

In lieu of the matter proposed to be stricken, insert the following:

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time the shall transmit a copy of the notification to the President.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action

"(c) CONSULTATION BETWEEN SECRETARY AND HEAD OF EXECUTIVE AGENCY.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) MORATORIUM.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) EFFECT OF LACK OF AGREEMENT.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

"(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) LIMITATION ON DELEGATION OF AUTHORITY.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) DEFINITION.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

Mr. SMITH of New Hampshire. Mr. President, as a cosponsor of the amendment offered by Senator CHAFEE, I would like to explain why I believe that this amendment not only protects public health and the environment, but will also ensure that we will maintain a strong national defense.

As my colleagues on the Armed Services Committee are aware, the original motivation of section 363 of the National Defense Authorization Act, as reported, grew out of a series of executive agency actions in the various regions of the country that needlessly limited or stopped ongoing training activities. In those instances, long-scheduled training and readiness efforts of active duty, reserve and national guard forces were stopped in their tracks, because of the rash and unjustified actions of overzealous Federal bureaucrats.

Although the action taken by these low-level functionaries was within their powers, and met applicable public safety, welfare, and environmental statues, the timing and nature of the actions taken were neither justified nor appropriate given the lack of actual and immediate implications to human health and the environment. As a result of these highly unjustified actions, troops who had to travel hundreds and sometimes thousands of miles, at considerable cost to the taxpayers, were unable to conduct these critical training and readiness missions.

The purpose of the original language offered in committee, would have allowed the Secretary of Defense to impose a 30-day moratorium on the application of administrative or enforcement actions that could have a significant adverse effect on military readiness or training activities. Although appreciating the justification for the language, there were some, including Senator CHAFEE, who were concerned about the impact that this language would have on existing public welfare, safety, and environmental statutes. In order to address this concern, Senator CHAFEE and I, along with members of the Armed Services Committee were able to fashion the compromise language that we are offering today, that will strike the proper balance in these situations.

Under this language, if the Secretary of Defense discovers that an official of an Executive agency is proposing to take, or has taken an administration action that will result in a significant adverse effect on the training or readiness activities of the armed forces, the Secretary shall submit a written notification to the head of that agency, which will trigger a mandatory consultation between those two officials. In addition, the Secretary's notification will trigger an immediate moratorium on the application of the administrative action until 5 days after the notification, or until the head of the Executive agency and the Secretary are able to agree on an appropriate course of action, whichever is sooner. If the two officials are unable to agree on a course of action, then the ultimate decision will be elevated to the President.

One significant concern over the committee reported language was that a 30-day moratorium was too stringent and could frustrate efforts to avoid immediate, actual, and irreparable damage to human health and the environment. Subsection (D)(2) of this amendment provides that the head of the Executive agency can waive the moratorium if a determination is made that the delay in the administrative action or proposed administrative action will pose an actual threat of imminent and substantial endangerment to public health and the environment. This language will not only strike an important balance between national defense and public welfare concerns, but it will also avoid a replication of past events undertaken by low-level bureaucrats. If the military training activity will pose an actual threat of imminent and substantial endangerment to public health and the environment, that decision will have to be taken by the head of the Executive agency. We believe that actions such as this, which will have a significant impact on our national security, should be taken by the top decision maker at the agency, who is in a better position to understand the full complexities of this decision, rather than some low-level government employee.

I want to make one thing clear about this waiver however. The head of the

Executive agency must meet a higher threshold of use of this provision than the tired and over-litigated test for the words imminent and substantial. The use of the words "actual threat" doesn't mean just a "possible threat" or a "potential threat." Instead, it means that if the training or readiness activity is undertaken that it is "highly likely" or "near certain" that there will be an actual threat to public health and the environment.

We must protect public health and the environment and we must ensure our national defense. When these issues come into conflict, we must take special efforts to balance these issues. Decisions of this nature should be made at the highest levels of our government, and because of this language, they will.

I believe this is a very important amendment, and I appreciate the support of my colleagues for its adoption.

AMENDMENT NO. 831

(Purpose: To recognize the Center for Hemispheric Defense Studies as an institution of the National Defense University)

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) INSTITUTION OF THE NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) the Center for Hemispheric Defense Studies.".

(b) CIVILIAN FACULTY MEMBERS.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT CENTER FOR HEMISPHERIC DEFENSE STUDIES.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

AMENDMENT NO. 832

(Purpose: To authorize additional environmental restoration projects for the Department of Energy and to modify the amount authorized for certain other environmental restoration projects of the Department)

On page 18, between lines 15 and 16, insert the following:

SEC. 110. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense. Army procurement Advisory & Assistance Services shall be reduced by $30,000,000.

On page 415, line 11, strike out "$1,748,073,000" and insert in lieu thereof "$1,741,373,000."

On page 417, line 16, strike out "$252,881,000" and insert in lieu thereof "$237,881,000".

On page 423, line 7, strike out "$215,000,000" and insert in lieu thereof "$264,700,000".

On page 423, line 10, strike out "$29,000,000" and insert in lieu thereof "$21,000,000".

On page 423, between lines 17 and 18, insert the following:

Project 98-PVT- , waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98-PVT- , Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

On page 423, line 19, strike out "$109,000,000" and insert in lieu thereof "$147,000,000."

Mrs. MURRAY. Mr. President, last Monday I introduced an amendment that could have helped ensure this bill is not vetoed by President Clinton because it violates the bipartisan budget agreement. Today, we have reached agreement on that amendment—but it does not go nearly far enough.

Let me lay out what this defense authorization bill does in very large terms. This bill adds $5.1 billion to the Pentagon's request. It does this by moving $2.4 billion from defense-related activities of the Energy Department to the Defense Department—primarily in procurement and R&D. The two Energy programs hardest hit are privatization of cleanup efforts and forward funding of asset acquisition.

My amendment sought to restore some of the privatization money because we have a huge problem at the Hanford Reservation that could be solved with this new funding. We have 177-million-gallon tanks filled with chemical and high-level radioactive waste located near the Columbia River. The environmental devastation at Hanford and other former defense nuclear sites is truly mind-numbing. We must clean up the mess we have made. Privatization offers us an opportunity to do that and reduce costs and increase efficiency.

My amendment sought to restore $300 million of the $1 billion the President sought in this one-time shot in the arm of the environmental management program. Instead, I was successful in securing only $59.7 million, making the amount this bill funds only $274.7 million. This is a tremendous shortfall and could result in the Federal Government missing legally enforceable cleanup milestones.

Mr. President, the House defense authorization bill is even worse—funding the entire privatization program at only $70 million. Our Senate conferees must insist we keep the entire amount we have in this bill. Senator GORTON and I have the commitment of Sen. THURMOND that the conferees will do that.

On the appropriations front, I was able to secure an extra $43 million yesterday in the Senate energy and water development appropriations bill. The privatization account increased from $300 million to $343 million. Again, the House is rumored to be far, far lower—and the appropriation's conferees will have a difficult job ahead to keep even these greatly diminished funds.

We made a huge mess at Hanford while we were fighting and winning the cold war. Now we must pay the debt the Federal Government owes to these cold warrior communities. And this bill takes a small step—but just doesn't do the job. However, I do want to thank the committee for accepting my amendment and I look forward to working with the chairman and ranking member to ensure these numbers remain in the bill this Congress sends to the President.

Mr. GORTON. Mr. President, I want to express my strong support for this amendment offered by my colleague from Washington State, Senator MURRAY, and me which would increase budget authority for the Department of Energy's Environmental Management Program by $50 million.

It is absolutely essential that the Senate provide as high a level of funding for the Department's privatization program as possible. Like Senator MURRAY, I am particularly interested in this program because of the tank waste remediation system [TWRS] privatization program at Hanford. The Hanford Nuclear Reservation houses over 55 million gallons of hazardous nuclear and chemical wastes in 177 underground storage tanks located near the Columbia River. The TWRS program was established to manage, retrieve, treat, and immobilize and dispose of these wastes in a safe and cost effective manner.

Under the TWRS program, the contractors are responsible for demonstrating the technical and business viability of using privatized facilities to treat and immobilize Hanford tank wastes; define and maintain required levels of nuclear, radiological, and occupational safety; maintain environmental protection and compliance; and reduce costs and remediation time.

Under the privatization program, a contractor can recover the resources it has invested only through the delivery of acceptable services paid for by the DOE on a fixed-unit-price basis. The underlying intent is to transfer the primary share of the financial, performance and operational responsibility for the treatment effort from the government to the private contractor.

TWRS and similar privatization efforts if done correctly and with proper oversight will allow for significant cost savings and represent an opportunity to use private-sector means and innovative technologies to accelerate cleanup. Without TWRS privatization, it is unlikely we can meet the long-term cleanup compliance milestones at Hanford. If TWRS privatization is not pursued, the project will need to be funded from the base environmental management account which will necessitate cuts elsewhere in the DOE cleanup program—not only at Hanford but at sites throughout the country.

In order for the privatization concept to work, enough funds must be provided in budget authority to send the appropriate signal to Wall Street and the investment community that Congress is committed to this project. Funding TWRS at a level as close to the President's budget request is vitally important to the success of this program. Increasing funding for this program by $50 million would bring total funding for privatization to $265

million—the same figure that we appropriated on the Appropriations Committee yesterday. I urge support for this amendment.

AMENDMENT NO. 833

(Purpose: To authorize the Secretary of Defense to grant a blanket waiver of the applicability of certain domestic source requirements to foreign country so as not to impede cooperative projects or reciprocal procurements of defense items with such country)

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

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAVIER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

Mr. McCAIN. Mr. President, I offer this amendment because of the Department of the Navy's narrow interpretation of the Department of Defense's April 1997 "Determination and Waiver" which was a first step for the Department in breaking down unproductive and egregious barriers for free trade.

This is a simple and straight-forward amendment which waives certain defense items with respect to a foreign country if the Secretary of Defense determines that country would impede cooperative programs entered into the foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined it would impede the reciprocal procurement of defense items in that foreign country and that foreign country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items in that country. This amendment would apply to all contracts entered into on or after the date of enactment, including any option for the procurement of items under a contract that are entered into before the date of enactment if those option prices are adjusted for any other reason.

I have spoken of this issue before in this Chamber and the potential impact on our bilateral trade relations with our allies because of our policy toward "Buy America". From a philosophical point of view, I oppose these type of protectionist trade policies because I believe free trade is an important component of improved relations among all nations and a key to major U.S. economic growth.

From a practical standpoint, adherence to "Buy America" restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from long-standing international trading partners. While I fully understand the arguments by some to maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products which are widely available from many U.S. companies, that is, pumps produced by no less than 25 U.S. companies. I believe that competition and open markets among our allies on a reciprocal basis provide the best equipment at the best price for U.S. and allied militaries alike.

There are many examples of trade imbalances resulting from unnecessary "Buy America" restrictions. Let me cite one case in point. Between 1991 and 1994, the Netherlands purchased $508 million in defense equipment from U.S. companies, including air-refueling planes, Chinook helicopters, Apache helicopters, F-16 fighter equipment, missiles, combat radios, and training equipment. During the same period, the United States purchased only $40 million of Dutch-made military equipment. In recent meetings, the Defense Ministers of the United Kingdom and Sweden have apprised me of similar situations. In every meeting, they tell me how difficult it is becoming to persuade their Governments to buy American defense products, because of our protectionist policies and the growing "Buy European" sentiment.

Mr. President, it is my sincere hope that this amendment will end once and for all the anticompetitive, antifree trade practices that encumber our Government.

AMENDMENT NO. 834

(Purpose: To convert the one-time report on aircraft inventory to an annual report)

Strike out section 1037, and insert in lieu thereof the following:

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(A) REQUIREMENT.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budgets to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

"(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

"(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

AMENDMENT NO. 835

(Purpose: To require the Secretary of Defense to prescribe regulations restricting the quantity of alcoholic beverages that is available through Department of Defense sources for the use of Department of Defense personnel overseas)

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

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relates

to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulation shall be accompanied with elimination of barriers to export of U.S. made beverages currently placed by other countries.

AMENDMENT NO. 836

SEC. . REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,

(2) wirewound resistors,

(3) film resistors,

(4) solid tantalum capacitors,

(5) multi-layer ceramic capacitors, and

(6) wet tantalum capacitors.

Mr. DASCHLE. Mr. President, I am pleased to offer an amendment on behalf of Senators BINGAMAN, HOLLINGS, HAGEL, and KERREY, and myself that would help clarify the implications of a recent trade agreement for an industry of vital importance to our defense industrial base. The amendment would direct the Pentagon to perform a study assessing whether dependence on foreign sources for certain resistors and capacitors is likely to increase to the point of raising national security concerns as a result of the tariff reductions scheduled to take effect pursuant to the Information Technology Agreement (ITA).

The ITA was signed last December in Singapore and will phase in zero-tariff treatment for semiconductors, telecommunications equipment, computers, software, and other electronics products in North America, the European Union, Australia, Japan, and many other countries in the Asia-Pacific region. Domestic producers of resistors and capacitors have expressed concern to many Senators that the elimination of the 6 percent duty on resistors and 9.4 percent duty on capacitors would seriously undermine the vitality, and perhaps viability, of their operations. The Pentagon is a major purchaser of these products. For this reason, the industry's concerns warrant a more thorough investigation of the implications of the tariff reductions for national security than has occurred to date.

One of the manufacturing facilities affected by the Information Technology Agreement is Dale Electronics, which is located in Yankton, SD. The Dale plant employs about 400 people and manufactures resistors, inductors, and magnetics. Like my colleagues who have cosponsored this amendment, who also represent major facilities constituting an important part of our defense industrial base, I would like to know more about how the tariff changes underway will affect defense preparedness. No doubt, the estimated 20,000 people working in the passive electronics industry would also appreciate having the benefit of this information.

I would like to express my appreciation to the distinguished manager of the bill, Senator THURMOND, for working with me and my colleagues on this issue. I know that he shares our interest in bringing to light facts necessary for the Federal Government to make informed decisions about important aspects of our defense industrial base.

Mr. THURMOND. Mr. President, just before final action here, I want to take this opportunity to thank all the Republicans and all the Democrats for the fine cooperation they have given through the consideration of this bill. The Congress can pass no more important bill than this defense authorization legislation. It means our very protection. It is important to the Nation and I am so pleased that we are able, now, to go forward and pass this bill promptly.

Mr. President, I ask for third reading of the bill.

EN BLOC AMENDMENTS NOS. 753 AS MODIFIED, 607 AS MODIFIED, 605 AS MODIFIED, 762, 763, 772

The PRESIDING OFFICER. The Chair understands that all the pending amendments were agreed to en bloc.

Amendments Nos. 753 as modified, 607 as modified, 605 as modified, 762, 763, 772 were agreed to en bloc.)

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I congratulate Senator THURMOND and all the Republican subcommittee chairs, the Democrats on our side, ranking members, our staffs, and thank the rest of our colleagues for their understanding.

Mr. THURMOND. Mr. President, I wish to thank the able ranking member, Senator LEVIN, for the fine job he has done on this bill. I wish to thank also the subcommittee chairmen who have done such a good job here, and all others who have participated here and helped us bring this bill to conclusion.

Now, Mr. President, we have had third reading of the bill, as I understand it?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. The bill having been read a third time, I urge passage of the bill. 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 bill having been read the third time, the question is: Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—94

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Coats	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—4

Feingold	Kohl
Harkin	Wellstone

NOT VOTING—2

Mikulski	Rockefeller

The bill (S. 936), as amended, was passed.

[The text of S. 936, as amended and passed, can be found at the end of the Senate proceedings in today's RECORD.]

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that S. 936, as amended, be printed as passed. I further ask unanimous consent that Senate Report No. 105–29, the report of the Committee on Armed Services on S. 924, be deemed to be the report of the committee accompanying S. 936, the bill just passed.

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

Mr. THURMOND. Mr. President, with respect to H.R. 1119, the House-passed version of the National Defense Authorization Act for fiscal year 1998, I ask unanimous consent that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 936, as passed, be substituted in lieu thereof; that the bill be advanced to third reading and passed; and the title of S. 936 be substituted for the title of H.R. 1119; that the Senate insist on its amendments to the bill and the title and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without any intervening action or debate.

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

The bill (H.R. 1119), as amended, was deemed read the third time and passed.

The title was amended so as to read:

A bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

There being no objection, the Presiding Officer (Mr. HAGEL) appointed Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND conferees on the part of the Senate.

Mr. THURMOND. Mr. President. I ask unanimous consent with respect to S. 936 as just passed by the Senate that, if the Senate receives a message with respect to this bill from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees and the foregoing occur without any intervening action or debate.

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

Mr. THURMOND. Mr. President, in closing, I want to take this opportunity to thank the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, for their fine cooperation throughout the consideration of this bill. And, Mr. President, I want to take this opportunity to thank Mr. Brownlee of the majority staff and Mr. Lyles on the minority staff, and finally the superb work of the fine floor staff that has been so helpful. They have all rendered yeoman service in the consideration and passage of this bill.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me again congratulate Senator THURMOND for the tremendous work that he put into this bill and the success of this bill. The strong vote that it got —I believe 94 votes—in the U.S. Senate is a real tribute, I think, to the work that Senator THURMOND, as our chairman, has put in on this bill. I congratulate him for it.

I also want to thank all the members of the committee for their work. Again, our staffs, David Lyles of our staff on this side and Les Brownlee on the Republican side, our Republican and Democratic leaders, the majority leader, and the Democratic leader were extremely helpful, and they again made it possible for us to complete this bill, I think, in very good order and with very great speed. To the members of our floor staff, thanks to all of them for making it possible for us to move with such great dispatch on a very complicated bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I wish to again thank Senator LEVIN for his fine cooperation and all that he did to promote this bill. He did a magnificent job.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I, too, would like to compliment the Senator from South Carolina, Senator THURMOND, for his leadership, as well as Senator LEVIN, for moving this bill through, and in addition to that, Senator LOTT and Senator DASCHLE.

This bill had great potential for not only taking all this week, but all of next week. I compliment the leaders for making this happen, to get this bill completed, as the majority leader announced at the beginning of the week that we were going to finish this on Friday before we adjourned. And we did. I think that is very important.

I also think that the vote is very positive. To have 94 votes for final passage on a defense bill I think is very positive indeed.

EXECUTIVE SESSION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of Joel Klein to be an Assistant Attorney General.

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

NOMINATION OF JOEL I. KLEIN OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT ATTORNEY GENERAL

The assistant legislative clerk read the nomination of Joel I. Klein of the District of Columbia to be an Assistant Attorney General.

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 104, the nomination of Joel I. Klein to be Assistant Attorney General:

Trent Lott, Orrin Hatch, Kay Bailey Hutchison, John McCain, Olympia Snowe, Dan Coats, Pat Roberts, Rod Grams, R.F. Bennett, Thad Cochran, Jim Inhofe, Sam Brownback, W. V. Roth, Chuck Hagel, J. Warner, Larry E. Craig.

Mr. NICKLES. Mr. President, I further ask unanimous consent that the cloture vote occur at 6 p.m., on Monday, July 14, and the mandatory quorum under rule XXII be waived.

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

Mr. NICKLES. Mr. President, I further ask unanimous consent that if cloture is invoked, there be 3 hours remaining for debate, with 2 hours under the control of Senators HOLLINGS, DORGAN, and KERREY of Nebraska, and 1 hour under the control of Senator HATCH.

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

Mr. NICKLES. Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today on behalf of Mr. Joel Klein, who has been nominated for the position of Assistant Attorney General of the Antitrust Division of the Department of Justice. Mr. Klein was reported out of the Judiciary Committee unanimously on May 5. As his record and testimony reflect, Joel Klein is a fine nominee for this position, and I am

pleased that his nomination has finally been brought before the full Senate today. He has my strong support and, I believe, the strong support of every member of the Judiciary Committee.

Now, I believe Mr. Klein is as fine a lawyer as any nominee who has come before this committee. He graduated magna cum laude from Harvard Law School before clerking for Chief Judge David Brazelon of the D.C. Circuit and then Supreme Court Justice Lewis Powell. Mr. Klein went on to practice public interest law and later formed his own law firm, in which he developed an outstanding reputation as an appellate lawyer arguing—and winning—many important cases before the U.S. Supreme Court. For the past 2 years, Mr. Klein has ably served as Principal Deputy in the Justice Department's Antitrust Division, and for the past several months he has been the Acting Assistant Attorney General for the Antitrust Division.

It is clear, both from his speeches and his enforcement decisions, that Mr. Klein is well within the mainstream of antitrust law and doctrine and will be a stabilizing influence at the Antitrust Division of the Justice Department. While no one doubts his willingness to take vigorous enforcement actions when appropriate, it is a credit to Mr. Klein that the U.S. Chamber of Commerce and the National Association of Manufacturers and other business associations have written in strong support of his nomination to lead the Antitrust Division. They believe he will be good for American business. And I think they are right.

At the same time, Mr. Klein has demonstrated a sense of direction and a vision for the Antitrust Division, which is important in a leader. He is committed to enforcing our Nation's antitrust laws in order to uphold our cherished free enterprise system and protect consumers from cartels and other anticompetitive conduct. So, I am certain that Mr. Klein will also be very good for consumers.

Antitrust doctrine has had its ups and downs over the years—although we may not all agree on which times were which. At this point, however, I am hopeful that antitrust is entering a more mature and more stable period. Although antitrust analysis is fact-intensive and will always contain gray areas, I hope Mr. Klein will work to help make antitrust doctrine as clear and predictable as possible so that companies know what is permitted and what the Antitrust Division will challenge. This will help businesses compete vigorously without the worry and chilling effects that result from uncertainty. I suggest that the Division's goal should be to avoid burdens on lawful business activities while appropriately enforcing the law against those who clearly violate it.

Finally, I would like to add that personally I have been very impressed with Mr. Klein. He strikes me as a person of strong integrity, as a highly competent and talented lawyer who is well-suited to lead the Antitrust Division. While I expect we may not always agree on every issue, I believe that Mr. Klein's skills and expertise and his personal integrity will be a service to the Department of Justice, to antitrust policymakers, and to the health of competition in our economy. I look forward to working with him in the coming years.

In what appears to be a last-ditch effort to scuttle Mr. Klein's nomination, there are some who have now floated an allegation that the nominee's participation in a particular merger decision was somehow improper. Upon examination, let me say that it appears to me that these reports are wholly unfounded and provide no basis whatsoever for questioning Mr. Klein's conduct. I understand that, with respect to the matter at issue, Mr. Klein consulted with the proper ethics officials and was assured that his participation raised no conflict of interest or even the appearance thereof. Based on what we know, this judgment appears sound, and I am confident that the nominee has conducted himself appropriately. I hope that nobody in this body will use this extraneous, ill-founded notion as an eleventh hour basis for opposing Mr. Klein's nomination. I am confident, having worked with him over the years, knowing him personally as well as I do, having watched him in action, having seen him make decisions, and having seen him apply the law, that Mr. Klein is a man of high integrity, and I urge my colleagues to cast their votes in his favor.

I might add that some will suggest that Mr. Klein is misapplying the Telecommunications Act and has taken questionable positions on particular mergers. I will refrain here from passing judgment on any particular decision and from engaging in a detailed debate on telecommunications antitrust policy. I fully recognize that there are some very, very important issues at stake here, especially in light of a number of ambiguities left in the wake of the telecommunications law. I also recognize that there have been some controversial mergers in this area, and yet other potentially landmark mergers which have not yet come to pass.

In short, telecommunications competition and antitrust policy is one of the most important, yet somewhat unsettled, policy areas affecting our emerging, transforming economy. The looming policy decisions to be made in this area cannot be ignored. Indeed, I plan to have the Judiciary Committee and/or our Antitrust Subcommittee fully explore these issues.

But I believe it is neither fair nor wise to hold a nominee hostage because of such concerns, especially one as competent and decent as Joel Klein. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.

I hope that all Senators, and especially those of the President's own party, will permit the administration's nominee to be voted on.

Finally, let me just say this: I believe that the President deserves a great deal of credit for picking Joel Klein as one of his chief nominations for this year. There are times when I disagree with the President, but I have to say when he does a good job and when he does nominate good people, as he has in these areas in the past in some of the areas of law, in particular, and I cite with particularity some people at Justice, the Director of the FBI and so many other law enforcement aspects of our Government, then I will support the President.

I will do what I can to show support for him and to encourage him to continue to pick the highest quality people for these positions. I am confident that Joel Klein is of the highest quality. I am confident that he is one of the finest lawyers in this country in this field and I feel absolutely confident that he will do one of the best jobs in history at the Antitrust Division. Anything less than that, I would be disappointed in. I believe he will. He is a fine man. I hope this body will support him.

I hope when we have the cloture vote on Monday we will invoke cloture and have the debate, allow anybody to say what they want to, but then hopefully vote Mr. Klein up for this position so he can fully embrace this position and fulfill it and do what needs to be done. That is all I will say today.

I know my colleagues on the other side may have some comments. I yield the floor.

Mr. HOLLINGS. Mr. President, the Telecommunications Act of 1996 was an historic achievement of bipartisan consensus. The act was intended to promote competition in every sector of the communications industry, including the broadcast, cable, wireless, long distance, local telephone, manufacturing, pay telephone, electronic publishing, cable equipment, and direct broadcast satellite industries. At the time of its passage, the law had the support of the Clinton administration and almost every sector of the communications industry.

Mr. President, the Telecommunications Act was the result of many years of debate in the Congress. In 1991, I authored legislation to allow the Regional Bell Operating Companies

[RBOC's] into manufacturing. That bill passed the Senate by almost two-thirds of the Senate, but the House could not pass it. In 1993 I introduced S. 1822 which was a comprehensive effort to update the Communications Act of 1934. Again, we tried to pass the legislation, but at each stage, one industry blocked the other. As a result, communications policy was set by the courts, not by Congress and not by the Federal Communications Commission [FCC], the expert agency.

It is now almost 18 months after the historic law was passed and critics are already hailing it as a failure because of recent mergers and the apparent lack of competition. In actuality we will not know the impact of the law for years to come. Yet a critical factor that will determine its success has more to do with how the law is being enforced than what the statutory language says.

First, it is important to note that many of the decisions we made were based on the commitment that the respective industries were going to compete against each other. Telephone companies were going to enter the cable television market. The cable industry was going to enter the local telephone service market. And long distance companies would enter the local telephone service market.

Now, 18 months later, we're seeing more of the opposite. But I am not ready to simply blame the industry for deciding not to compete. Everyone knows that it's more natural for monopolies to defend their market share than to willingly give it up. Furthermore, competition can only occur if the new competitors are provided the legal and economic opportunity to compete for market share. Thus, the success of the law depends upon its implementation and oversight.

One major element of the implementation is the rules adopted by the FCC. The FCC has been working nonstop for the past 18 months to adopt rules to implement the law. I have some concerns about how the FCC has interpreted certain provisions, and I have been working with the FCC on those issues. One problem, though, has been that the rules themselves are not in effect because these same companies that pledged competition have instead sought consolidation and litigation.

An example of why vigorous enforcement of the act is necessary is reflected in the difficulty new entrants are experiencing in trying to enter the local telephone market. Financial reports today detail MCI's problems that it faces in trying to break into the local telephone market. MCI will record approximately $800 million in losses this year—almost double its expected loss. AT&T also wrote to the FCC outlining the need for greater enforcement of the act if new entrants are to be successful in trying to enter the local market.

Three of the FCC's major rulemakings are now tied up in the courts. The interconnection rules have been stayed by the Eighth Circuit Court of Appeals since last fall. The universal service rules and access charge rules also were recently challenged in the courts. The list goes on with a number of other proceedings being tied up in the courts. The most outrageous example thus far is last week's announcement that SBC, the Bell Telephone Co. for the Southwestern United States, is challenging the constitutionality of the statute itself—18 months later!

It is important to note that SBC already has merged with Pacific Bell and almost merged with AT&T. At the same time SBC was trying to merge with AT&T, it was seeking to enter the long distance market to supposedly compete with AT&T. SBC was denied in its initial request to enter the long distance market, so instead of challenging the FCC decision, SBC simply decided to seek continued protection from the courts. The irony, of course, is that for 10 years, the telecommunications industry argued that the courts should not administer communications policy.

With all this litigation going on, it's no wonder the media believes the law was a failure. I think it's time we focused more on why there appears to be more consolidation than competition. Also, I think the Congress needs to be more attentive to whether the administration's nominees support the policies advocated by the administration during consideration of the legislation.

Let there be no doubt that much of the competition provisions were combined with a transition to greater deregulation. In exchange for less regulation, there had to be competition to protect consumers. That is not happening. Competition and deregulation were all we heard on the floor of the Senate, but all we're now seeing is consolidation and deregulation without the competition. It doesn't appear that some in the administration today share the same views about competition as the administration did in 1995 when the law was being debated.

Because the litigation strategy of some incumbents appears to have prevented competitors from entering the various markets, the Antitrust Division at the Department of Justice is now tasked with a far greater role than anyone envisioned. But the nominee before us today has made certain statements and taken certain actions in his acting capacity that concern me greatly. His actions raise further concern with the direction of the administration's policies with respect to its interpretation of the Telecommunications Act of 1996. I believe that these issues need clarification before Mr. Klein's nomination should be brought to a vote in the Senate.

Whether or not robust competition develops in the local telephone service market depends upon the administration's commitment to vigorous enforcement of the act. Unfortunately, while serving as Acting Chief of the Antitrust Division, Mr. Klein has explicitly contradicted specific statutory mandates and conference report directions that the Congress, working with the White House, fought against all odds to have added to the Telecommunications Act of 1996. Several Members have asked Mr. Klein, Attorney General Reno, and the White House about these concerns and have asked them to demonstrate that the Antitrust Division will follow the explicit meaning of the Telecommunications Act. So far, there has not been a satisfactory response to our concerns.

Mr. President, with respect to my colleague in discussing the character of Mr. Klein, there is no question about Mr. Klein being of the highest character and integrity.

But what really occurs, Mr. President, and I have had to respond to a lot of calls from good friends, it was not his character but his ability, even though he is a smart lawyer, to administer the law as written.

There is no question in my mind that, of course, you have those who believe in weak antitrust. We went through that in the Reagan years. I have been the chairman of the State, Justice, Commerce Subcommittee of appropriations for the Antitrust Division, and during those particular years the Reagan administration cared less whether we had antitrust. To the credit of the distinguished wife of our distinguished Senator from New Mexico, Anne Bingaman, came in there and we really beefed up the department, and we even brought to task none other than Bill Gates of the computer world. So when you can do that you know you have a good antitrust head in power.

When I saw this particular gentleman take over it gave me misgivings. Right to the point, as the newspaper said, from the very beginning when I put my hold on this particular nomination, I said I would be glad to discuss it that afternoon, I was not going to politic it around, I have other work to do. But as a matter of conscience, I thought I ought to bring these things to the attention of my colleagues.

There is no better place to look at the nominee than this particular New York Times editorial entitled "A Weak Antitrust Nominee." I ask unanimous consent to have this printed in the RECORD.

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

[From the New York Times, July 11, 1997]

A WEAK ANTITRUST NOMINEE

The next head of the Justice Department's antitrust division will have a lot to say about whether the 1996 Telecommunications

Act breaks the monopoly chokehold that Bell companies exert over local phone customers. He will rule on mergers among telecommunications companies and advise the Federal Communications Commission on applications by Bell companies to enter long-distance markets. Thus it is disheartening and disqualifying that President Clinton's nominee, Joel Klein, is scheduled to come up for confirmation today in the Senate with a record that suggests he might knuckle under to the powerful Bell companies and the politicians who do their bidding.

Senators Bob Kerrey, Ernest Hollings and Byron Dorgan have threatened to block the vote today and put off until next week a final determination of Mr. Klein's fate. But the Administration would do its own telecommunications policy a favor by withdrawing the nomination and finding a stronger, more aggressive successor.

Mr. Klein, who has been serving as the Government's acting Assistant Attorney General for Antitrust, demonstrated his inclinations when he overrode objections of some of his staff and approved unconditionally the merger of Bell Atlantic and Nynex. That merger will remove Bell Atlantic as a potential competitor for Nynex's many dissatisfied customers. Mr. Klein refused even to impose conditions that would have made it easier for state and Federal regulators to pry open Nynex's markets to rivals such as AT&T.

Worse, Mr. Klein sent a letter to Chairman Conrad Burns of the Senate communications subcommittee, who runs political interference for the Bell companies, that committed the antitrust division to pro-Bell positions in defiance of the 1996 act.

That act invites the Bell companies to provide long-distance service, but only if the Bells first open their systems to rivals that want to compete for local customers. Yet in the letter to Mr. Burns, Mr. Klein explicitly rejected Congress's interpretation of requirements to be imposed on the Bells in favor of his own, weaker standard.

In a subsequent submission to the Federal Communications Commission, Mr. Klein further weakened a requirement that before the Bells enter long-distance service they face a competitor that is serious enough to build its own switches and wires. Mr. Klein has also upset some senators by seeming to minimize the importance, provided in the 1996 Telecommunications Act, of Justice's advice to the F.C.C. on applications by Bell companies to enter long distance.

True, Mr. Klein has blocked applications by two Bell companies, SBC and Ameritech, to offer long-distance service before they had opened their local markets to competition. But by pandering to Mr. Burns, he has created strong doubts that he can provide aggressive antitrust leadership.

Mr. HOLLINGS. And there is no better way to bring this right to the focus of concern.

Let me refer, without having to put the entire article of the Wall Street Journal from this morning into the RECORD, a headline, Mr. President, that "MCI Widens Local Market Loss Estimate." The very first sentence,

MCI communications corporation is calling for tougher regulatory action to break the competitive advantages enjoyed by the regional Bell telephone companies and the local phone markets,

and they said its losses from entering that business could total $800 million this year, more than double its original estimate. And then the article continues.

The point is, it is very difficult to break into a monopoly and it is very difficult to get a monopoly to give up marketshare. That has been quite obvious, working in telecommunications since I have been here, 30 years, that this is the keenest, most competitive, most take-advantage crowd you have ever seen. We are bogged down right now into the courts. All the promises about going into each other's businesses to compete have been forestalled, and mergers on course and everything else of that kind, so in writing this legislation we had a back and forth with the best of Washington lawyers on all sides, on every word, coaching us, more or less, for the last 4 years, until February of this last year, when we passed the bill.

For that 4-year period, we got into the requirements—we call it a checklist—that the regional Bell operating companies had to comply with to open up their markets before they could get into long distance, ipso facto, allow them into long distance, with the monopoly control of whoever is going to receive the call locally, and you have a monopolistic situation and they will run a touchdown and the long distance companies and all competition will be extinguished. So we had a debate over every particular facet.

One particular requirement is labeled here in section 271 of the particular act and it is referred to in the actual conference report on page 33 in the report language, section 271. Let me read it so it is intelligently understood here:

. . . the Bell operating company is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange services . . . [as defined in section 347(A)] to residential and business subscribers.

For the unattuned, the emphasis should be to "residential and business subscribers."

We wanted to have a facilities-based competitor operating there before that particular Bell company could take off into the long distance competition. There is no question in my mind that the distinguished gentleman under consideration, Mr. Joel Klein, understood this.

He made a talk on March 11 at the Willard Inter-Continental Hotel here in Washington to the Glasser Legalworks Seminar, and the seminar was entitled "Competitive Policy In Communications Industries: New Antitrust Approaches."

On page 9 of that particular talk, I quote Mr. Klein himself.

Now, let me add a few words about how we will apply this standard to RBOC applications under Section 271 of the Act. Our preference, though we recognize that it may not always occur, is to see actual, broad-based—i.e., business and residential—entry into a local market.

And it goes on and on explaining.

When my friend from Montana, the chairman of the Subcommittee on Communications on the Committee of Commerce here in the U.S. Senate, Senator CONRAD BURNS saw that, he wrote a letter to Mr. Klein. I am sorry I do not have my hand immediately on that letter itself, but he listed a series of questions in his letter to the Acting Assistant Attorney General, and the Acting Assistant Attorney General, Joel Klein on May 20, answered the letter.

I ask unanimous consent, so it will be understood, in fairness to everybody, the entire letter and the enclosure be printed in the RECORD at this point.

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

DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, May 20, 1997.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: Thank you for your letter of May 15, 1997. I welcome the opportunity to respond to your questions and look forward to working with you and the Subcommittee on Communications in implementing the Telecommunications Act of 1996.

Before responding to each of your specific questions. I thought it might be helpful if I made a few general observations. To begin with, I wholeheartedly agree with your statement that "the basic point of the Telecommunications Act is that regulators should stand aside and let market forces work once fair competition is possible." I want to assure you that the Department of Justice shares that view. The sooner market forces can fully displace regulatory efforts, the better the Nation's consumers will be.

Second, we welcome the prospect of letting the Bell Operating Companies (BOCs) into long distance service. Additional entry into that business, under appropriate circumstances, will enhance competition and will thereby further longstanding goals of the Department of Justice.

Third, the standard that we are applying under the Act is, I believe, a competition standard, designed to ensure that the local market is open to competitive entry; it is not a metric test, and it does not require that a BOC lose any particular portion of market share before the Justice Department will support its entry into in-region long-distance. On the contrary, I agree with your point that "local telephone competition may be slow in coming to rural states for reasons having nothing to do with BOCs' steps to satisfy the checklist." If competition is slow in coming to a rural state because of the independent business decisions by potential competitors, and not because of any BOC actions or non-actions that unreasonably impair competition, the Department would support in-region long-distance entry. If my speech conveyed any other impression—i.e., that we were seeking to use the metric or market-share test that Congress rejected during the legislative process culminating in the 1996 Act—I regret the confusion.

Let me amplify this point by setting forth my understanding of the statutory requirements under section 271. The three basic requirements are that a petitioning BOC must:

(1) satisfy either Track A or Track B's entry requirements; (2) satisfy the 14-point checklist; and (3) satisfy the "separate subsidiary" requirements of section 272. Beyond that, and in addition to these requirements, the FCC must find that "the requested authorization is consistent with the public interest, convenience, and necessity." 47 U.S.C. §271(d)(3)(C). In making its decision, the FCC must give "substantial weight to the Attorney General's evaluation." §271(d)(2)(A). The Attorney General, in turn, is required to evaluate the application "using any standard the Attorney General considers appropriate." §271(d)(2)(A) (emphasis supplied). It was in the context of this specific statutory language—i.e., "any standard"—that I said in my speech that Congress had given the Department a "broad swath" in terms of its ability to evaluate section 271 applications. At the same time, I clearly share your view that any standard we use should be a competition standard. I have also made clear my view that we should explain our standard before any BOC filed a 271 application so that we would not be seen as playing a game of "gotcha," whereby we would "change the rules of the game" after an applicant had filed with the FCC.

In order to accomplish these goals, almost immediately after I became Acting Assistant Attorney General last October, I asked all BOCs as well as any other interested party, to give me their views of an appropriate competition standard under Section 271 and to answer several questions that would help the Department to formulate its position in that regard. Based on the comments the Department received, we developed the standard that I announced in my March 11 speech.

In formulating this standard, I specifically rejected using the suggestion in the Conference Report that the Department analyze BOC applications employing the standard used in the AT&T consent decree—objecting to BOC in-region long-distance entry unless "there is no substantial possibility that the BOC or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter." H.R. Conf. Rep. 104-458, at 148 (1996). That standard, which had barred BOC entry into long distance since their divestiture from AT&T, struck me as insufficiently sensitive to the market conditions, and I was concerned that it would bar BOC entry even where it would be competitively warranted.

On the other hand, the Department's standard examines whether a BOC's systems are sufficiently developed so that a new entrant into its market can have confidence that, when it signs up a new customer, that customer will be switched effectively and will get service from the new carrier. Our general preference is to see these systems operate in practice. Once we are confident that this transitioning will work effectively, we will be able to conclude that the local market is open to competition. By the same token, we also realize, as I indicated earlier, that in some areas—particularly rural States—it is certainly possible that due to the business decisions of particular companies, there may be no new entrants for local service, A BOC should not be excluded from in-region long-distance entry in such cases.

I believe that the standard we adopted is fair, balanced, and reasonable. Most important, I believe it is consistent with Congress's intent in the 1996 Act and that, if it is implemented fairly, it will maximize the benefits to the American public across the board—in local markets, long-distance markets, and with respect to one-stop shopping. As you so well put it in your letter, "once fair competition is possible"—and that's what our standard is designed to test—then "regulators should stand aside and let market forces work." That is a pro-market, antitrust view, and I can assure you that the Division will work to implement it.

I have responded to your specific questions in the Attachment to this letter. I look forward to talking with you regarding these and other telecommunications issues.

Sincerely,

JOEL I. KLEIN,
Acting Assistant Attorney General.

Enclosure.

QUESTIONS AND ANSWERS

1. In your speech you used the following terms—"real" and "broad-based competition," "actual, broad-based entry," "true broad-based entry," "tangible entry," "large-scale entry," and entry on a "large-scale basis." What do those terms mean to the Department?

By referring to "real," "actual, broad-based" entry and similar terms, I intended to express the Department of Justice's general preference (though not mandatory requirement) to see actual entry by competing carriers that are selling both business and residential telephone service on more than a non-trivial basis (though not in any specific numbers). Such entry provides both (1) meaningful evidence that the Bell Operating Company (BOC) has taken the necessary steps to open its local market and (2) an opportunity to measure the performance of the BOC in making available the statutorily required services and facilities. The Department, however, does not view such entry as a necessary precondition to BOC long distance entry. Rather, we intend to look for such entry where we would expect it to occur and, if it is not occurring, to investigate why that is the case. Thus, in my March 11 speech to which you refer, I stated that "[o]ur preference, though we recognize that it may not always occur, is to see actual, broad-based i.e., business and residential—entry into a local market."

2. How many residential customers have to be served by a competitor to meet the Department's entry test?

The Department's approach to whether the FCC should grant a particular application by a BOC to enter into in-region long-distance service does not turn on any numerical threshold for the amount of residential customers that must be served by a competitor before a BOCC meets the threshold for entry into in-region long-distance service. If a significant number (though not necessarily a large percentage) of residential customers are being served in a particular state, it is likely that the BOC has taken appropriate steps to open that state to local competition. At the same time, it is not necessarily the case that, if no residential customers are being served by a competitor of the BOC, the BOC has not taken the appropriate steps to open up a state to local competition. As the Department stated in its FCC filing in the SBC Oklahoma matter, "if the absence or limited nature of local entry appears to result from potential competitors' choices not to enter—either for strategic reasons relating to the Section 271 process, or simply because of decisions to invest elsewhere that do not arise from the BOC's compliance failures or barriers to entry in the state—this should not defeat long distance entry by a BOC which has done its part to open the market."

3. How many business customers have to be served by a competitor to meet the Department's entry test?

The Department's approach to whether the FCC should grant a particular application by a BOC to enter into in-region long-distance service does not turn on any numerical threshold for the amount of business customers that must be served by a competitor for a BOC to receive a recommendation from the Department in favor of its entry into in-region long-distance service. If a significant number (though not necessarily a large percentage) of business customers are being served in a particular state, it is likely that the BOC has taken appropriate steps to open that state to local competition. At the same time, it is not necessarily the case that, if no business customers are being served by a competitor of the BOC, the BOC has not taken the appropriate steps to open up a state to local competition. As the Department stated in its FCC filing in the SBC Oklahoma matter, "if the absence or limited nature of local entry appears to result from potential competitors' choices not to enter—either for strategic reasons relating to the Section 271 process, or simply because of decisions to invest elsewhere that do not arise from the BOC's compliance failures or barriers to entry in the state—this should not defeat long distance entry by a BOC which has done its part to open the market."

4. Does there have to be more than one competitor in the local exchange market to meet the Department's entry test?

No. Although it is likely that there will be more than one competitor in many local exchange markets, in certain (most likely rural) markets, it is possible that such entry will not be forthcoming in the foreseeable future. If, in such circumstances, the absence of entry does not reflect a BOC's failure to help open the market to competition, the Department would support long distance entry by the BOC.

5. Does a BOC have to face competition from AT&T, MCI or Sprint to meet the department's entry test?

No. There is no single competitor, or combination of competitors, that is required to compete with any particular BOC in order for the Department to support its entry into in-region long-distance. For example, our analysis of SBC's application in Oklahoma focused on the efforts of Brooks Fiber to enter the local market in Oklahoma. At no point did we suggest that the application was deficient because none of the three major interexchange carriers had entered Oklahoma.

6. How do you reconcile Congress' rejection of a metric test for BOC entry into the long distance market with your statement that "successful full-scale entry" is necessary in order for the Department to "believe the local market is open to competition?"

In my judgment, the Department's entry standard is consistent with Congress's decision to reject a metric test. We do not require any shift in the level of market share as a condition of entry. Rather, we think that the openness of a local market can be best assessed by the discretionary judgment of the FCC, relying in part on the Department of Justice's competitive assessment, and based on the evaluation of the particular circumstances in an individual state. While this inquiry may involve an assessment of actual competition, it does not focus on any metric or market share.

7. You have used the metaphor that the Department "want(s) to make sure that gas actually can flow through the pipeline" before allowing interLATA entry. How many orders for resold services must be processed by a BOC in order to satisfy this standard?

The Department does not require any particular number of orders to be processed as a precondition to receiving our support for a Section 271 application. Our inquiry seeks to determine, whether the systems offered by the BOC to its competitors will hold up, as a practical matter. This is very important to new entrants trying to compete for customers, but it is also not always easy to effectuate because of real-world technical impediments which, in our experience, have cropped up often. For example, in California, the orders for resold services by competitors, when placed on a non-trivial scale, led to a serious backlog in PacBell's wholesale operations. This problem, in turn, created a real impediment to entry by new competitors, whose customers and potential customers became very concerned.

8. How many orders for unbundled network elements must be processed by a BOC to satisfy this standard?

The Department does not require any particular use of unbundled loops as a precondition to receiving our support for a Section 271 application. Unbundled loops should be available, as both a practical and legal matter, for use by competitors without running into problems that will retard competitive entry.

9. How much market share must a BOC lose to its competitors to demonstrate that "gas can flow through the pipeline?"

The "gas in the pipeline" metaphor does not reflect any intention to measure the market share of competitors or any shift in share to entrants, or to require any minimum shift in share. In fact, our SBC evaluation notes that we are willing to use alternate measures other than actual commercial usage as proof that the "pipeline can carry gas." For example, if the same systems are in place in different states, the use of those systems in other states can be a useful indicator of whether or not competitors will be able to receive what they need from the BOC. Similarly, in some cases, we expect that comprehensive testing—carrier to carrier, internal and/or independent auditing—may be able to demonstrate that a BOC's support systems will enable entrants to compete effectively.

10. FCC Chairman Reed Hundt testified on March 12, 1997, before the Senate Commerce Committee that a BOC that satisfied the checklist but did not have an actual competitor in its market would meet the entry standard. Do you agree with Chairman Hundt?

My answer would depend on the specific circumstances presented by a given application. Under the Department's approach, it is possible that a BOC satisfying the checklist, but not facing an actual competitor, could merit entry into in-region long-distance service under Section 271. The most critical factor, as I have indicated, is whether the BOC has taken the necessary steps to allow competition in its market. If there are no competitors in a particular state because of market conditions—rather than because of artificial impediments to entry—we would support BOC entry into long distance in that state.

11. If the Department opposes a BOC interLATA application, do you believe the FCC should reject the application? If so, wouldn't that give the Department's recommendation "preclusive effect", something that the Act specifically prohibited?

We believe the FCC should give our analysis substantial weight, which is the specific statutory requirement adopted by Congress in the Telecommunications Act of 1996. The FCC, however, is not required to follow our recommendation blindly or reflexively and should certainly consider the statutory framework and the comments of others in making its ultimate decision.

12. You have also stated that the checklist, the facilities-based requirement, the separate subsidiary requirement and the option of "Track B" (the statement of terms and conditions) are all "necessary, through not sufficient, to support entry". What more must a BOC demonstrate to obtain the Department's support?

The Department views the FCC's public interest determination, which is expressly included in Section 271(d)(3)(C), as a fourth requirement. We view this determination as reflecting Congress' decision to condition BOC entry into long distance on a discretionary judgment by the FCC, based in part on the Department of Justice's competitive assessment, that a particular applicant will best serve the interests of affected consumers in maximizing telecommunication competition in all markets.

13. Do you believe that Track B can be used only if no one has requested interconnection under Track A?

No. For Track A to apply, a potential facilities-based carrier (be it predmoninantly or exclusively facilities based) must request access to a checklist item. If no such carrier requests such access, the BOC is free to proceed to apply for long distance entry under Track B. Moreover, even if a potential facilities-based carrier does request access to a checklist item, the BOC still may utilize Track B if "the only provider or providers making such a request have (i) failed to negotiate in good faith as required by Section 252, or (ii) violated the terms of an agreement approved under Section 252 by a provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in an agreement." 47 U.S.C. §271(c)(1)(B).

14. Can a BOC rely on Track B if it has received interconnection requests from potential competitors, but faces no "competing provider" which is actually providing telephone exchange service to residential and business customers predominantly over its own facilities?

As our evaluation of SBC's Section 271 application explains in greater detail, a "competing provider" need not be operational as of the date of its request to initially qualify as a "competing provider" for purposes of determining the application of Track A. See SBC Evaluation at 13–17. We believe this view comports with the language and purpose of the statute and is expressly supported by the Conference Report, which states that Track B serves only to ensure that a BOC is not "effectively prevented from seeking entry into the interLATA services market simply because no facilities-based competitor that meets the criteria set out in [Track A] has sought to enter the market." H.R. Conf. Rep. 104–458, at 148 (1996) (emphasis supplied). Even so, a BOC's application may still be considered under Track B if "the only provider or providers making an interconnection request have (i) failed to negotiate in good faith as required by Section 252, or (ii) violated the terms of an agreement approved under Section 252 by a provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in an agreement." 47 U.S.C. §271(c)(1)(B).

15. What if the requesting interconnectors under Track A do not ask for, or wish to pay for, all of the items in the checklist? Can the BOC satisfy the entry test by supplementing their interconnection agreements with a filing under Track B to cover at least all remaining items in the checklist?

As explained in greater detail in our SBC filing, the basic view of the Department is that "[a] BOC is providing an item, for purposes of checklist compliance, if the item is available both as a legal and practical matter, whether or not competitors have chosen to use it." SBC Evaluation at 23 (emphasis supplied). Accordingly, under certain circumstances—i.e., where there are checklist items that have not been requested by any Track A qualifying provider—a firm offer to provide an item through a sufficiently clear provision in a statement of generally available terms, coupled with the requisite showing of practical availability, would suffice to constitute "providing" that item for purposes of checklist compliance.

Mr. HOLLINGS. I refer by emphasis that he says on question one: "In your speech"—Senator BURNS is referring to the speech made by Mr. Klein—"In your speech you used the following terms—'real' and 'broad-based competition', 'actual, broad-based entry', 'true broad-based entry', 'tangible entry', 'large-scale entry', and entry on a 'large-scale basis'. What do those terms mean to the Department?"

The rest is right there, but by way of emphasis, let me quote Mr. Klein in response: "Thus, in my March 11 speech to which you refer, I stated that '[o]ur preference, though we recognize it may not always occur, is to see actual, broad-based * * * business and residential—entry into a local market.'"

Now, Mr. President, it is very interesting because these communications lawyers, and I ought to know, because if you work with them over the years you begin to learn. What should interest anybody looking at qualifications of this particular nominee, he puts in italics "[o]ur preference, though we recognize it may not always occur"—and thereupon, you could not believe it, Mr. President, you could not believe it, our Mr. Klein had the unmitigated gall, in response to his italic to file an opinion here, an addendum to the evaluation of the Department, the U.S. Department of Justice in the matter of the application of SBC Communications, Inc., docket 97–121. When? The day after that letter was sent, and here is what he says—because you get the hint in the letter but you get the fact in this addendum.

Let me quote:

The statute requires that both business and residential subscribers be served by a competing provider, and that such provider must be exclusively or predominantly facilities-based. It does not, however, require that each class of customers (i.e., business and residential) must be served over a facilities-based competitor's own facilities. To the contrary, Congress expressly provided that the competitor may be providing services "predominantly" over its own facilities "in combination with the resale of" BOC services. . . . Thus, it does not matter whether

the competitor reaches one class of customers—e.g., residential—only through resale, provided that the competitor's local exchange services as a whole are provided "predominantly" over its own facilities.

Now, Mr. President, you have section 271, that particular provision turned right on its head. I have no better authority, Mr. President, not if this particular Senator's opinion is of any value, and I might say that no one Senator wrote the Telecommunication Act of 1996, but immodestly, if there is one that had more involvement than anybody else, it was me. I had put out a bill S. 1822; Senator Pressler put out his bill, S. 652. We changed it around back to S. 1822. Everyone knows that. Look at the finished documents. I worked around the clock, and I worked with Chairman BLILEY, the Republican chairman on the House side. Here in a letter of June 20, 1997, to the Honorable Reed Hundt by Chairman BLILEY, Chairman of the FCC.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

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

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 20, 1997.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN HUNDT: I recently read with interest and dismay the Department of Justice's additional comments regarding SBC Communications Inc.'s (SBC's) application to provide in-region, interLATA services in the State of Oklahoma. The Department therein clarified its views on section 271(c)(1)(A) of the Communications Act, as amended. As the primary author of this provision, I feel compelled to inform you that the Department misread the statute's plain language. As you rule on SBC's application and future BOC applications, you should not overlook the clear meaning of section 271 or its legislative history.

The Department argued that a BOC should be allowed to enter the in-region, interLATA market under "Track A" (i.e., section 271(c)(1)(A)) if a competing service provider offers facilities-based services to business customers and resale services to residential customers, so long as the combined provision of both services is predominantly over the competing service provider's facilities. In other words, the Department wrongly takes the view that section 271(c)(1)(A) is satisfied if a competitor is serving either residential or business customers over its own facilities.

Section 271(c)(1)(A), however, clearly requires a different interpretation. To quote the statute, a competing service provider must offer telephone exchange service to "residential and business subscribers . . . either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities." Track A is thus satisfied if—and only if—a BOC faces facilities-based competition in both residential and business markets. Neither the statute nor its legislative history permits any other interpretation; I know this because I drafted both texts.

In the end, the Department's recent misinterpretation of section 271 reinforces a point I frequently made during Congressional debate over the Telecommunications Act of 1996: the Department of Justice does not have the expertise to make important telecommunications policy decisions. The FCC, by contrast, does have the necessary expertise, which explains why Congress gave you and your colleagues—and no one else—the ultimate authority to make important decisions, such as the decision to interpret section 271. I remind you that the Department's role in this matter is a consultative one, and should be treated as such.

Let me conclude by noting that, while this letter focuses exclusively on Department's interpretation of section 271(c)(1)(A), it should not be construed to mean that the balance of the Department's comments were either consistent or inconsistent with Congressional intent.

Sincerely,

TOM BLILEY,
Chairman.

(Mr. HUTCHINSON assumed the chair.)

Mr. HOLLINGS. Mr. President, I see another Senator wishing to talk. But, Mr. President, there it is. Here we have a Deputy Attorney General nominee that is not going to carry out President Clinton's policy, nor the language of the statute.

I ask unanimous consent to have printed in the RECORD a letter from President Clinton to me on October 26, 1995.

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

THE WHITE HOUSE,
Washington, DC, October 26, 1995.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR FRITZ: I enjoyed our telephone conversation today regarding the upcoming conference on the telecommunications reform bill and would like to follow-up on your request regarding the specific issues of concern to me in the proposed legislation.

As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services, and, in particular, should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition.

Earlier this year, my Administration provided comments on S. 652 and H.R. 1555 as passed. I remain concerned that neither bill provides a meaningful role for the Department of Justice in safeguarding competition before local telephone companies enter new markets. I continue to be concerned that the bills allow too much concentration within the mass media and in individual markets, which could reduce the diversity of news and information available to the public. I also believe that the provisions allowing mergers of cable and telephone companies are overly broad. In addition, I oppose deregulating cable programming services and equipment rates before cable operators face real competition. I remain committed, as well, to the other concerns contained in those earlier statements on the two bills.

I applaud the Senate and the House for including provisions requiring all new televisions to contain technology that will allow parents to block out programs with violent or objectionable content. I strongly support retention in the final bill of the Snowe-Rockefeller provision that will ensure that schools, libraries and hospitals have access to advanced telecommunications services.

I look forward to working with you and your colleagues during the conference to produce legislation that effectively addresses these concerns.

Sincerely,

BILL CLINTON.

Mr. HOLLINGS. He writes:

Dear Fritz: I enjoyed our telephone conversation today regarding the upcoming conference on the telecommunications reform bill and would like to follow up on your request regarding the specific issues of concern to me as proposed legislation.

I am reading just part of it now.

As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services, and in particular, should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition.

Now, Mr. President, that is why we wrote 271 the way we wrote it. That is why we wrote it that way. There isn't any question, as the chairman has said, this is bipartisan. This isn't because some Senator is enraged or upset or something else like that. I have been here long enough to get enraged or upset. I have seen a lot of good ones go through and several bad ones.

I thought having participated on the ground and worked for 4 years in getting this formative act that was voted on by 95 U.S. Senators—they voted on this particular language when it passed this particular body. They understand not only that this isn't just a singular mistake, we have the proposition of the gentleman, Mr. Klein, also coming forward and disregarding entirely, gratuitously, and summarily throwing out the VIII(c) test, which I will have time to refer to on here later on.

My point here is that we really worked hard to get participation. There were those who didn't want the antitrust provision. They wanted one-stop shopping at the Federal Communications Commission. We worked hard to make sure that this was done right. We realized many times that they don't have antitrust lawyers like Reed Hundt, who is now the Chairman and understands the law, and you necessarily don't have antitrust lawyers coming in as members and commissioners at the Federal Communications Commission. So to give emphasis to opening up the market for free and open competition, we put in the antitrust provisions in there for its opinion to be provided to the Federal Communications Commission. We worked hard

to provide it. We worked diligently on the VIII(c) test, which was Judge Greene's test for over 12 years now in the breakup of AT&T, and every one of the Bell Operating Companies attested to that particular language. And here comes the particular nominee casting aside, in a gratuitous fashion, that requirement, on the one hand, and changing over the statute just on a letter from a Senator, on the other hand.

When you have that kind of weak nominee, you have thwarted the intent of the Congress and the President of the United States and the Telecommunications Act of 1996.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, as the chairman of the Antitrust, Business Rights and Competition Subcommittee of the Senate Judiciary Committee, I rise today to urge my colleagues to support the nomination of Joel Klein as Assistant Attorney General for the Antitrust Division.

Mr. President, the head of the Antitrust Division, obviously, plays a critical role in assuring that our antitrust laws are enforced wisely and vigorously. The importance of that role really cannot be overstated. Strong enforcement of antitrust laws is necessary to foster and to protect competition. As we all know, competition is good business, it gives businesses increased incentives to innovate, either by creating new products and services, finding ways to improve existing products, or by lowering costs. That type of innovation is good for both business and for consumers.

Maintaining the competitive foundation of the American economy has always been a difficult task. And as our economy grows and changes, it's only getting more difficult. We often discuss globalization of the economy as allowing more and more American companies the opportunity to compete in the international marketplace and, because of that, they have flourished in this international environment. In order to build on this success, it is essential that we apply the antitrust laws in order to protect our companies from unfair, anticompetitive actions on the part of foreign businesses and foreign governments.

In my view, Mr. President, Joel Klein is qualified to lead our efforts toward that stronger, more efficient antitrust enforcement. Mr. Klein is a superbly qualified attorney, with a great deal of substantive knowledge regarding both the jurisprudence and the enforcement of the antitrust laws. He has shown his abilities over the last few months in his capacity as the Acting Assistant Attorney General. He has shown this by leading the Antitrust Division through a series of very complex, difficult analyses, particularly in the area of telecommunications.

As we all know, telecommunications issues have become very important and, many times, quite controversial. Now, some have expressed concerns regarding Mr. Klein's interpretation of section 271 of the Telecommunications Act in a way that some believe will make it too easy for the Regional Bell Operating Companies, or the RBOC's, to enter the long distance market. However, Mr. President, in both instances where the Antitrust Division has been called upon to evaluate an RBOC application to enter the long distance market, the Antitrust Division has recommended against the RBOC. In other words, Mr. President, some people believe that Mr. Klein has been too hard on the RBOC's. The ironic thing about this debate is that when you really analyze it, you will see that Mr. Klein has received criticism from both sides of these issues.

Now, Mr. President, these decisions involve complex factual, complex legal, and complex economic analyses. Yes, each decision has angered some of the parties involved, but I believe Mr. Klein has done his job in a responsible and principled way. I may not agree with every decision made by the Antitrust Division, but what is important, I believe, is whether or not the nominee has interpreted the law responsibly and fairly. Interpreting a complex matter, such as the Telecommunications Act, is certainly not easy. I expect Mr. Klein's decisions will not please everyone. They certainly will not please everyone, given that it seems everyone has their own interpretation of this law. In fact, I think he should be praised for his willingness to take on these important and controversial issues. Rather than skirt controversy, Mr. Klein has done his job as best he can. I believe it is time that the U.S. Senate does its job. I believe that we need to discuss Mr. Klein's qualifications and the merits of this particular matter, and then I believe we need to vote on this confirmation.

Mr. President, we cannot continue to move forward in this area of antitrust enforcement without the sort of calm, principled leadership that Joel Klein will provide. America will need an Assistant Attorney General with a strong understanding of antitrust doctrine and the willingness and ability to enforce the laws in an aggressive but evenhanded manner. I believe, Mr. President, that it is vitally important that the competitive foundation of our economy be maintained, and that the antitrust laws must be enforced and must be enforced fairly. Joel Klein, I believe, shares these goals, and I believe that he has proven he has the expertise and the ability to put those goals into practice. I believe, therefore, Mr. President, we should confirm his nomination without further delay.

Mr. President, as we have already heard on this floor, there is going to be a vigorous debate about this nominee. Each Senator has to exercise his or her constitutional obligations. Each one of us has to decide whether we will vote "yes" or vote "no." I merely ask, however, that we do vote, that after a good, thorough, and vigorous debate, we bring this matter to a close. Quite frankly, this administration has had some problems, for whatever reason, in filling some of the key positions at Justice. They are slowly beginning to take care of that matter. I believe that in the Senate we have an obligation—now that we have the nomination in front of us—to proceed, and to proceed without unnecessary and undue delay.

Frankly, it is not helpful to have a vacancy in one of the key positions. Mr. Klein has, for some months, been the acting head of the Antitrust Division. I believe that he has carried out his duties well, as I have already said, in that particular job. But it is not helpful and it is not good for this nomination to continue to be pending, and it is not good for him to continue to be in the position of the acting head of the Antitrust Division.

So, as we have this debate—and it will be a good debate; I am sure it will go on for some time—I merely urge my colleagues to bring this matter at some point to a vote in the near future so that we can move on with the business of antitrust in this country.

I thank the Chair.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, no one in this country at any time should ever have a problem sleeping as long as there is an opportunity to talk about antitrust issues. It is for many some of the most boring, lifeless set of issues available to discuss anywhere in public politics. Antitrust enforcement—what on Earth is it?

When I came to Washington, DC, I threatened to put the picture of the 1,000 lawyers who are hired in our Government for antitrust enforcement purposes on the cartons of milk in grocery stores because I felt that these 1,000 lawyers hired by our Government for antitrust enforcement had surely vanished. I knew that we were paying 1,000 of them. But it was clear to me there was no antitrust enforcement, so they must have vanished.

So it is a decade and half later and we are now talking about antitrust issues again. And the discussion today is with confirming a nomination to head the Antitrust Division at the Department of Justice.

This is, while boring for many people, an important question because we have what is called a free market system in our country. A free market system only works to the extent that you have

referees who are willing to intervene in circumstances where people try to rig the market and where there is not open competition and where there is monopoly pricing in circumstances where the market is not free. In many cases, that is the same as stealing.

You go back to the beginning of the century and you will find examples in a range of industries—petroleum, natural gas, a whole range of industries, railroads—in which there were monopolies and trusts. They were stealing from the American public. We put in place a number of things to deal with that.

One, we prosecuted some people and threw some people in jail.

Second, we put in place certain legislation which said that if the free market is going to be free, then let's make sure there are some referees to keep it free. That is the whole issue of antitrust enforcement.

Today the issue is, shall a Mr. Joel Klein from the Justice Department, who is now acting in this role as Assistant Attorney General for Antitrust Enforcement, be confirmed by the Senate? President Clinton sent his name down here and asked for confirmation. And I am standing here to say that Mr. Klein, by all accounts, has a distinguished career.

I met with Mr. Klein yesterday. He is a very likable fellow who has much to commend him. But I believe it is not the time to proceed to this nomination because a number of very important questions remain unanswered. The Senator from South Carolina mentioned some of them.

We had an enormous fight on the floor of the Senate about the Telecommunications Act. For the first time in 60 years, we reformed the telecommunications laws in this country. One of the fights we had on that legislation was about what the role of the Justice Department with respect to whether or not there is competition with local phone service providers so that the Bell system can be freed then to go to compete against long distance companies. When is there effective competition locally that would free the Bells to compete in the long distance system? We said let's have an important role for the Justice Department in that area. We specifically talked about the test for that role, what is called the 8(c) test.

Now we have a person who is down at the Justice Department and writes a letter to a colleague of ours when questioned about all of these issues, and he says, "Well, I specifically reject the so-called 8(c) test," in terms of how the Justice Department will evaluate the kinds of activities that are involved in whether or sufficient competitive market place conditions exist before a Bell company can enter the long distance market.

There are a range of issues that we want to have answered. I have written to the President and Senator KERREY has written to the Attorney General. We have received no responses at this point. We would like responses to a series of questions about positions taken by this nominee.

I am not standing here suggesting that Mr. Klein is unworthy. I am saying at this point that the questions, which are very serious questions, have not yet been answered. We have asked them, but they have not yet been answered.

In light of that, I don't think any name should proceed until we receive answers to very important questions.

The Bell Atlantic-NYNEX merger was approved by Mr. Klein. Why was that approved without conditions? We had some abbreviated discussion of that yesterday. But I think we need more information about that. Why was that not approved with some conditions? We had the opportunity to establish conditions. How does this decision relate to the stated objective that the Department of Justice is really concerned about promoting competition?

I would like more information about the Justice Department's interpretation of facilities-based competition, which is a standard that we discussed at some length in the Telecommunications Act. Why? I would like to ask and like to get some additional answers.

Does the nominee before us specifically reject the so-called 8(c) standard outright when Congress specifically recommended that standard for evaluating the issues of competition? And where does the nominee stand on the issue of media concentration?

It is very hard to see that a telecommunications bill, which by its nature was to promote more competition, is moving in the direction of being successful when we have, instead of more competition, more concentration. We have behemoth organizations marrying up and two becoming one or four becoming two and two becoming one. So, by definition, you have less competition. We have more and more galloping concentration in the telecommunications industry—television, radio, and all the rest of it. And, yet, I would like to know, where does the Justice Department and where does this nominee stand on the issue of concentration?

Is that alarming, or do we have people who want to shake the pom-poms to become cheerleaders for it, as Mr. Baxter did when he was at the Department of Justice? There wasn't any merger that wasn't big enough for him. It didn't matter. The bigger, the better. That is not the role of the Department of Justice and antitrust enforcement, in my judgment.

I am here to say that this is premature. This nomination should not be considered until we have received sufficient answers to some of these questions.

Again, let me reemphasize. I am not standing here today to say that Mr. Klein is not someone without distinguished credentials. I have met him. I kind of like him. But there are a number of questions unresolved, and those questions should be resolved. The Senate should insist that they be resolved before we move this nomination forward.

So I will speak at some length on Monday. The Senator from Nebraska, Senator KERREY, Senator HOLLINGS, and I believe, will also speak and explain the kinds of answers we are awaiting from the administration, from both the President and the Attorney General, before we proceed on this nomination.

We have every right in this nomination process to say that before this nomination proceeds, there are certain questions we think the American people deserve an answer to. I intend to ask them not only today but on Monday, and we hope perhaps before this process is complete, that the Attorney General might respond or the White House might respond to the questions that have been put to them about some of the things that have been written, some of the things that have been spoken and said, and some of the decisions that have been made by the Acting Assistant Attorney General in the Antitrust Division.

Mr. President, I will speak at greater length on this subject on Monday. I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, I have come to the floor to talk about the nomination of Joel Klein to be the head of the Antitrust Division of the Department of Justice.

I have had the opportunity on a couple of occasions to meet and to talk with Mr. Klein, and I like him personally and I admire his career and what he has done as an individual.

However, I have serious reservations about his capacity to serve in this position. He has been nominated. I appreciate and respect the President's confidence in him. But it is with deepest sincerity that I say, although I would like to support his nomination for high office and hope that by the time the Senate votes on this nomination I can support him, at this time I believe that his nomination requires much more deliberation. I am especially troubled by many of the administration's telecommunications policies and especially in this case Mr. Klein's interpretation of the 1996 Telecommunications Act.

I have asked Attorney General Reno by letter to clarify the policy Mr. Klein will be required to implement should Mr. Klein be confirmed. In 1995, when this bill was being debated, I led, unfortunately, at times a filibuster in the Chamber when this bill was being discussed because I wanted the Department of Justice to have a role in determining whether or not there was competition before other entities were going to be allowed to expand their services. The Telecommunications Act should work, but it will only work if we have an unrelenting dedication on the part of all Government agencies, the FCC and the Antitrust Division of the Department of Justice, their unrelenting attention and dedication to making certain we have competition.

Mr. President, just recently, I met with Joel Klein. I like him and admire him. It is the second time I have had a chance to visit with him since he was nominated by the President to serve as the Assistant Attorney General for Antitrust. It is with the deepest sincerity, that I say that I would like to support his nomination for this high office. I hope that by the time the Senate votes on this nomination that I can support him.

At this time, however, I believe that this nomination requires considered deliberation. I am deeply troubled by the administration's telecommunications policies and Mr. Klein's interpretation of the Telecommunications Act of 1996. I have asked the Attorney General to clarify the policy Mr. Klein will be required to implement should he be confirmed.

My colleagues know that in 1995, I led a filibuster against the Senate Commerce Committee version of the Telecommunications Act to assure that the American people were fully aware of the monumental decisions being made by the Senate. I believed then, as I do now, that only an unrelenting dedication to competition and universal service by the Congress and the executive branch could make that legislation beneficial to consumers.

For days, with the support of the Clinton administration, my colleagues and I fought to assure that the law would embrace real competition and universal service. If it did not, it would simply be one more piece of legislation for the big, the powerful, and moneyed interests.

On the Senate floor we were successful in making the commitment to vigorously pursue competition central to the decision to end the court supervised Modified Final Judgement [MFJ] which controlled the activities of the seven Baby Bells and AT&T following the breakup of the Bell System.

The bottom line, Mr. President, was that the American people did not ask for the Telecommunications Act. I do not recall one Nebraskan complain to me that telephone service was too expensive or that their service was poor. For most Americans, when asked about their phone service, they might quote Andy Griffth from the old AT&T commercial, and say "rings true, and not a lick of trouble * * *."

While there was satisfaction for most residential consumers, there were a host of new technologies and opportunities to bring the benefits of the information revolution to all Americans which the monopoly organization of the telecommunications marketplace was stifling. Every day of the status quo represented a lost opportunity for American homes, schools, and economic development.

There were proposals to invest Government funds in building the utopian information superhighway, there were regulatory initiatives to prod monopolies to invest in the future.

The pathway chosen to bring advanced services, lower prices, and more choices to consumers was to fundamentally change the economics of telecommunications services from a regulated monopoly to a competitive market. The price for opening all markets to competition, however, was an obligation by all telecommunications carriers to contribute to the support of universal service.

The vision of telecommunications reform was that competition would spur investment, innovation, and choice and universal service support would assure that no American would be left behind.

It was and is a grand vision. One which if properly implemented can energize the economy, enhance productivity, build wealth, enhance freedom, and revolutionize the way Americans work, learn, and relax.

A significant part of the battle on the Telecommunications Act centered on the appropriate role for the Department of Justice in telecommunications policy. The first draft of the Telecommunications Act, written by Senator PRESSLER on behalf of the Republicans on the Senate Commerce Committee had no role for the Department of Justice and did not even explicitly reserve the Department's preexisting antitrust powers.

As passed by the Senate Commerce Committee and the full Senate, the Department's antitrust authority had been preserved and the Department was given an advisory role in the FCC's decision to allow the Regional Bell Operating Companies, RBOCs, to enter the long-distance market within their own regions.

To strengthen the bill Senators DORGAN, LEAHY, THURMOND, and I proposed amendments to strengthen the role of the Department of Justice.

I believed and continue to believe that the Department of Justice using its powers under the antitrust laws and the new law would and should be the bulwark against the abuse of monopoly power. I was confident that the Department of Justice would steadfastly be on the side of the consumer and fight for a vision of telecommunications competition which served the interests of all Americans.

I opposed the Senate passed bill, because it did not have a strong enough role for the Department of Justice.

I voted for the conference agreement in large part, because the role of the Department had been strengthened. Specifically, the bill as enacted, gave the Department's opinion on Bell entry into long distance "substantial weight," and eliminated the ability of the Federal Communications Commission to approve a merger of telephone companies which bypassed antitrust review.

Mr. President, the effort to protect and enhance the role of the Department of Justice was a hard fought fight. President Clinton, even threatened a veto of the bill if it had a weak role for the Department.

Having fought and won the legislative battle, I am particularly concerned about recent comments made by Acting Assistant Attorney General Klein regarding the Department of Justice's role in facilitating competition under the Telecommunications Act of 1996.

In response to questions by the chairman of the Senate Communications Subcommittee, Mr. Klein said that he "specifically rejected using the suggestion in the Conference Report that the Department analyze Bell Operating Company (BOC) applications employing the standard used in the AT&T consent decree". This standard, known as the 8(c) test would reject BOC entry into in-region long distance unless "there is no substantial possibility that the BOC or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter."

While the Telecommunications Act gave the Attorney General the authority to choose any standard she sees fit to evaluate Bell entry into in-region service, I have asked the Attorney General to clarify the Department's policy on this matter. I am hopeful that a clarification from the Attorney General can put Mr. Klein's comments into a fuller and more appropriate context.

I certainly hope that Mr. Klein's statement does not mean that a Bell Operating Co. should be allowed to enter the in-region long distance market even if there is a "substantial possibility that the BOC or its affiliates could use monopoly power to impede competition."

In fairness to Mr. Klein, he put forward an alternate test known as the "irretrievably open to competition test." Unfortunately, it is placed in a context, which at least implies that the 8(c) test is too tough on Bell Operating Companies.

During the consideration of the Telecommunications Act, President Clinton wrote in a letter to Members of Congress that the Telecommunications Act should "include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition * * *" I hope that Mr. Klein and the Attorney General can set this record straight as to the administration's policy.

Mr. Klein also wrote to Chairman Burns that "we think that the openness of a local market can be best assessed by the discretionary authority of the FCC, relying in part on the department of Justice's competitive assessment, and based on the evaluation of the particular circumstances in an individual state."

Mr. President, I fought hard to include DOJ in the process of determining when Bell Operating Companies enter in region long distance markets because of the legal and economic expertise of the Antitrust Division. It would be tragic if the Department abdicate its role in this area.

The Federal Communications Commission [FCC] is not the only agency equipped to make decisions about the openness of markets. A market cannot be competitive if it is not open. The Department's responsibility under the act and the Nation's antitrust laws is most serious and should be aggressively pursued by the Antitrust Division.

Although the ultimate decision lies with the FCC, the Department must accept its important role as the expert in competition and market power and adopt a meaningful entry standard based on procompetitive principles. I am not yet convinced that the Department has done that.

To me, what is most important is that the Attorney General put forward a test which Mr. Klein will implement which is unrelenting in its commitment to competition.

The Kerrey test of competition would be as simple as do customers have a choice? If the answer is no, you do not have competition.

The ideal open telecommunications market would allow an entrepreneur, new to the market to offer bundled services to the home. To do that there must be full access to the local exchange carrier at fair prices. If it takes a legion of lawyers, lobbyists, and investment bankers to even offer a new service to a customer of a monopolist, you do not have an open market.

On a separate but equally important competition issue, I remain very concerned about recent mergers between large telecommunications providers. The decision by the Department of Justice to approve the Bell Atlantic/NYNEX merger without any conditions is troubling.

Reports of AT&T's efforts to bring two BOC's back into it's fold should give everyone pause. A year ago, such action would have been laughable. I feel strongly that the Bell Atlantic merger approval, personally supervised by Mr. Klein sent exactly the wrong message to the market. I fear that this merger will lead to a new round of large telecommunications mergers which could greatly reduce any chance for the swift adoption of a vibrant, competitive telecommunications market.

Competitive entry could be frozen while real and potential competitors court, woo, and marry each other. As to unions between the progeny of the former Bell System, I believe that it is generally not a good idea for family members to wed!

One thing is certain, Congress did not intend to replace the urge to compete with the urge to merge.

While the FCC and the States struggle with implementation of the new telecommunications law, it is important to remember that a key part of that legislation did not rely on regulation, it relied on the marketplace. The idea was to unleash pent up competitive forces among and between telecommunications companies. Mega mergers between telecommunications titans quell these market forces for increased investment, lower rates, and improved service.

I can accept an honest disagreement on competitive impact of the Bell Atlantic/NYNEX merger. I want the head of the Antitrust Division to follow the law, even if it provokes my ire. It is in honest disagreement that we can examine the effectiveness of the law. If the law needs to be changed, let's change it.

Beyond that, there are elements of the Bell Atlantic/NYNEX decision which are deeply troubling to me. Those concerns could be relieved if I were convinced that the competitive concerns received full, open, and deliberate consideration and that efforts were made to mitigate the loss of actual and potential competition. Most importantly, this merger should not be a precedent for a no holds barred approach to telecommunications combinations.

The history of telecommunications service in America is at a critical point. At risk is a lifeline service important to every citizen of this Nation. The Department's commitment to using its full authority to promote competition is important to achieving an environment where consumers come first and entrepreneurs are encouraged to challenge the status quo.

The bold vision of the Telecommunications Act is a promise yet unfilled. The man or woman who executes the responsibilities of this office will have a profound effect on every American, and not only in telephone service.

Our antitrust laws form the keystone of our market economy. They stand between every American and the tyranny of raw, unbridled economic power. The person entrusted with the enforcement of those laws must have an unwavering commitment to a marketplace built on full, fair, and open competition.

As the Senate fully considers this nomination, I am willing to be convinced that Joel Klein is that person.

Mr. President, the need for competition is the overriding imperative of this Telecommunications Act. I am not in business as a monopoly. My business is such that customers come in. If they do not like what I am serving them, do not like the price, they go elsewhere, and as a consequence of that we pay very close attention to the customer. And those customers right now who are buying local services, especially residential service at the local level, they still have two choices: Take it or leave it.

That is not competition. I do not come to the floor here criticizing the regional Bell operating companies or AT&T or any other long distance providers. I am just very much aware, if I am a monopoly, I do very much business if I have to compete, if I have to satisfy my customers' desires, demands for high quality and a reasonable and fair price.

There is a businessman in Nebraska who owns many things, and one of the things he owns is newspapers. I once asked him how he managed to make money in the newspaper business, and he said to me, well, it's real simple; he takes advantage of two of America's most endearing and enduring institutions, monopoly and nepotism.

Mr. President, with the Telecommunications Act need to ensure that the monopolies face competition, they come to us, the RBOC's and AT&T and the other carriers are all coming to us saying they want to compete. What they need to make sure happens is that there is competition, that you get rigorous and vigorous competition at the local level.

In addition to that, though it is not the role of Antitrust at Justice, it is the role of the FCC to make certain that on the table we have before us those things that the market will not get done.

There are some things that competition will not get done for us. There is a need to make certain we have real service. There is a need to make certain that areas that are remote are getting good service. There is a need to make certain people with lower incomes are going to get universal service. There are all sorts of things the market will not get done, and we have to put them on the table. I think we have an easier time surfacing those things and debating those things than we do in making certain that at the local level we have competition.

As I said, Mr. President, it is not an easy thing to accept that competition

if you are in business right now and you are a monopoly. It is easy to talk about it, but it is not easy to do it. There is a lot of pressure on Justice and FCC to make decisions and determinations that are anticompetitive under the veil and cloak of competitive language.

I am very much concerned, not by his actions, but by some statements and a particular letter he wrote in response to a concern of a Member of this body about a speech that Mr. Klein had given. The letter, in my judgment, gives away the authority that this Senate and the House of Representatives, when we finally passed the Telecommunications Act of 1996, gave the Department of Justice.

Mr. Klein appeared to me, in this letter, to give away the authority that this law gives the Department of Justice. I, for one, need to hear from the Attorney General saying that she believes that the Department of Justice has this authority and she intends to make certain that Antitrust exercises that authority before I am going to be willing to vote for Mr. Klein.

It is a difficult job being head of Antitrust. As far as I am concerned, the Antitrust Division of the Department of Justice creates a lot of jobs because they insist on competition. I believe you get more jobs in a competitive environment, not less. I believe competition determines in a much better way who is being successful in giving the customer what they want and, as a consequence, much more likely in the long term to create jobs than if we allow entities to perform vertically monopoly, or near monopoly, control over the marketplace, and, in that kind of environment, to be able to basically say, as I indicated earlier, to the customer, "Take it or leave it; I don't care whether you like the price, whether you like the service; I am saying to you, you have to take it or leave it."

This is one of the most difficult things we have ever gone through, going from a monopoly to a competitive environment. It is going to be wrenching and difficult for rural areas and for private sector companies that have to adjust their hiring policies, have to adjust their personnel policies, have to adjust their marketing policies. I know that this kind of change is going to force the private sector, the monopoly private sector, to go through substantial change. But it is the intent of this legislation that they go through that change. It is only if we have a competitive environment, again, acknowledging there are some things the market will not do for rural areas, and we have to make sure, in order to achieve universal service, that we identify those things upfront or it will not happen.

But acknowledging and setting aside those things, it is terribly important for the consumers to take advantage of the benefits of what the Telecommunications Act of 1996 allows. It is vitally important that both the FCC and Antitrust at Justice insist on a competitive environment in order for that to happen.

I regret at this stage in the game having to say I do not support Mr. Klein. As I indicated, my view can be changed, depending upon what the Attorney General says in response to a letter I have sent to her. My hope is she will indicate she intends to make certain that Antitrust, whoever is confirmed, will carry out the intent of the law as debated fully on this floor and as enacted both by the Senate and the House of Representatives.

It would be my hope to be able to vote for Mr. Klein. At this stage in the game, I will not. At this stage in the game, I hope this body deliberates a good deal of time upon not just Mr. Klein, but what is going to happen if Antitrust and Justice doesn't enforce the law, what is going to happen to consumers of this country if we don't get a competitive environment.

The only reason we had benefit in the long distance environment with reduced price and increased quality was the presence of competition. In the absence of that, the consumers of this country are going to come back to us and say that that law wasn't very darn good.

All of us who voted for that act have a lot at stake. All of us who voted for the Telecommunications Act of 1996 have a lot at stake, and the job that Mr. Klein does, or whoever it is at Antitrust and all the Commissioners who are going to be nominated over at FCC, as well, all need to take a lot of time in deliberating over what those individuals are going to do before we vote to confirm them as a consequence of the impact that they are going to have, not just upon us, but especially upon the consumers, upon whom all of us, at the end of the day, depend.

Mr. President, I look forward to having an opportunity later to come down, and I most especially look forward to not only yielding the floor, but listening to the majority leader. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The majority leader.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING LARRY DOBY

Mr. DEWINE. Mr. President, this past Tuesday night, the eyes of the Nation and a good part of the world were focused on Cleveland and the playing of the All Star Game. This was an All Star Game that had, I think, particular significance. This, of course, is the 50th anniversary of Jackie Robinson's entrance into major league baseball, when the so-called color line was actually finally broken.

It was appropriate that the honorary captain of the American League was Larry Doby. It was also appropriate that the other honorary captain was Frank Robinson. Frank Robinson, of course, who played when I was a young boy for the Cincinnati Reds, played very well, and then went on later to be the first African American manager in the American League for Cleveland.

Mr. President, on July 5, 1947—50 years ago—Larry Doby became the first African-American to play in the American League. Earlier that year, of course, Jackie Robinson was the first person to be signed and to play for the Brooklyn Dodgers—the first African American to play in the major leagues—and Larry Doby was the first African American to play in the American League.

Earlier this year, we as a nation paid tribute to Jackie Robinson for the courage and for the integrity showed in breaking baseball's color barrier.

I think it is only right, Mr. President, to hail today on the Senate floor the quiet courage of a man who did the same thing just 3 months later in the American League. Bill Veeck of the Cleveland Indians saw that Larry Doby was leading the Negro National League with a .458 batting average and 13 home runs. Veeck and Doby then made a historic decision, a decision that amounted to an act of faith in America's future. They decided that the opposition to Jackie Robinson's entry into the Major Leagues was a throwback, a vestige of the past, and that racial tolerance was the wave of the future. It was a brave choice and a tough choice, but, of course, it was the right choice. Larry Doby said later that Bill Veeck "didn't see color. To me, he was in every sense colorblind, and I always knew he was there for me."

Mr. President, that was a very characteristically generous and gracious statement by Larry Doby because it was Larry Doby himself, after all, who had to be brave out on the playing field. Larry Doby had to be brave in a time of segregation and other terrible indignities inflicted on African-Americans. He showed the courage that was needed 50 years ago, and all Americans

today ought to be grateful for his example.

Again, here is another quote from Larry Doby. "Kids are our future, and we hope baseball has given them some idea of what it is to live together and how we can get along, whether you be black or white."

Mr. President, the accomplishments of Larry Doby on the baseball diamond are well known. In 1948, his first full season in the Major Leagues, he led the Indians to victory in the World Series, batting .318 and hitting a game-winning home run. He was named to the All Star team every single year from 1949 to 1955. In 1952, Larry Doby led the American League in home runs and in runs scored. Two years later, in 1954, he led the league in home runs and in RBI's. He left the Indians in 1956 to play for the Chicago White Sox and later for the Detroit Tigers. Larry Doby retired in 1959 but returned to baseball in 1978 to manage the White Sox, becoming only the second African-American manager in the history of the major leagues. The first, as I stated, of course, as we know, was the great Frank Robinson, who managed the Cleveland Indians from 1975 to 1977.

Mr. President, as I have said, Larry Doby's contribution to baseball is well known. That is why he was chosen to serve as honorary captain of this year's American League team at the All Star Game this past Tuesday night. But when everyone at Jacobs Field rose Tuesday night at the All Star Game to honor this great American, we thanked him even more for his message of reconciliation and racial brotherhood.

I have a copy of the Cleveland Plain Dealer article from July 6, 1947. This article described Larry Doby's first game as a Cleveland Indian. The headline reads, "Doby Shows Strong Arm as He Works at Second Base."

I submit, Mr. President, that Larry Doby showed a lot more than that on that now distant July day. Larry Doby showed what America could and what America should be. So on behalf of people of the State of Ohio and on behalf of all Americans, I rise today in the Senate to say thank you to Larry Doby and to pay tribute to this very fine gentleman.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

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

TAX PLAN DIFFERENCES

Mr. GORTON. Mr. President, the House of Representatives and the Senate recently passed tax relief plans that will help every American at every stage of life. They are obviously not the solution to all of our problems, but they are a first step in the right direction.

These carefully crafted tax relief packages will not only make an immediate difference in the monthly budgets of middle-class families but will also encourage the risk taking that will raise the future standard of living for us, for our children, and for our grandchildren. They will accomplish both goals by giving tax credits to people who pay taxes and who bear the cost of raising the next generation and by reducing taxes on saving and investing.

Why do we need tax relief now? Consider the following: total taxes, Federal, State, and local combined, take up almost one-third of the U.S. economy. That means that for every 8 hours of work the average taxpayer spends almost 3 hours of work to pay the tax collector rather than bringing it home to meet family needs.

Following our lead, President Clinton has offered a tax relief plan of his own. We congratulate him on continuing to move in our direction, agreeing to tax credits not just for young kids but for teenagers, too, and also for giving families some relief from the death tax. But our plan and the President's still have some big differences. Most importantly, we strongly believe that his plan sells the middle class short. We think he has a much too narrow definition of middle class, one that includes as rich too many families that most people would see as solidly middle class.

In particular, we think the President's plan has a strange bias against families with working moms. He is much too quick to put families with working mothers in the rich category just because they need two incomes to make ends meet, to pay their taxes, and to stay on top of their bills.

For example, let us say dad's a teacher and makes $40,000. Everyone knows he is not rich. Now let us say mom's also working and she makes $30,000, money that goes to help raise their three kids, pay their taxes, and save for retirement. Almost everyone would still say this family is not rich. But the President is well out of the mainstream on this issue. His plan says that because mom works, this family is no longer middle class; that it somehow became rich and does not deserve full tax credits for its kids.

We strongly disagree. Our plans, which got the support of two-thirds of Senate Democrats as well as Republicans, do not punish families with working moms. These families work hard, play by the rules, and struggle to make ends meet. They are overtaxed and they deserve tax relief. If the President will not let them get a full share of lower taxes, if he thinks they only deserve a portion of the tax cuts others will get, then he ought to get out of the tax-cutting business. People who pay full-time taxes should not get part-time tax relief. Our tax plans live by this code. They would give this family up to $1,100 more than the President's plan would.

Is this situation unusual? Definitely not. In 1995, the typical married couple with two or more kids in which both parents worked full time earned almost $61,000. This typical family should be making about $70,000 next year, assuming economic growth keeps going. Remarkably, this income level already disqualifies them for two-thirds of the President's tax credits for children, and that is just for being the typical family with two or more kids and two hard-working parents.

This crucial point warrants repeating. Under the President's plan, the typical married couple with two or more kids and both parents working full time would not qualify for full tax credits. Why? Because the President thinks they are rich.

The ultimate shape of this long-sought balanced budget agreement and tax relief package is targeted to be finalized before the August recess. I hope that we can take our case to the American public and sway the White House with the merits of our argument. Families where both parents work to make ends meet hardly fit anyone's definition of rich. More accurately, these families are representative of the effort it takes to keep a roof over their heads, food on the table and the bills paid, especially the hefty bill they are obligated to pay to Uncle Sam. On this key issue, the President clearly is in the wrong. These families are not rich. They are middle class and they deserve a full share of tax relief.

Under the bipartisan congressional plans, that is exactly what they will get.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

PENDING NOMINATIONS

Mr. LEAHY. Mr. President, I noted yesterday my concern that the Senate is failing to proceed to confirm the four judicial nominees and the nominee to be Deputy Attorney General of the United States. The Republican leader had indicated that today he intended to take up the nomination of Mr. Holder to be the Deputy Attorney General, the second highest ranking official in the Department of Justice. Now it appears that the Republican leadership has decided not to proceed to that

nomination but to hold it hostage to the confirmation of the Acting Assistant Attorney General for Antitrust.

I urge the majority leader to abandon this brinkmanship. There is no need to tie up a noncontroversial and consensus nominee for the important position of Deputy Attorney General. In my view we could have proceeded to that matter before the last recess. In any event, there clearly is no justification for tying confirmation of the Deputy to any other nominee.

Likewise, I again urge the Republican leadership to proceed to consideration of the four judicial nominees favorably reported by the Judiciary Committee over the last 7 weeks. Yesterday, we succeeded in reporting three additional judicial nominees. I would hope that we could proceed to their confirmations early next week. Confirming those seven nominations pending on the executive calendar would literally double our production for the first 6 months of this session.

We are still confirming judges at a rate of less than one judge per month. Twenty-three judicial nominees remain pending before the Judiciary Committee, some have been bottled up in committee for as long as 27 months.

HONORING THE RIGGS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. and Mrs. Vernon Riggs of Saint Ann, MO, who on July 13, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Riggs' commitment to the principles and values of their marriage deserves to be saluted and recognized.

WISHES DO COME TRUE FOR KIDS

Mr. BYRD. Mr. President, a newspaper article entitled "Wishes do come true for Kids" appeared in the Saturday, June 21, 1997, edition of the Washington Times. The article relates the story of a charitable foundation—Kids, Inc.—which was established in 1982. The foundation has helped gravely ill youngsters in 17 states find some measure of happiness in their last days by financing a special vacation with their family members, or meeting a celebrity, or attending a circus, or participating in a group outing such as a VIP tour of the U.S. Capitol.

The article also tells about the moving force behind this very worthwhile volunteer organization—retired Army Colonel John G. Campbell of Burke, Virginia.

I am not surprised to read of Colonel Campbell's efforts to help some of our most vulnerable citizens. I have known Colonel Campbell for many years. He accompanied me on a congressional delegation to China and on several trips to dedicate military facilities in the state of West Virginia. He has served the country in uniform and as a staff member of the U.S. Senate. I have always found Colonel Campbell to be a man of competence, compassion, and Christian conscience. I thank and commend him for his efforts on behalf of the children who have benefited from Kids, Inc., and wish him and his wife, Jan, well.

Mr. President, I ask unanimous consent that the article about Colonel Campbell and his work on behalf of seriously ill children be printed in the RECORD at this point.

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

[From the Washington Times, June 21, 1997]

WISHES DO COME TRUE FOR KIDS

(By Patrick Butters)

To be perfectly callous, most people wonder whether giving cash and precious time to charity actually goes to the poor folks who need it most—or whether it just sinks into the black hole of "administrative costs."

With Kids Inc., a good answer would be to look around its small office in Burke. Ensconced behind a heavy, nondescript door in an office complex on Old Keene Mill Road, the nonprofit group's results can be seen on its walls.

Photos show smiling and sometimes laughing children, most of them gravely ill. Since 1982, Kids has helped such unfortunate youngsters in 17 states find a few moments or a few days of happiness through special requests, such as visiting Disney World or meeting wrestler Hulk Hogan, actor Michael J. Fox or a member of the Washington Redskins. Children have gone on such group outings as VIP tours of the U.S. Capitol.

"There are no fancy ads, no fancy offices, no glossy publications and no fund-raising firms. It is small and has direct impact," says Frank Norton, who volunteers with his wife, Carol.

"This is neighborhood. These are folks you may not know but you could know. They may be your nextdoor neighbor or your cousin."

The head neighbor of all this is retired Army Col. John G. Campbell, president of the nonprofit group. Not surprisingly, his consulting firm has donated office space to Kids.

He's a tall, handsome Texan with an endearing drawl, a killer grin and a disarming demeanor. At Kids events, he's everywhere at once, announcing the next guest or simply rounding up metal folding chairs for the artist he's enlisted to draw pictures of the children. Col. Campbell's stunning wife, Jan, who is Kids secretary/treasurer, and the rest of the volunteer army work the huge crowd.

"A brilliant, brave soldier with a touch of bravado," says Sen. John Warner, Virginia Republican, of Col Campbell, with whom he has worked for many years on Capitol Hill.

Yet Col. Campbell takes great pains to point out that this is an all-volunteer organization. What little overhead there is pays for a certified public accountant and for operating licenses. Kids could not survive on just John Campbell, and he knows it.

"While most of the news you read is bad news, there are a great deal of good things going on," he says. "People are willing—and eager—to help if they know it's going directly to a worthy cause."

The first child Kids helped was 8-year-old Andrew Bley, who suffered from a brain tumor. The boy went to the same church as Col. Campbell, a Burke resident, who at the time was a well-connected Army liaison officer to the U.S. Senate. He and several others met with then-Rep. Earl Hutto, Florida Democrat, and Frank Borman, then-chairman of Eastern Airlines, whom Col. Campbell knew while on the faculty of West Point. They pooled their resources and sent Andrew and his family to Walt Disney World "for what was really their first real, great family vacation."

"The family's resources were exhausted—which, by the way, is frequently the case in all of these things," Col. Campbell says. Andrew was "a brave, cheerful kid who fought until the end and died," says Col. Campbell, his voice ebbing.

The boy, as they say, did not die in vain. The trip created a lasting impression on the volunteers.

"It was so rewarding for those of us who participated in it, we thought, 'Gee, we ought to try and do this on some sort of organized basis.'" Col. Campbell says.

A framed check dated Dec. 28, 1983, on the wall of Col. Campbell's office is signed by Mr. Warner for $250. This marked the first actual donation, opening the bank account the day Kids officially went into business.

The orders came in immediately. Some children wanted—and got—events such as being onstage with Bill Cosby or trips to Ocean City or the circus. (One child even went fishing in Alaska.)

Others received items such as a new wheelchair, an automatic page turner, art lessons, home computer, a canopied bed or a pneumowrap, which helped a 16-year-old boy with Duchenne's muscular dystrophy breathe more easily. One heartbreaker wanted an Easter dress and matching bonnet. Another just wanted a Barbie doll.

Some of the other requests weren't so simple, but were attainable. A little boy spent a few nights on the aircraft carrier USS Saratoga and sat in the cockpit of a jet. ("They made him an honorary member of the squadron and gave him a leather jacket," says Col. Campbell.) Kids has also taken children on elephant rides, trips to the FBI's target range and up in the air in a hot air balloon.

The first year, 1982, Kids helped seven children. The numbers doubled the next year, and last year the organization helped 60 children.

The Kids brochure stresses that the families of the patients are involved as much as possible. "Generally in these situations the family is wiped out," Col. Campbell, "but in the end we do what the child wants to do."

This message pervades conversations with participants. In the pauses, it's evident that childhood illness is very democratic, within and without.

"It affects the entire family," says retired Army Col. Frank Norton, a member of Kids'

28-member advisory board. "It's not just the child suffering. The other children in the family watch their parents have to put all their money, time and energy into this one child, and they may not have time to do other things with the other children. Kids is a way to help the entire process, and I think they have been successful in a wonderfully low-key way."

While Kids' heart is in the right place, it does not—and cannot—accept everybody. There are 10 specific requirements. One is that children must be recommended by a social worker or other health care professional. Another specifies that children be 16 or younger, though Kids can be flexible on this point.

As it is with any well-oiled charitable machine, once word gets out about its success there seems to be more people in need than there is money. Kids raises its funds through events—such as the annual Kids Celebrity Tennis Party and the Kids Hot Air Balloon Rally, golf tournaments, art auctions, movie premieres and car shows.

Depite the complexity of such operations, the events themselves come off pretty casually. The children, sometimes wearing crisp, colorful Kids T-shirts and ball caps to shield their shaved heads from the sun, show up with their parents and brothers and sisters. The picnics are filled with games and food, and the volunteers seem to have as much fun laughing and playing as do the families.

"In terms of the parents, they are profiles in courage," says Mr. Warner. "They want to do everything they can to bring some happiness into that child's life. And then you see in the child's face equal or even greater courage. They may have some knowledge of their terminal nature and yet they retain that youthful vigor."

Connections are crucial for a nonprofit in this town, and Col. Campbell makes no bones about using his to keep Kids afloat. On the wall is a framed 1992 excerpt from the Congressional Record, which contained Mr. Warner's remarks about the value of Kids. He and his Senate pals Strom Thurmond, Alfonse D'Amato, Pete Domenici and Trent Lott are on the Kids board of advisers, as are Reps. W.G. Hefner and Bob Livingston and former Sen. J. Bennett Johnston.

Mr. Warner has been a mainstay at many Kids events, as has Mr. Thurmond. Former Sen. Bob Dole even took time from his presidential race last year to show up at a Kids event at the Capitol. There must be something going on here, because sick children can't vote.

"I think this organization achieves its goal," Mr. Warner says. "A moment, even though fleeting, of happiness for both parents and child."

Kids can be reached at 703/455-KIDS, fax 703/440-9208, or write 9300-D Old Keene Mill Rd., Burke, Va. 22015.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE STUDY ON THE OPERATION AND EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 50

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 Finance.

To the Congress of the United States:

I am pleased to transmit the Study on the Operation and Effect of the North American Free Trade Agreement (NAFTA), as required by section 512 of the NAFTA Implementation Act (Public Law 103-182; 107 Stat. 2155; 19 U.S.C. 3462). The Congress and the Administration are right to be proud of this historic agreement. This report provides solid evidence that NAFTA has already proved its worth to the United States during the 3 years it has been in effect. We can look forward to realizing NAFTA's full benefits in the years ahead.

NAFTA has also contributed to the prosperity and stability of our closest neighbors and two of our most important trading partners. NAFTA aided Mexico's rapid recovery from a severe economic recession, even as that country carried forward a democratic transformation of historic proportions.

NAFTA is an integral part of a broader growth strategy that has produced the strongest U.S. economy in a generation. This strategy rests on three mutually supportive pillars: deficit reduction, investing in our people through education and training, and opening foreign markets to allow America to compete in the global economy. The success of that strategy can be seen in the strength of the American economy, which continues to experience strong investment, low unemployment, healthy job creation, and subdued inflation.

Export growth has been central to America's economic expansion. NAFTA, together with the Uruguay Round Agreement, the Information Technology Agreement, the WTO Telecommunications Agreement, 22 sectoral trade agreements with Japan, and over 170 other trade agreements, has contributed to overall U.S. real export growth of 37 percent since 1993. Exports have contributed nearly one-third of our economic growth—and have grown three times faster than overall income.

Workers, business executives, small business owners, and farmers across America have contributed to the resurgence in American competitiveness. The ability and determination of working people across America to rise to the challenges of rapidly changing technologies and global economic competition is a great source of strength for this Nation.

Cooperation between the Administration and the Congress on a bipartisan basis has been critical in our efforts to reduce the deficit, to conclude trade agreements that level the global playing field for America, to secure peace and prosperity along America's borders, and to help prepare all Americans to benefit from expanded economic opportunities. I hope we can continue working together to advance these vital goals in the years to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

REPORT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1998 BUDGET REQUEST ACT OF 1997—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompany report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 202(c)(5)(C)(ii) of the Financial Responsibility and Management Assistance Act of 1995 ("the FRMA Act"), I am transmitting the Council of the District of Columbia's "Fiscal Year 1998 Budget Request Act of 1997."

The Council's proposed Fiscal Year 1998 Budget was disapproved by the Financial Responsibility and Management Assistance Authority (the "Authority") on June 12. Under the FRMA Act, if the Authority disapproves the Council's financial plan and budget, the Mayor must submit that budget to the President to be transmitted to the Congress. My transmittal of the District Council's budget, as required by law, does not represent an endorsement of its contents. The budget also does not reflect the effect of my proposed Fiscal Year 1998 District of Columbia revitalization plan.

The Authority is required to transmit separately to the Mayor, the Council, the President, and the Congress a financial plan and budget. The Authority sent its financial plan and budget to the Congress on June 15.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 52

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 Labor and Human Resources.

To the Congress of the United States:

It is my pleasure to transmit the Annual Report of the National Endowment for the Arts for 1996.

One measure of a great nation is the vitality of its culture, the dedication of its people to nurturing a climate where creativity can flourish. By supporting our museums and theaters, our dance companies and symphony orchestras, our writers and our artists, the National Endowment for the Arts provides such a climate. Look through this report and you will find many reasons to be proud of our Nation's cultural life at the end of the 20th century and what it portends for Americans and the world in the years ahead.

Despite cutbacks in its budget, the Endowment was able to fund thousands of projects all across America—a museum in Sitka, Alaska; a dance company in Miami, Florida; a production of a Eugene O'Neill play in New York City; a Whistler exhibition in Chicago; and artists in schools in all 50 States. Millions of Americans were able to see plays, hear concerts, and participate in the arts in their hometowns, thanks to the work of this small agency.

As we set our priorities for the coming years, let's not forget the vital role the National Endowment for the Arts must continue to play in our national life. The Endowment shows the world that we take pride in American culture here and abroad. It is a beacon, not only of creativity, but of freedom. And let us keep that lamp brightly burning now and for all time.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

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–2467. A communication from the Acting Director, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Virginia Abandoned Mine Land Reclamation Plan", received on June 27, 1997; to the Committee on Energy and Natural Resources.

EC–2468. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a notice of a refund under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–2469. A communication from the President and Chief Executive Officer, U.S. Enrichment Corporation, transmitting, a draft of proposed legislation relative to the Atomic Vapor Laser Isotope Separation program; to the Committee on Energy and Natural Resources.

EC–2470. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to the Mediterranean Fruit Fly, received on July 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2471. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to tuberculosis in cattle and bison, received on July 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2472. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, a rule relative to allocation of assets in single-employer plans, received on July 10, 1997; to the Committee on Labor and Human Resources.

EC–2473. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule relative to Reorganization, Renumbering, and Reinvention of Regulations, received on June 26, 1997; to the Committee on Labor and Human Resources.

EC–2474. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to recissions and deferrals dated July 1, 1997; referred jointly, pursuant to order of January 30, 1975, as modified by order of April, 11, 1986; to the Committees on Appropriations, the Budget, Agriculture, Nutrition, and Forestry, Armed Services, Banking, Housing and Urban Affairs, Energy and Natural Resources, Finance, Foreign Relations, Governmental Affairs, and the Judiciary.

EC–2475. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Information Administration's Annual Report to Congress for calendar year 1996 under the Federal Energy Administration Act; to the Committee on Energy and Natural Resources.

EC–2476. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules relative to emissions standards, received on July 10, 1997; to the Committee on Environment and Public Works.

EC–2477. A communication from the Secretary of Defense, transmitting, pursuant to law, a report for the six-month period ending March 31, 1997 under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2478. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on July 11, 1997; to the Committee on Governmental Affairs.

EC–2479. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of fiscal year 1996; to the Committee on Governmental Affairs.

EC–2480. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996, to March 31, 1997; to the Committee on Governmental Affairs.

EC–2481. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, approval of two personnel management demonstration projects relative to improving laboratories; to the Committee on Governmental Affairs.

EC–2482. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule relative to firearm possession, received on June 26, 1997; to the Committee on Finance.

EC–2483. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a determination relative to the assistance in Haiti; to the Committee on Appropriations.

EC–2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

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–168. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the House of Representatives is becoming increasingly concerned that the tropical rain forests are being destroyed at a rate of between 13.5 million and 55 million acres a year; and

Whereas, it is feared that further destruction will lead to the elimination of hundreds of thousands of species of plants and animals; and

Whereas, rain forests are an important source of medicinal plants, and approximately 121 prescription drugs are derived from plants which have their origins in rain forests; and

Whereas, rain forests are storehouses of evolutionary achievement and are increasingly invaluable to humankind in our search for the mysteries of life; and

Whereas, rain forests play a major role in the way the sun's heat is distributed around the globe, and any disturbance could produce climatic choas; and

Whereas, it is imperative that something be done before the damage to the rain forests is irreversible: Therefore be it

Resolved, That the House of Representatives memorialize the President and Congress to take whatever steps are necessary to protect the rain forests from further destruction; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–169. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the North Atlantic Treaty Organization has proven itself to be a stabilizing factor in Europe. Through a wide variety of programs and the channels of communications it has opened, NATO has helped to secure the peace, economic development, and cooperation among its member nations and other countries; and

Whereas, Poland, a free and democratic nation with a long and proud history, enjoys numerous ties with NATO member nations. The Republic of Poland is committed to the preservation of freedom and the strengthening of democracy. This nation's well-being as a sovereign country has long been dependent upon the overall stability of central Europe; and

Whereas, the people of Poland wish to exercise their responsibilities within NATO. This country desires to become part of NATO's mission to prevent the excesses of nationalism; and

Whereas, the United States is dedicated to maintaining its friendship with Poland, a country that is pivotal to the continued stability of this area of the world; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–170. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Governmental Affairs.

HOUSE JOINT RESOLUTION 97–1027

Whereas, the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104–193, herein referred to as the "Act", was passed by the United States House of Representatives on July 18, 1996, and the United States Senate on July 23, 1996, and signed into law by President Clinton on August 22, 1996; and

Whereas, Article III of such Act addresses the several states' obligation to provide child support enforcement services and mandates that the states adopt certain procedures for the location of an obligor and the establishment, modification, and enforcement of a child support obligation against such obligor; and

Whereas, the members of the Sixty-first General Assembly recognize the importance of assuring financial support for minor and dependent children; however, the General Assembly finds that those procedures specified in the Act include such far-reaching measures as the following:

(1) The necessity to implement the "Uniform Interstate Family Support Act", as approved by the American Bar Association and as amended by the National Conference of Commissioners on Uniform State Laws, which uniform act allows for the direct registration of foreign support orders and the activation of income-withholding procedures across state lines without any prior verification, certification, or other authentication that the child support order or the income-withholding form is accurate or valid and without a requirement that notice of such withholding be provided to the alleged obligor by any specified means or method, such as by first-class mail or personal service, to assure that the individual receives proper notice prior to the income-withholding;

(2) Liens to arise by operation of law against real and personal property for amounts of overdue support that are owed by a noncustodial parent who resides or owns property in the state, without the ability to determine if a lien exists on certain property;

(3) The obligation of the state to accord full faith and credit to such liens arising by operation of law in any other state, which results in inadequate notice and the inability of purchasers to have knowledge or notice of such liens;

(4) A duty placed upon employers to report all newly hired employees, whether or not the employee has a child support obligation, to a state directory of new hires within a restricted period of time after the employer hires the employee;

(5) The requirement that social security numbers be recorded when a person applies for a professional license, a commercial driver's license, an occupational license, or a marriage license, when a person is subject to a divorce decree, a support order, or a paternity determination or acknowledgment, or when an individual dies, whether or not the person has an obligation to pay child support;

(6) A requirement that the child support enforcement agency enter into agreements with financial institutions doing business in the state in order to develop, operate, and coordinate an unprecedented and invasive data match system for the sharing of account holder information with the child support enforcement agency in order to facilitate the potential matching of delinquent obligors and bank account holders;

(7) Procedures by which the state child support enforcement agency may subpoena financial or other information needed to establish, modify, or enforce a support order and to impose penalties for failure to respond to such a subpoena and procedures by which to access information contained in certain records, including the records of public utilities and cable television companies pursuant to an administrative subpoena; and

(8) Procedures interfering with the states' right to determine when a jury trial is to be authorized; and

Whereas, the Act mandates numerous, unnecessary requirements upon the several states that epitomize the continuing trend of intrusion by government into people's personal lives; and

Whereas, the Act offends the notion of notice and opportunity to be heard guaranteed to the people by the Due Process Clauses of the 5th and 14th Amendments to the Constitution of the United States; and

Whereas, the Act offends the 10th Amendment to the Constitution of the United States, which provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the Act imposes upon the several states further insufficiently funded mandates in relation to the costly development of procedures by which to implement the requirements set forth in the Act in order to preserve the receipt of federal funds under Title IV–D of the "Social Security Act", as amended, and other provisions of the Act: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the Sixty-first General Assembly, urge the Congress of the United States to amend or repeal those specific provisions of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" set forth in this Resolution that place undue burden and expense upon the several states, that violate provisions of the Constitution of the United States, that impose insufficiently funded mandates upon the states in the establishment, modification, and enforcement of child support obligations, or that unjustifiably intrude into the personal lives of the law-abiding citizens of the United States of America; be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state legislature, and Colorado's Congressional delegation.

POM–171. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

CONCURRENT RESOLUTION NO. 257

Whereas, the State of Hawaii is one of the nine states that comprise the United States (U.S.) Ninth Circuit Court of Appeals that also includes Guam and the Northern Mariana Islands; and

Whereas, the U.S. Ninth Circuit Court of Appeals consists of a twenty-eight judge bench with approximately ten vacancies as of Spring, 1997; and

Whereas, the State of Hawaii has not had full-time, active representation on this important federal bench since the retirement to senior status of the Honorable Herbert Y. C. Choy in 1984; and

Whereas, a judgeship for the State of Hawaii has been denied throughout the last three presidential administrations; and

Whereas, the State of Hawaii is one of only two states in the Union without full-time, active representation on its respective federal circuits; and

Whereas, the federal circuit courts, according to U.S. Senator Diane Feinstein of California, "have been structured to draw upon the legal traditions of several states" in order to "preserve the federalizing function of the courts of appeals"; and

Whereas, the ideals expressed by Senator Feinstein cannot possibly be attained in the U.S. Ninth Circuit if the State of Hawaii has no circuit judge to give voice to our "legal traditions"; and

Whereas, the U.S. Ninth Circuit Court of Appeals receives approximately six percent of its workload from the State of Hawaii, including cases involving the Native Hawaiian Sovereignty vote, mandatory lease to fee condominium conversion, Native Hawaiian land claims, and the Waikiki vending ordinances, among many others: Now, therefore, be it

Resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, the House of Representatives concurring, That the President of the United States and the United States Senate are respectfully requested to work diligently and appropriately to award the State of Hawaii a full and equal measure of judicial representation on the United States Ninth Circuit Court of Appeals by appointing and confirming a qualified resident of the State of Hawaii to any presently existing vacant Ninth Circuit judgeship; and be it further

Resolved That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of

the United States House of Representatives, the Governor of the State of Hawaii, the members of the Hawaii Congressional Delegation, and the Honorable Orrin Hatch, Chairman of the United States Senate Judiciary Committee.

POM–172. A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 41

Whereas, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

Whereas, Tennessee has had a constitutional death penalty statute since 1977; and

Whereas, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

Whereas, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers; and

Whereas, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that raises an issue as to his bias against capital punishment; and

Whereas, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

Whereas, he has also repeatedly reversed the convictions and/or sentences of many capital cases which were tried and adjudicated years ago, making it difficult for such cases to be retried; and

Whereas, the State of Tennessee Attorney General has even filed a petition for writ of mandamus against Judge Nixon to expedite a death penalty matter in a particular case that languished in his court: Now, therefore, be it

Resolved by the Senate of the one-hundredth General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby memorializes the House of Representatives and Senate of the U.S. Congress to consider amending the United States Constitution to remove Federal Judges for "dereliction of duty", and not just "high crimes and misdemeanors", in order to ensure that judges act with due dispatch and care in carrying out their duties on appeals of capital cases and other habeas corpus matters, and writs of mandamus, be it further

Resolved, That this General Assembly hereby memorializes the House of Representatives of the United States Congress to thoroughly and timely investigate whether ground exist to impeach John T. Nixon, Judge for the United States District Court for the Middle District of Tennessee, in accordance with the United States Constitution, and if such grounds exist, then to initiate proceedings to impeach Judge John T. Nixon in accordance with the United States Constitution, be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S Senate, the Clerk of the U.S. Supreme Court, and to each member of the Tennessee delegation to the U.S. Congress.

POM–173. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 6

Whereas, the Las Vegas Valley has in recent years experienced a tremendous increase in population and growth in the number of businesses and residential homes in the area; and

Whereas, the Federal Government presently manages public land located within the Las Vegas Valley; and

Whereas, a sale or other transfer of some or all of that public land would facilitate community expansion and growth in the Las Vegas Valley; and

Whereas, because public lands managed by the Federal Government in Nevada are not taxable, a sale or transfer of those lands into state or private ownership would provide additional land subject to taxation in the State of Nevada; and

Whereas, although the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley would be beneficial to the State of Nevada and its residents, such transfers may adversely affect sparsely populated and rural counties in Nevada by increasing the amount of land managed by the Federal Government in those counties, thereby reducing the amount of land in those counties that is privately owned or owned by the State of Nevada or a local government; and

Whereas, during the 105th session of Congress, Representative John Ensign introduced the Southern Nevada Public Land Management Act of 1997 (H.R. No. 449), which, if enacted, would direct the Secretary of the Interior to dispose of certain Federal lands in the Las Vegas Valley and authorize the State of Nevada to elect to obtain the lands for public purposes: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby expresses its support for the Southern Nevada Public Land Management Act of 1997 and for the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–174. A joint resolution adopted by the General Assembly of the State of Colorado relative to the proposed "American Land Sovereignty Protection Act"; to the Committee on Energy and Natural Resources.

Whereas, the United Nations has designated sixty-seven sites in the United States as "World Heritage Sites" or "Biosphere Reserves", which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, section 3 of Article IV of the United States Constitution provides that the United States Congress shall make all needed rules and regulations governing lands belonging to the United States; and

Whereas, many of the United Nations designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from Congress; and

Whereas, these international designations, as presently handled, are an open invitation to the international community to interfere in domestic land use decisions; and

Whereas, local citizens and public officials usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, the President and Executive Branch of the United States have, by Executive Order and other agreements, implemented these designations without the approval of Congress; and

Whereas, actions by the President in applying international agreements to lands owned by the United States may circumvent Congress; and

Whereas, in the 105th Congress, Congressman Don Young introduced HR–901, entitled the "American Land Sovereignty Act", to protect American public and private lands from jurisdictional encroachments by certain United Nations programs, and such resolution has been referred to the Resource Committee with 77 cosponsors; Now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That the State of Colorado supports this legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session; be it further

Resolved, That copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Congressional delegation from Colorado.

POM–175. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 97–1038

Whereas, in 1976, the United States Congress enacted the Payment in Lieu of Taxes (PILT) program administered by the United States Bureau of Land Management to compensate local governments for the tax-exempt nature of and the costs associated with the presence of federal lands; and

Whereas, counties have historically and traditionally shared in the benefits of economic activity on public lands through statutory formulas that guarantee a percentage of all gross receipts to be returned to the counties where the activity occurs; and

Whereas, shared natural resource payments to counties from economic activities such as timber sales, mineral leasing, and grazing are absolutely vital to the financial stability of county government; and

Whereas, counties utilize shared receipts to provide vital services through long-standing intergovernmental agreements with the federal government; and

Whereas, the United States Congress considered and passed legislation in 1994 known as S. 455, which adjusted the PILT program by increasing the authorization level to reflect full value as enacted in 1976; and

Whereas, in 1995, Congress increased the authorization for PILT to double the previous $100 million level gradually over several years in order to make up for inflation, making a full appropriation for fiscal year 1999 of $190 million rather than the $101.5 million Interior Secretary Babbitt is asking for; and

Whereas, the United States Secretary of the Interior, Bruce Babbitt, announced that the Clinton Administration's budget proposal calls for a $12 million cut in PILT funding that dramatically impacts western states; and

Whereas, the money cut from the PILT program will apparently be used to help pay for the management of the new Escalante Monument in Utah, which was established by President Clinton without the usual environmental and public hearing process; and

Whereas, an 11 percent reduction of Colorado's $8 million share of the PILT payments would mean that approximately $900,000 per year would be taken from Colorado counties to contribute to the Escalante Monument project; and

Whereas, cutting money from the PILT program violates the original agreement between the federal government and our nation's counties: Now, therefore, be it,

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the General Assembly, support full funding of the federal PILT program as authorized by the passage of S. 455 in 1994 and urge the Colorado Congressional Delegation to advocate for the full funding level; be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the United States Secretary of Interior, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Colorado Congressional Delegation.

POM–176. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 12

Whereas the Tongass National Forest has been chosen by the Clinton Administration to provide Christmas trees to decorate the nation's Capitol and congressional offices; and

Whereas the grace and beauty of Alaska's native tree species are well suited for such a distinct purpose; and

Whereas Alaskans are a generous people, and their State's resources a tremendous asset that if carefully managed by the people most closely affected can be the backbone of a strong economy; and

Whereas trees harvested for the economic benefit of the people of the Tongass are subject to full public comment and environmental review; and

Whereas, under normal conditions, the Alaska Legislature would regard the opportunity to provide federal offices with Christmas trees from our national forest as the highest compliment and honor; and

Whereas conditions are not normal, as one of Alaska's two pulp mills and the state's largest sawmill have shut down while Alaska's remaining pulp mill has announced it will close in March at a cost of thousands of jobs; and

Whereas, even with the recent signing of a three-year contract to supply wood to Southeast Alaska's two largest sawmills, consistent supply remains a concern for their continued existence; and

Whereas over 60 percent of Southeast Alaska's timber-related jobs have been eliminated since 1990; and

Whereas the Clinton Administration has ignored the efforts of the Alaska congressional delegation and the Alaska State Legislature to secure the livelihoods of the workers, their families, and the timber dependent communities of Southeast Alaska; and

Whereas the Alaska State Legislature deems it inappropriate to harvest trees for decorative purposes, and ask Southeast Alaskans to incur the cost, while Southeast Alaska timber jobs are being extinguished, depressing the area's economy; and

Whereas what should be an honor is instead an affront as it carries the message that careful harvesting of our trees is acceptable to decorate the nation's Capitol and the halls of Congress, yet not acceptable to provide jobs for the people of Southeast Alaska; be it

Resolved, That the Alaska State Legislature recognizes harvesting of Alaska's trees to provide pleasure for those far removed is symbolic of a failed national policy which has cost Southeast Alaska communities thousands of year-round, family supporting jobs and caused untold personal suffering; and be it further

Resolved, That the Alaska Legislature opposes the harvesting of Christmas trees for the nation's Capitol and other federal and congressional offices from the Tongass National Forest and urges that it not be done without full public comment and a comprehensive Environmental Impact Statement; and be it further

Resolved, That the Alaska State Legislature requests the Clinton Administration to find another source for the 1998 White House Christmas tree festivities in light of the social and economic hardship forced upon the unemployed timber workers, their families, and the timber dependent communities of the Tongass.

POM–177. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 11

Whereas, by section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. Sec. 932), enacted in 1866, the right of way was granted for the construction of highways over public lands not reserved for other public uses; and

Whereas, the placement of that section in an act primarily devoted to the encouragement of mining upon the public lands suggests that an important purpose of the grant was to provide access to mining claims, but its operation was extended by section 17 of the Placer Law of 1870, which also affected other patents, pre-emptions and homesteads, so that the right of access was extended broadly to private property; and

Whereas, when section 8 of chapter 262 of the Statutes of 1866 was repealed in 1976 by section 706 of Public Law 94–579, section 701 of Public Law 94–579 also provided: "Nothing in this Act * * * shall be construed as terminating any valid * * * right-of-way [sic], or other land use right or authorization existing on the date of approval of this Act"; and

Whereas, this legislature in its 67th Session enacted Assembly Bill No. 176 and Senate Bill No. 235 and adopted Senate Joint Resolution No. 12, which recognized the acceptance of rights of way across public land by private use as accessory roads, dispensed with public maintenance but declared all such roads open to public use, and urged the Federal Government to recognize the rights so acquired: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature, speaking on behalf of all its residents, calls upon the Congress of the United States to continue to ensure the permanent rights existing in those roads over public land that serve private property; and be it further

Resolved, That the Nevada Legislature hereby urges the Secretary of the Interior to allow for the identification of rights of way over public land in the State of Nevada through an administrative process; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Secretary of the Interior; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

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. DURBIN (for himself, Ms. MOSELEY-BRAUN, Mr. JOHNSON, and Mr. WELLSTONE):

S. 1008. A bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Finance.

By Mr. KENNEDY:

S. 1009. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1010. A bill to suspend the rate of duty with respect to certain chemicals; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. MOSELEY-BRAUN, Mr. JOHNSON and Mr. WELLSTONE):

S. 1008. A bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Finance.

EXCISE TAX LEGISLATION

Mr. DURBIN. Mr. President, today I am introducing legislation that would extend the current excise tax incentive for ethanol use. I am pleased to be joined by Senators MOSELEY-BRAUN, JOHNSON, and WELLSTONE in this important effort.

We are moving forward with this extension today for several reasons. Last month the Senate included extension language in the reconciliation bill. I believe this sends a strong signal that ethanol enjoys wide, bipartisan support on this side of the Capitol. Based on

that action, now is the appropriate time to pursue extension through any and all avenues. Reconciliation is one avenue. Reauthorization of the Intermodal Surface Transportation and Efficiency Act [ISTEA], the vehicle used in this legislation, is another. We would prefer that it be done sooner in the reconciliation bill, rather than later in the ISTEA reauthorization. But we want to make it clear that, one way or another, we will not rest until this extension becomes law.

I stand in strong support of the Senate's reconciliation language that would extend the program through 2007. I commend my colleagues, Senators GRASSLEY and MOSELEY-BRAUN for their tireless efforts to include an extension in the Senate language. And, I urge Senate conferees to hold fast to that position.

Despite strong support in the Senate, the House Ways and Means Committee voted last month to cut, cap, and kill this important program. Even with a moderation of the Committee language in the House and the action by the Senate, the House Committee action has caused considerable uncertainty about the future of the ethanol program which will no doubt affect the growth of this renewable fuel program.

The ethanol program has been an excellent example of a program that works. At a time when we are laboring to enact a balanced budget, I believe that programs, like ethanol, that pay for themselves and provide important benefits should be maintained rather than summarily eliminated.

Ethanol's benefits are well documented—it strengthens the economy, improves the environment, and decreases our dependence on foreign oil. A recent study conducted by the Midwest Governors' Conference concluded that the ethanol program produces a net savings to the Federal budget of more than $3.6 billion, adds over $450 million to State tax receipts each year, increases total U.S. employment by 195,200 jobs, and boosts net farm income by more than $4.5 billion annually. The Federal Government gains $1.30 for each gallon of ethanol sold in America—more than double the 54-cent-per-gallon cost of the incentive.

The increased use of ethanol helps offset the greenhouse gas emissions that result from the burning of fossil fuels. Ethanol-blended fuels reduce emissions of carbon monoxide, nitrogen oxides, and air toxics. Also, ethanol reduces the demand for imported gasoline and imported oxygenates by more than 90,000 barrels per day.

Clearly, ethanol is not a favorite of many of the big oil companies. But just as clearly, ethanol use is good for America. Each gallon of ethanol production capacity not built due to uncertainty about ethanol's tax status represents a loss of revenue to the U.S. Treasury as well as to our Nation's farmers. If investors are scared away because of legislative attacks on ethanol, the taxpayer loses.

That is why we are introducing legislation to reaffirm and extend our national commitment to this domestic, agriculture-based, renewable fuel program. We need to give this important sector of our economy the stability that will allow it to keep expanding. We need a solid, long-term commitment to help ensure that the demand for home-grown ethanol continues.

It is a critical time for ethanol. Instead of debating how to cut, cap, and kill the ethanol program as a number of legislators on the other side of the Capitol have done, supporters, whether from rural or urban areas, should be discussing the most appropriate way to extend the program. A program that works.

Mr. President, I invite my colleagues to join me in cosponsoring this legislation to send a signal that Congress will keep its commitment to renewable alcohol fuels.

By Mr. KENNEDY:

S. 1009. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

LEGISLATION TO RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, today, we renew the battle for a fair minimum wage. Last year, after an unacceptable lag of 5 years, Congress enacted legislation to raise the minimum wage, which had shamefully been allowed to fall below acceptable levels and was no longer a living wage for the 10 million Americans who rely on it for their income.

We all remember the battle in the last Congress. For over 18 months, Republican Senators, newly in the majority, stalled action on any increase. The irresponsibility and unfairness of that obstruction became increasingly obvious, and the opponents became increasingly nervous about their position. Public support for a fair increase in the minimum wage finally became overwhelming. As the 1996 elections came closer, the obstructionists surrendered—and a fair two-step increase was signed into law by President Clinton last August. Under that legislation, the minimum wage rose from $4.25 an hour to $4.75 an hour on October 1, 1996, and it will rise to $5.15 an hour on September 1 this year.

Current law stops there. No further increases will take effect unless Congress acts again. It is time for us to do so now, in order to guarantee that further fair increases take place in the years ahead.

Today, therefore, I am introducing legislation to provide increases of 50 cents an hour in each of the next 3 years and increases of 30 cents an hour in each of the following 2 years—to $5.65 an hour on September 1, 1998, to $6.15 an hour on September 1, 1999, to $6.65 an hour on September 1, 2000, to $6.95 an hour on September 1, 2001, and to $7.25 an hour on September 1, 2002.

At a time when Congress is making many other decisions on taxing and spending over the next 5 years, it is entirely appropriate that we act on the minimum wage over the 5-year budget period, too.

The increases I am proposing are based on a simple principle. Intense Republican opposition to raising the minimum wage during the 8 years of the Reagan administration, and periodic opposition during the past 7 years, have left the real value of the minimum wage far below the levels it had in the previous 40 years. The bill introduced today will restore the purchasing power of the minimum wage to the level it had when the Reagan administration came to power.

The experience with the 50-cent increase that went into effect for the minimum wage last October refutes the doomsday predictions that opponents have always raised whenever Congress considers a fair increase. A study released today by the Economic Policy Institute sums up the experience of the past 9 months. As the title of the study states, "The Sky Hasn't Fallen" because of the increase.

The study documents several clear facts about last year's increase: It raised wages for 4 million workers; 66 percent of these are adults, and 58 percent are women.

Some 40 percent of the increase went to families in the bottom 20 percent of the income scale, whose earnings average $14,000 a year; 55 percent of the increase went to families in the bottom 40 percent of the income scale, who earn $30,000 a year or less.

Contrary to opponents' claims, the increase did not primarily go to teenagers in part-time jobs after school.

There was no significant effect on employment of adults, minorities, teenagers or anyone else. The crocodile tears shed for these groups by opponents of the minimum wage have no basis in fact.

The bottom line is clear. Employment does not go down because the minimum wage goes up. The overall conditions of the economy determine the levels of employment for all sectors of the work force. Reasonable increases in the minimum wage have no significant effect on these levels.

Even the Wall Street Journal threw in the towel, and it did so soon after the increase last October took effect. An article published on November 20, 1996 was headlined "Fears Over Raising the Minimum Wage Appear Unfounded." And the facts since then have amply verified that statement.

Raising the minimum wage was the right thing for Congress to do last year, and it's the right thing for Congress to do this year. No one who works

for a living should have to live in poverty. Everyone who works for a living deserves a living wage. I urge the Senate and the House to act expeditiously on the legislation I am introducing today.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

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

S. 1009

Be it enacted by the Senate and House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Fair Minimum Wage Act of 1997".

SEC. 2. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section not less than

"(A) $5.65 an hour during the year beginning on September 1, 1998;

"(B) $6.15 an hour during the year beginning on September 1, 1999;

"(C) $6.65 an hour during the year beginning on September 1, 2000;

"(D) $6.95 an hour during the year beginning on September 1, 2001; and

"(E) $7.25 an hour during the year beginning on September 1, 2002.

By Mr. THURMOND:

S. 1010. A bill to suspend the rate of duty with respect to certain chemicals; to the Committee on Finance.

DUTY SUSPENSION WITH RESPECT TO CERTAIN CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties on two chemicals used in the manufacturing of pharmaceuticals, ultraviolet protection products, and fragrances. Currently, these chemicals are imported into the United States.

The first chemical, benzyl alcohol, is used to produce esters. In 1996, this product was listed in the pharmaceutical category and carried a duty free status which has been overturned.

The second chemical, benzophenone, is primarily used to produce pharmaceuticals, ultraviolet protection products, and fragrances. Currently, no domestic producer of this product exists. Therefore, suspending the duties on this item would not adversely affect domestic industries.

Mr. President, suspending the duty on these chemicals will benefit the consumers by stabilizing the costs of the end products. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY SUSPENSIONS.

(a) IN GENERAL.—The Harmonized Tariff Schedule of the United States is amended—

(1) in subheading 2906.11.00 (relating to dl menthol), by striking "2.1%" and inserting "Free"; and

(2) in subheading 2906.21.00 (relating to benzyl alcohol), by striking "5.9%" and inserting "Free".

(b) EFFECTIVE DATE.—The Amendments made by this section shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Rhode Island [Mr. REED], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 202

At the request of Mr. LOTT, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 328

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Oregon [Mr. SMITH], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 349

At the request of Mrs. BOXER, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 349, a bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 364

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 943

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the names of the Senator from Nevada [Mr. REID] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 106

At the request of Mr. ROBB, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 106, a resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

AMENDMENT NO. 595

At the request of Mr. WYDEN the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of amendment No. 595 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 638

At the request of Mrs. BOXER the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 638 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 677

At the request of Mr. FEINGOLD the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of amendment No. 677 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 762

At the request of Mr. DODD the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 762 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 763

At the request of Mr. DODD the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of amendment No. 763 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 763 proposed to S. 936, supra.

AMENDMENT NO. 764

At the request of Mr. STEVENS the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Kansas [Mr. ROBERTS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. MCCONNELL], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. BOXER], the Senator from Washington [Mrs. MURRAY], the Senator from Idaho [Mr. CRAIG], the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mrs. HUTCHISON], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. DORGAN], the Senator from Alabama [Mr. SESSIONS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Florida [Mr. MACK] were added as cosponsors of amendment No. 764 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. ROTH his name was added as a cosponsor of amendment No. 764 proposed to S. 936, supra.

AMENDMENT NO. 799

At the request of Mr. BINGAMAN the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 799 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 802

At the request of Mr. LEVIN the names of the Senator from South Carolina [Mr. THURMOND], the Senator from West Virginia [Mr. BYRD], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of amendment No. 802 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

DOMENICI (AND BINGAMAN) AMENDMENT NO. 803

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. . FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within 10 years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States Government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the Government has clear title,

submit to the appropriate congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than 10 years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

BUMPERS AMENDMENT NO. 804

Mr. BUMPERS proposed an amendment to the bill, S. 936, supra; as follows:

At the end of line 21 on page 32, insert the following new subsection:

( ) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F-22 production program may not exceed $43,000,000,000.

LEVIN AMENDMENT NO. 805

Mr. LEVIN proposed an amendment to the bill, S. 936, supra; as follows:

At the end of section 122, add the following:

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN-77 nuclear aircraft carrier and manage the program so that the CVN-77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN-77 aircraft carrier, as compared to the technology built into the baseline design of the CVN-76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 1105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

THURMOND AMENDMENT NO. 806

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

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

SEC. 369. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(1)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

DeWINE AMENDMENT NO. 807

Mr. DEWINE proposed an amendment to the bill, S. 936; as follows:

On page 341, line 18, strike out ", without consideration,".

On page 341, at the end of line 23, add the following: "The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.".

CHAFEE AMENDMENT NO. 808

Mr. THURMOND (for Mr. CHAFEE) proposed an amendment to the bill, S. 936, supra; as follows:

On page 353, between lines 7 and 8, insert the following:

SEC. 1107. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) ESTABLISHMENT. The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) PURPOSE.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) CURRICULUM.—the curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) DISTANCE LEARNING OPTION.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) PERIOD FOR PILOT PROGRAM.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing as similar program for all of the Department of Defense.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

BUMPERS AMENDMENT NO. 809

Mr. THURMOND (for Mr. BUMPERS) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place in the bill, add the following: "of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas."

CLELAND AMENDMENT NO. 810

Mr. THURMOND (for Mr. CLELAND) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 369. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

KYL AMENDMENT NO. 811

Mr. THURMOND (for Mr. KYL) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the

Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) DEFINITIONS.—

(1) REPRESENTATIVE OF THE PRESIDENT.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense, or the Department of Energy, who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 812

Mr. THURMOND (for Mr. MOYNIHAN, for himself and Mr. D'AMATO) proposed an amendment to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of 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 subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BAUCUS AMENDMENT NO. 813

Mr. THURMOND (for Mr. BAUCUS) proposed an amendment to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applied to the following real property;

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation.—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation.—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district, access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation.—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest, in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BINGAMAN (AND KYL) AMENDMENT NO. 814

Mr. THURMOND (for Mr. BINGAMAN, for himself and Mr. KYL) proposed an amendment to the bill, S. 936, supra; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d). The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act."

GLENN (AND MCCAIN) AMENDMENT NO. 815

Mr. THURMOND (for Mr. GLENN, for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 397, between lines 11 and 12, insert the following:

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

"§ 2697. Screening of certain real property before conveyance

"(a) REQUIREMENT.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Services Act of 1949.

"(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

"(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

"(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

"(b) EXCEPTED AUTHORITY.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) 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).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) LIMITATION OF MODIFICATION OR WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2607. Screening of certain real property before conveyance.".

"(b) APPLICABILITY.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 816

Mr. THURMOND (for Mr. ROCKEFELLER, for himself, Mr. DURBIN, Mr. SPECTER, Mr. WELLSTONE, Mr. SANTORUM, Mr. JEFFORDS, and Mrs. MURRAY) proposed an amendment to the bill, S. 936, supra; as follows:

On page 15, line 22, strike out "$2,918,730,000" and insert in lieu thereof "$2,903,730,000".

On page 30, line 14, strike out "$10,072,347,000" and insert in lieu thereof "$10,087,347,000".

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

COATS AMENDMENT NO. 817

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104-208; 22 U.S.C. 1928 note) by a vote of 81-16 in the Senate, and 353-65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

FAIRCLOTH AMENDMENT NO. 818

Mr. THURMOND (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

THURMOND AMENDMENT NO. 819

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

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

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of four years and include an option to extend the contract for one additional year.

D'AMATO AMENDMENT NO. 820

Mr. THURMOND (for Mr. D'AMATO) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) COST AND OPERATION EFFECTIVENESS ANALYSIS.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56m radar warning receiver.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

KENNEDY AMENDMENT NO. 821

Mr. THURMOND (for Mr. KENNEDY) proposed an amendment to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competitive procedures in selecting participants for the program.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

BINGAMAN AMENDMENT NO. 822

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement on future reductions in nuclear forces. The report shall address the U.S. approach (including verification implications) to implementing the Helsinki joint statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

SNOWE AMENDMENT NO. 823

Mr. THURMOND (for Ms. SNOWE) proposed an amendment to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

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

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

BINGAMAN AMENDMENT NO. 824

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 425, line 12, strike "$2,000,000" and insert "$5,000,000".

On page 425, line 17, strike "$2,000,000" and insert "$5,000,000".

On page 429, line 6, strike "$2,000,000" and insert "$5,000,000".

THURMOND AMENDMENT NO. 825

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utiliize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site, and under the jurisdiction the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado, and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee, and under jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in adance in appropriations Acts, the Secretary may use amounts credited to the Defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

GRAHAM AMENDMENT NO. 826

Mr. THURMOND (for Mr. GRAHAM) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

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

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attached and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and 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. The report shall contain—

(1) a discussion of the results of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States whole they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

SARBANES AMENDMENT NO. 827

Mr. THURMOND (for Mr. SARBANES) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

HUTCHISON (AND GRAMM) AMENDMENT NO. 828

Mr. THURMOND (for Mrs. HUTCHISON, for herself and Mr. GRAMM) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

MCCAIN AMENDMENT NO. 829

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 1040, and insert in lieu thereof the following:

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

CHAFEE (AND OTHERS) AMENDMENT NO. 830

Mr. THURMOND (for Mr. CHAFEE for himself, Mr. KENNEDY, Ms. SNOWE, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 936, supra; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) CONSULTATION BETWEEN SECRETARY AND HEAD OF EXECUTIVE AGENCY.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) MORATORIUM.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) EFFECT OF LACK OF AGREEMENT.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

'(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) LIMITATION ON DELEGATION OF AUTHORITY.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) DEFINITION.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

"(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

GRAHAM AMENDMENT NO. 831

Mr. THURMOND (for Mr. GRAHAM) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

"(a) INSTITUTION OF THE NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) The Center for Hemispheric Defense Studies.".

"(b) CIVILIAN FACULTY MEMBERS.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT CENTER FOR HEMISPHERIC DEFENSE STUDIES.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

MURRAY (AND OTHERS) AMENDMENT NO. 832

Mr. THURMOND (for Mrs. MURRAY, for herself, Mr. GLENN, and Mr. GORTON) proposed an amendment to the bill, S. 936, supra; as follows:

On page 18, between lines 15 and 16, insert the following:

SEC. 110. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense. Army procurement advisory and assistance services shall be reduced by $30,000,000.

On page 415, line 11, strike out "$1,748,073,000" and insert in lieu thereof "$1,741,373,000".

On page 417, line 16, strike out "$252,881,000" and insert in lieu thereof "$237,881,000".

On page 423, line 7, strike out "$215,000,000" and insert in lieu thereof "$264,700,000".

On page 423, line 10, strike out "$29,000,000" and insert in lieu thereof "$21,000,000".

On page 423, lines 17 and 18, insert the following:

Project 98–PVT– , waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98–PVT– , Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

On page 423, line 19, strike out "$109,000,000" and insert in lieu thereof "$147,000,000".

McCAIN AMENDMENT NO. 833

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

COATS AMENDMENT NO. 834

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 1037, and insert in lieu thereof the following:

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REQUIREMENT.(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budget to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

BINGAMAN AMENDMENT NO. 835

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relative to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulation shall be accompanied with elimination of barriers to export of U.S. made beverages currently placed by other countries.

DASCHLE (AND OTHERS) AMENDMENT NO. 836

Mr. THURMOND (for Mr. DASCHLE, for himself, Mr. BINGAMAN, Mr. HOLLINGS, Mr. HAGEL, and Mr. KERREY) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

SEC. . REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,

(2) wirewound resistors,

(3) film resistors,

(4) solid tantulum capacitors,

(5) multi-layer ceramic capacitors, and

(6) wet tantulum capacitors.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting in SR-301, Russell Senate Office Building, on Wednesday, July 16, 1997, at 2:30 p.m. to consider the investigation into the contested Louisiana Senate election.

For further information concerning this meeting, please contact Bruce Kasold on the Rules Committee staff at 224-3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Kathleen M. Karpan to be Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, will be considered at the hearing scheduled for Thursday, July 17, 1997 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a nominations hearing on Wednesday, July 23, 1997 at 9 p.m. in SR-328A to consider the nominations of Ms. Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety and Ms. Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Friday, July 11, 1997, at 9:30 a.m., in room S211 of the U.S. Capitol.

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

ADDITIONAL STATEMENTS

COMMEMORATING THE SECOND ANNIVERSARY OF THE FALL OF SREBRENICA

• Mrs. FEINSTEIN. Mr. President, today, July 11, marks the second anniversary of the fall of the so-called safe area of Srebrenica, one of the three eastern enclaves in Bosnia.

By most estimates, following the fall of Srebrenica over 8,000 Muslim refugees fleeing the Serb forces simply disappeared. Many of these refugees were old men, women, and children, killed in acts of inhuman cruelty.

Even today, 2 years later, the vast majority of these people are still unaccounted for.

Others from Srebrenica were luckier—forced to flee their homes as part of a brutal policy of ethnic cleansing.

I am still haunted by an image from a picture that I saw in the newspaper shortly after the fall of Srebrenica. It was a picture of a young woman, a refugee from Srebrenica, around 20 years old, who climbed a tree, tied a rope around her neck, and hung herself. A photographer captured her lifeless body as it hung from the tree.

Mr. President, I look at that picture and I think: What kind of nation are we if we can not see to it that the people who practiced rape, practiced genocide, practiced ethnic cleansing, are not brought to justice? We know who these people are. We know where they live.

The fact is, of the 74 war criminals indicted by the International War Crimes Tribunal at The Hague, only 9 have been apprehended.

Where is the conscience of the world?

I first wrote to the President about this issue on September 11 of last year, following a hearing of the Senate Foreign Relations Committee, at which administration witnesses provided testimony to the effect that there were no capable international or national institutions in Bosnia with both the authority and the ability to apprehend indicted war criminals.

The President responded to this letter that "although the peace will not be complete until indicted war criminals are brought to justice," IFOR would not hunt down war criminals, and that U.S. policy would be to "continue our efforts to press all parties to turn over indicted war criminals to the Tribunal."

In the months since then we have seen how willing the parties to Dayton have been to turn over indicted war criminals.

When the IFOR mandate ended and IFOR was replaced by SFOR, I took up this issue with Secretary Perry, writing him on December 4 last year—again, following a hearing of the Senate Foreign Relations Committee—that I believed that it was essential that the follow-on force have clear, unambiguous authority for apprehending war criminals or to provide more effective support to other authorities in carrying out this task.

I received a response from the Department of Defense on February 18 of this year that again stated that the administration shared my concern on the importance of this issue, but that no additional efforts to apprehend war criminals would be forthcoming.

I also took this question up with the other Democratic and Republican women of the Senate. The nine of us sent a letter to the President on March 3 of this year in which we requested that the President:

> . . . look at this problem as a top priority and indicate to us precisely how the international community might ensure the arrest and extradition to The Hague of those responsible for crimes against humanity.

The President responded to us on April 11. His letter stressed the role of the International Tribunal in "establishing accountability for war crimes and crimes against humanity . . ." The President also stated that:

> I share your sense of urgency and my Administration is committed to assisting the Tribunals in the apprehension and extradition of those indictees who remain at large. We are currently examining a variety of options in this regard.

Frankly, I found the President's response to be inadequate. And in mid-April I wrote to both the President and the Secretary General of the United Nations urging an aggressive stand to see that indicted war criminals are brought to justice.

As I stated in my April 21 letter to the President, it is my belief that:

> Unless the United States takes a position of aggressive leadership on this issue in the international community, we run the risk that future historians will conclude that the lessons of current U.S. foreign policy are that crimes against humanity, genocide, and the use of rape as an instrument of war are acceptable—and that those who perpetrate these crimes can do so with impunity.

We would, moreover, put at risk all the gains of the Dayton process if we do not bring these war criminals to justice.

The President responded to me on June 19, stating that, "My foreign policy team is examining several options to assist and enhance the ability of the Tribunal to bring indicted war criminals into custody."

Mr. President, I will ask that copies of those portions of this correspondence that I feel my colleagues will find most useful be printed in the RECORD at the end of my remarks.

Finally, to provide additional tools to the administration in the apprehension of war criminals, in May of this year Senator LAUTENBERG, LUGAR, LEAHY, D'AMATO, MIKULSKI, and myself introduced the War Crimes Prosecution Facilitation Act of 1997. This legislation, which has since been included in the committee-passed Senate Foreign Operation Appropriations bill, conditions United States financial assistance to the states and entities of the former Yugoslavia with their cooperation with the war crimes Tribunal.

Mr. President, I do not know what humiliations and deprivations this woman whose picture I saw in the paper suffered. Perhaps she saw a loved one killed. Perhaps she was raped. All I know is that she could take no more.

In the memory of this nameless young woman, and in the memory of the countless thousands of others who were killed, tortured, and raped, we must make sure that peace and justice are restored in Bosnia.

And the bottom line is that there can be no peace and justice in Bosnia without the prosecution of those who committed crimes against humanity.

What happened in Srebrenica was not unique to the war that tore the former Yugoslavia apart. In town after town, village after village, atrocities were committed by all sides in a brutal civil war.

Unlike the countless other villages and towns wiped off the map in the campaigns of ethnic cleansing, however, the fall of Srebrenica—and the brutal atrocities carried on while the international community stood passively by—at long last galvanized the international community to end the war and bloodshed in Bosnia. What we saw in Srebrenica shamed the international community to action, and led to the negotiation of the Dayton accords.

Today, 2 years after Srebrenica and a year-and-a-half since Dayton, should be a day to look back at our accomplishments of the past 2 years and say that we have upheld our vow of "never again."

Instead, it is a day when we must admit that we have not done enough to honor the memory of the young women whose photograph I referred to earlier, or the other victims of ethnic cleansing in the former Yugoslavia.

The horrors that tore Yugoslavia apart—the ethnic cleansing, the genocide, the rapes—have been well documented. The perpetrators of these horrors are well known. Yet only 9 of the 75 indicted war criminals in the former Yugoslavia have been apprehended and are in custody.

The rest remain at liberty, their whereabouts known, and many working in jobs with the police, government, and leading businesses in the former Yugoslavia. Many live and work within minutes of NATO camps manned by U.S. troops.

Despite its efforts to amass evidence, lead investigations, and issue indictments, at almost every turn the Tribunal has been stymied by the failure of the international community to apprehend indicted war criminals and bring them to justice.

Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. In Srebrenica, for example, one woman told of Serb soldiers, dressed as U.N. peacekeepers, who came in a factory where refugees were gathered and dragged away two girls aged 12 and 14 and a 23-year-old woman. After several hours the three returned. They were crying, naked, and bleeding. One said, "We are not girls anymore."

According to the U.N. Commission of Experts, the victims of rape in Bosnia included girls as young as 6 and women as old as 81. Many women and girls were subjected to gang rapes while being held in detention camps. And, tragically, for many of the women of ex-Yugoslavia rape was merely a prelude to further torture and then death.

I believe the use of rape as an instrument of genocide and ethnic cleansing is a war crime of the highest order. And the failure to assure that those who have been indicted for rape as a war crime are apprehended, extradited, and made to stand trial, does a grave injustice not just to the women of Srebrenica, but to women around the world.

The administration has asserted that rape as a war crime must not be allowed to stand and that the peace in this troubled area "will not be complete until indicted war criminals are brought to justice."

Ultimately, it would be a hollow and cynical gesture to claim outrage over rape as a war crime but then to act as if the issue is not important enough to merit the commitment or resources to see that those who committed these crimes are apprehend and prosecuted.

Our commitment to Bosnia, after all, is not just about Bosnia. It is also about the principles that guide us and our conduct in the world. It is about what we, as Americans, value.

Yesterday, with the arrest of one indicted war criminal by SFOR, and the death of another who resisted arrest, the international community took a long-delayed step in the right direction in seeing that the perpetrators of these

crimes against humanity are brought to justice.

I hope that the actions of SFOR in Prejidor yesterday sends a clear signal to those indicted war criminals who remain at large that today, on the anniversary of the fall of Srebrenica, the international community is serious about bringing them to justice.

Although I believe that the capture of indicted war criminals is primarily the responsibility of the governments of the former Yugoslavia, yesterday's action illustrate the important role that SFOR has to play in this process as well.

The SFOR mandate clearly states that if SFOR patrols, including U.S. troops, encounter indicted war criminals and the tactical situation permits they are to arrest them and extradite them to The Hague.

But we have also heard stories of SFOR commanders telling their troops that if they encounter an indicted war criminal they should leave the area immediately and take no action.

I can think of no better way to honor the memory of Srebrenica then if today SFOR turns over a new leaf, and vows to pursue its mandate vigorously and to the maximum degree possible.

If indicted war criminals are not brought to justice, the international community will have betrayed the legacy of Nuremberg, the victims of the war that tore Yugoslavia apart, and women worldwide. This will also set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

In the aftermath of the Holocaust 50 years ago, the civilized world vowed that we would never again allow crimes against humanity to blacken our history.

In the aftermath of the tragedy of Srebrenica 2 years ago, we vowed that we would bring peace and justice to Bosnia.

Today, on the second anniversary of the fall of Srebrenica the international community must vow to redouble its commitment to take immediate strong action to see that the indicted war criminals are brought to justice.

If not, as I stated in my letter to the President on April 21, 1997, we run the risk that future historians will look back on current U.S. policy and conclude that the ethnic cleansing and the use of rape as an instrument of war is acceptable—and that those who perpetrate this crime can do so with impunity. This would be a tragic betrayal of our history, our principles, and the people of Srebrenica.

I ask that the correspondence to which I earlier referred be printed in the RECORD.

The correspondence follows:

U.S. SENATE,
Washington, DC, March 3, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the women of the United States Senate, welcome your recent statement that you believe that the establishment of a permanent international institution for the prosecution of those who have committed war crimes should be a high priority for the international community, and to express our concern that those indicted for genocide, systematic rape and other war crimes by the International Criminal Tribunal for the former Yugoslavia are apprehended and tried.

The Tribunal has clearly established that, for the first time in history, the organized, systematic rape of thousands of women was employed as an instrument of war, and that genocide was used to "ethnically cleanse" areas of conflict. These, we believe, are war crimes of the highest order.

Investigators have documented rapes of over 50,000 women and girls and the use of rape as a weapon in a brutal campaign of ethnic cleansing. The war that tore Bosnia apart is one more chapter in the reprehensible book of genocide.

Those who ordered and perpetuated these crimes must be brought to justice. The War Crimes Tribunal has publicly indicted 75 people, including 5 for genocide, but only 6 of the indicted suspects are in custody and many war criminals remain at large.

We understand your decision and concerns about the use of U.S. troops to apprehend indicted war criminals in the former Yugoslavia. Like you, we consider the safety of U.S. troops to be of the highest priority and would not support their security being compromised. We are sure that you will also agree that, to ensure the peace they have worked so hard to preserve does not dissolve as soon as they depart, it is critical that the international community take action to assure that war criminals not be allowed to continue to elude justice.

We, the women of the Senate, ask that you look at this problem as a top priority and indicate to us precisely how the international community might ensure the arrest and extradition to the Hague of those responsible for crimes against humanity. We believe that it is critically important that the United States aggressively exercise its leadership in the international community to ensure that the indicted are brought to justice.

We look forward to hearing your thinking and plans on this very important matter.

Sincerely,

Barbara Boxer, Dianne Feinstein, Mary L. Landrieu, Carol Moseley-Braun, Olympia J. Snow, Susan M. Collins, Kay Bailey Hutchison, Barbara A. Mikulski, Patty Murray.

U.S. SENATE,
Washington, DC, April 21, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT, Thank you for your letter of April 11 regarding the deep concern shared by the women of the Senate that only 7 of the 75 indicted war criminals in the former Yugoslavia have been arrested and extradited to The Hague to stand trial. Unfortunately, I was deeply disappointed with the substance of your response.

In our March 3 letter, the women of the Senate asked that you view this issue as a priority and that the United States provide leadership in ensuring that the international community take steps to secure the necessary trials. The essence of your response appears to be that the administration continues to examine "a variety of options."

As you may recall, in an October 10, 1996, letter you assured me that the administration "will continue to assist the War Crimes Tribunal and we will continue to look at all other possible ways to help detain and deliver war criminals to The Hague . . . the peace will not be complete until indicted war criminals are brought to justice."

In the seven months that have passed between your letter to me of October 10 and your letter of April 11, not one additional indicted war criminals has been arrested or extradited to The Hague, and the United States has undertaken no concrete steps to see that they are brought to justice.

The failure of U.S. leadership makes a mockery of the Tribunal's efforts, and continued procrastination and obstruction in bringing indicted war criminals to justice threaten to undermine both the Tribunals effectiveness and the Dayton peace process as well. Mr. President, justice delayed is justice denied.

If, as you stated to me in your letter last October 10, "We cannot tolerate genocide, ethnic cleansing and the use of rape as instruments of war," then it would appear that current U.S. policy regarding the apprehension of indicted war criminals in the former Yugoslavia is woefully inadequate. In fact, current U.S. policy not only allows those who perpetuated genocide, ethnic cleansing, and rape to remain at liberty, but, as a recent Human Rights Watch/Helsinki report notes, it allows them to occupy positions of authority in running police forces, towns, and businesses in former Yugoslavia.

The International War Crimes Tribunal for the former Yugoslavia has clearly established that, for the first time in history, the organized, systematic rape of thousands of women was employed as an instrument of war, and that genocide was used to "ethnically cleanse" areas of conflict during the tragic conflict in ex-Yugoslavia.

Between 1991 and 1993, the United Nations Commission of Experts documented 800 victims of rape by name, 1,673 who were referred to but not named, and 500 cases of rape with an unspecified number of victims. The youngest documented victim was 5 years old, the oldest 81. The Commission also noted that, due to the social stigma of rape, investigation and documentation were difficult, and estimates are that up to 50,000 women in ex-Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. The use of rape as an instrument of genocide and ethnic cleansing, I believe, are war crimes of the highest order. Those responsible must be apprehended and tried.

Acting under Chapter VII of the United Nations Charter, the Security Council established the ad hoc International Tribunal in 1993 to prosecute violations of international law in the territories of the former Yugoslavia. This Tribunal was an innovation that renewed the hope that, after the many conflicts during the past half-century in which international law was routinely flouted and justice was denied to the victims of crimes against humanity, the legacy of Nuremberg would be fulfilled.

Instead, the Tribunal has been stymied by the international community's failure to arrest war criminals. Today only seven of the seventy-five indicted individuals are in custody. The Office of the Prosecutor continues to amass evidence, lead investigations, conduct searches, issue indictments, and hold in

absentia hearings. But the failure of the international community to take action to arrest those indicted and bring them to trial in The Hague puts at risk not only the credibility and effort of the Tribunal, but the concept of international law and justice as well.

The failure of the international community to take actions, moreover, has not been caused by any difficulty in locating the indicted war criminals, or, even, in many cases, any potential danger in making arrests.

In fact, it is my understanding that the whereabouts of over 40 of the 68 unextradited indicted war criminals are well known. Let me present several examples:

The camp commanders of the Omarska concentration camp, where systematic rape of Bosnian women was a regular part of a campaign of oppression, were working openly last year in the local police force in Prijedor in Republika Srpska. (Source: Coalition for International Justice (CIJ), *Washington Post)*

Zeljko Mejakic, the commander of the Omarska camp indicted for rape and crimes against humanity was the deputy commander of the Omarska police station for much of last year. (Source: *Boston Globe*)

Predrag Kostic, a camp guard at Omarska indicted for crimes against humanity, is frequently sighted at the "Express" restaurant in Prijedor (Source: CIJ, *New York Times*).

Radovan Karadzic, indicted for genocide following the Serb attack on Srebrenica and whose current home in Pale is well known, is building a house in Koljani (near Banja Luka) and, according to stories in the *Associated Press*, "makes little effort to conceal his daily movements." (Source: Human Rights Watch, AP)

Stevan Todorovic, indicted for a series of atrocities, lives in Donja Slatina, a three-minute drive away from Camp Colt—a 1,000-troop, U.S.-manned SFOR base. To commute to his job with Bosnian state security, Todorovic drives past the base on a road regularly traveled by NATO patrols. (Source: *Washington Post*)

Drago Josipovic, indicted for his role in the execution of Muslim civilians, is a chemical engineer at the local Vitezit explosives factory and lives in his family house in the village of Santici. (Source: CIJ)

Radovan Stankovic, a member of the Serb paramilitary unit Pero Elez, and who was in charge of a detention facility where women were regularly raped, works as a policeman in northwest Bosnia. According to a story in Reuters, his whereabouts are well-known to the International Police Task Force and U.N. officials. (Source: Reuters)

Blagoje Simic, who has been indicted for failing to halt the torture and abuse of Muslim and Croat civilians, continues to serve as municipal president in Bosanski Samac. Simic was quoted in a Boston Globe article as saying, "I'm not uncatchable. But I think that someone important still hasn't ordered those arrests to be done." Asked who that might be by the Globe reporter, Simic replied "President Clinton." (Source: Boston Globe)

These are but a handful of the indicted war criminals who have been regularly seen by credible journalists, representatives of non-governmental organizations, and others throughout the former Yugoslavia. In fact, the U.S. State Department spokesperson commented on March 14 of this year that: "There are a number of indicted war criminals who live in Croatia who have not been turned over to the War Crimes Tribunal. And there are certain individuals that we're watching very closely. We've told the Croatian government that we know who these people are. They've been named by the tribunal as indicted war criminals. We know where they live."

It has become clear that neither Serb authorities within Republika Srpska in Bosnia and Herzegovina nor Croat authorities in the Federation are meeting their obligations to hand over indicted war criminals—and that the United States is doing very little to force them to meet these obligations.

Regular reports about the whereabouts of several indicted war criminals indicate that many lead remarkably open lives. Last fall the Coalition for International Justice published a comprehensive report on the whereabouts, jobs, and everyday habits of 37 of the indicted war criminals. Earlier this year, Human Rights Watch/Helsinki issued a report documenting that many of the people running the towns, police forces and businesses of the Serbian portion of Bosnia are the same people who orchestrated the horrors of ethnic cleansing. In case you have not had the opportunity to see them, I have attached copies of both these reports.

The United States, unfortunately, must bear a large share of the blame for the fact that indicted war criminals remain at large in the former Yugoslavia.

In the letter to my office last October 10, you stated that "IFOR will detain indicted war criminals and hand them over to the International Tribunal if they are encountered by IFOR personnel during the normal course of their duties and the tactical situation permits." (This mandate regarding war criminals, I understand, has been subsequently extended to SFOR.) Even if we rule out some of the reported war criminal sightings as false, it defies credulity to suggest that so many people in the former Yugoslavia except for SFOR have had regular contact with indicted war criminals.

The SFOR rules of engagement regarding war criminals appear to be interpreted so narrowly that it seems that an indicted war criminal would, in effect, have to actively seek out and surrender to SFOR if SFOR troops were to arrest them.

Indicted war criminals must be arrested and brought to trial if the Tribunal is to have meaning as the ultimate international arbiter of guilt or innocence in the commission of war crimes. If indicted war criminals are not brought to justice, the international community will have betrayed both the legacy of Nuremberg and the victims of the war that tore Yugoslavia apart. This failure will also set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

In addition, it is my firm belief that the continued presence of indicted war criminals in former Yugoslavia will set the stage for the renewal of violence, bloodshed, and civil war when SFOR departs next year. We will have sacrificed all the gains of the Dayton process because we will have chosen to compromise with war criminals.

I once again call upon you to take an aggressive stand to see that the indicted war criminals are brought to justice. Specifically, I encourage you to:

Examine the feasibility of the United States and SFOR taking a more active role to apprehend indicted war criminals still at large as well as cooperating more closely with the United Nations, the International Civilian Police Task Force, and civilian authorities in the former Yugoslavia on this issue;

Investigate appropriate additional sanctions, which can be enforced either unilaterally or through the United Nations system for the Republika Srpska and Croatia, unless and until they cooperate fully with the Tribunal;

Explore the necessity of any additional U.S. assistance to the International War Crimes Tribunal for the former Yugoslavia; and,

Move quickly to implement the permanent international body with the power, authority, and resources to investigate, apprehend, and bring war criminals to trial that you spoke of earlier this year.

I would also appreciate your clarification of the SFOR rules of engagement for detaining war criminals.

Mr. President, you have been called upon to serve the United States at a time of great international change and uncertainty. Unless the United States takes a position of aggressive leadership on this issue in the international community, we run the risk that future historians will conclude that the lessons of current U.S. foreign policy are that crimes against humanity, genocide, and the use of rape as an instrument of war are acceptable—and that those who perpetrate these crimes can do so with impunity. Mr. President, I know that you share my belief that leaving such a legacy would be unacceptable.

I look forward to hearing your thoughts and plans on this very important matter.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

THE WHITE HOUSE,
Washington, June 19, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR DIANNE: Thank you for writing again regarding indicted war criminals in the former Yugoslavia. I continue to share your concerns. My foreign policy team is examining several options to assist and enhance the ability of the Tribunal to bring indicted war criminals into custody.

We are increasing pressure on the parties by linking multilateral and bilateral economic assistance to their compliance with their obligation under the Dayton Accords to turn over indicted war criminals. In addition, we have begun working with the UN and its International Police Task Force (IPTF) in Bosnia to improve the performance of the IPTF in identifying indictees and their whereabouts.

We continue to work closely with the Tribunal, especially the Office of the Chief Prosecutor, by providing a wide range of assistance, including legal and investigative support. The United States also provides the Tribunal intelligence and information pursuant to Section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1997. On May 2 we contributed $450,000 to the Tribunal's forensic exhumations program in the former Yugoslavia.

I have also nominated David Scheffer as Ambassador-at-Large for War Crimes Issues. If confirmed, Mr. Scheffer will coordinate our work in this area and focus on the tasks that are critical to the success of both the Yugoslav and Rwanda War Crimes Tribunals. Finally, knowing our mutual concern for this grave issue, I have asked Robert Gelbard, my Special Representative for Implementation of the Dayton Accords, to give you a confidential briefing as soon as possible on our specific plans to re-energize this critical component of the Dayton peace process.

Thanks again for your letter and your continuing support for our efforts to bring peace and justice to the people of the Balkans.

Sincerely,

BILL.

CO-SPONSORSHIP OF SENATE CONCURRENT RESOLUTION 29

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 29. This resolution recommends the integration of Estonia, Latvia and Lithuania into the North Atlantic Treaty Organization.

Ever since the disintegration of the Soviet Union, there has been talk of expanding NATO membership to include countries of Central Europe and the former Baltic Republics. These Baltic countries are continually striving to transform their political and economic institutions in accordance with democratic ideals and free market principles. We have seen remarkable achievements in this respect, from countries that have endured many years of communist occupation.

I believe that expanding NATO to include Latvia, Lithuania, and Estonia would benefit bi-lateral trade and investment through a stable security environment. Furthermore, these countries have made great strides in the areas of human rights, civil liberties and the rule of law, and have also actively participated in the Partnership for Peace. They should be rewarded for these efforts. Most importantly however, enlargement of NATO to include these Baltic States would secure a principal gain of the cold war by strengthening new free markets and democracies in the region.

Latvia, Lithuania and Estonia are all working very hard to satisfy the prerequisites of entry into NATO. As such, I am supportive of all efforts to integrate them in the membership of that organization as soon as the process permits.•

COSPONSORSHIP OF SENATE CONCURRENT RESOLUTION 19

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 19. This resolution recommends the return of, or compensation for, foreign properties that were wrongly confiscated in formerly Communist countries and by certain foreign financial institutions.

I join my colleagues on the Helsinki Commission in calling for restitution to the many victims who have suffered property losses at the hands of Communist and Fascist dictatorships. These victims had their property confiscated solely because of their religion, national or social origin, or expression of opposition to the regimes in power. In fact, many churches, synagogues, and mosques were destroyed and/or confiscated by these repressive regimes.

Private property ownership is one of the key hallmarks of a free society, as are the freedom to practice one's own religion, express one's own social or national traditions, and speak against one's government. Violation of these freedoms, and disrespect for these concepts, is a glaring signal that a country is ignoring democratic norms and violating international law.

Even more egregious is the fact that some financial institutions cooperated with these repressive regimes in converting to their own personal use those financial assets belonging to Holocaust victims, and their heirs and assigns. This is a clear violation of these institutions' fiduciary duty to their customers. We must not sit idly by while they enjoy their ill-gotten gains.

In this new and welcome period of transition for many of the formerly Communist countries in Central and Eastern Europe, it is my sincere hope that victims of confiscation will be sought out and compensated. Further, to expedite the compensation process, I fully support the elimination of any citizenship or residency requirement in order for those victims to make property claims.•

TRIBUTE TO LARRY DOBY

Mr. LAUTENBERG. Mr. President, 50 years ago this week, a young 22-year-old rookie named Larry Doby took the baseball field for the first time as a Cleveland Indian. Although Larry did not make a hit during that first at bat, he did something more: he made history. On that day, July 5, 1947, Larry Doby became the first African-American to play in the American League. I have had the great privilege of knowing Larry since our days growing up together in the streets of Paterson, NJ. I have developed a deep admiration for him. I ask that the text of an article that appeared recently in the Washington Post that captures Larry's character be printed in the RECORD.

The article follows:

[From the Washington Post, July 8, 1997]

NEITHER A MYTH NOR A LEGEND—LARRY DOBY CROSSED BASEBALL'S COLOR BARRIER AFTER ROBINSON

(By David Maraniss)

There is only one person alive who knows what it was like to be a black ballplayer integrating the white world of the major leagues during the historic summer of 1947. If you are young or only a casual follower of baseball, perhaps you have not heard of him.

Larry Doby is 72 years old now, and his calm manner seems out of style in this unsporting age of self-obsession. He is neither a celebrity nor the stuff of myth, simply a quiet hero with an incomparable story to tell.

This season, as the national pastime commemorates the 50th anniversary of the breaking of the color line, the attention has focused inevitably on the first black player of the modern era, Jackie Robinson, who shines alone in baseball history as the symbol of pride against prejudice. But Doby was there, too, blazing his own trail later that same year. He was brought up by the Cleveland Indians on July 5, 1947, three months after Robinson broke in with the Brooklyn Dodgers. Some of the strange and awful things that happened to No. 42 in the National League happened to No. 14 in the American League as well.

"I think I'm ahead of a lot of people because I don't hate and I'm not bitter," Doby says softly now. He has spent a lifetime "turning negatives into positives," but he is also sharp and direct in pointing out what he considers to be myths surrounding the events of a half-century ago.

Jackie Robinson in death has gone the way of most American martyrs, transformed from an outsider struggling against the prevailing culture into a legend embraced by it. In the retelling of his legend it sometimes sounds as though most people always loved him. Doby knows better. He was there and he remembers. After that first season, he and Robinson barnstormed the country with Negro leagues all-stars. They rarely discussed their common experience in white baseball ("no need to, we both knew what the situation was"), but a few times late at night they stayed up naming the players in each league who were giving them problems because they were black.

It was a long list.

"Many people in this world live on lies. Know what amazes me today?" Doby asks, his deep voice rising with the first rush of emotion. "How many friends Jackie Robinson had 50 years ago! All of a sudden everyone is his best friend. Wait a minute. Give me a break, will you. I knew those people who were his friends. I knew those people who were not his friends. Some of them are still alive. I know. And Jack, he's in heaven, and I bet he turns over a lot of times when he hears certain things or sees certain things or reads certain things where these people say they were his friends."

Playing and traveling in the big leagues that year was a grindingly lonely job for the two young black men. Which leads to Doby's second shattered myth: the notion that Robinson, by coming first, could somehow smooth the way for him.

"Did Jackie Robinson make it easier for me?" Doby laughs at his own question, which he says is the one he hears most often. "I'm not saying people are stupid, but it's one of the stupidest questions that's ever been asked. Think about it. We're talking about 11 weeks. Nineteen forty-seven. Now it's 50 years later and you still have hidden racism, educated racist people. How could you change that in 11 weeks? Jackie probably would have loved to have changed it in 11 weeks. I know he would have loved to have been able to say, 'the hotels are open, the restaurants are open, your teammates are going to welcome you.' But no. No. No way. No way."

THE EMBRACE

There was no transition for Larry Doby, no year of grooming in the minors up in Montreal like Robinson had. One day he was playing second base for the Newark Eagles of the Negro leagues, and two days later he was in Chicago, pinch-hitting for the Cleveland Indians in the seventh inning of a game against the White Sox. "We're in this together, kid," Bill Veeck, the Indians' owner, had told him at the signing, and that was enough for Doby. He trusted Veeck, then and always.

Doby was only 22 years old, and his life to that point had been relatively free of the uglier strains of American racism. At East Side High in Paterson, N.J., he had been a four-sport star on integrated teams. He remembers being subjected to a racist insult only once, during a football game, and he responded by whirling past the foul-mouthed defensive back to haul in a touchdown pass. That shut the guy up. In the Navy on the South Pacific atoll of Ulithi during World War II, he had taken batting practice with Mickey Vernon of the Washington Senators and found him to be extremely friendly and encouraging. Vernon later sent him a dozen Louisville Slugger bats and put in a good word for him with the Washington club.

Wishful thinking. It would be another decade before the Senators broke their lily-white policy, but Veeck, who had both an innate empathy for life's underdogs and a showman's readiness to try anything new, was eager to integrate his Indians as soon as possible. Doby was not the best black player (that honor still belonged to old Josh Gibson), but he was young and talented. Through the Fourth of July with the Newark club in 1947, he was batting .414 with a league-leading 14 homers.

His Newark teammates gave him a farewell present, a kit with comb, brush and shaving cream, but there was no celebration when he took off to join the Indians. "We looked at it as an important step as far as history was concerned, but it was not the type of thing you would celebrate in terms of justice for all, because you were going to a segregated situation," Doby says. "Maybe someone smarter than me would be happy about that, but I wasn't. You know you're going into a situation where it's not going to be comfortable. That's what you're leaving. What you're leaving is comfortable because you are with your teammates all the time, you sleep in the same hotel, you eat in the same restaurants, you ride in the same car."

When Doby was introduced to the Cleveland players that afternoon of July 5 a half-century ago, most of them stood mute and expressionless, essentially ignoring his existence. There were a few exceptions. Second baseman Joe Gordon told him to grab his glove and warmed up with him before the game, a practice they continued throughout the year. Catcher Jim Hegan showed he cared by asking him how he was doing. And one of the coaches, Bill McKechnie, looked after him. "He was like Veeck, but there every day on the road—nice man," Doby recalls.

But there was no roommate for him on the road, no one in whom he could confide. In every city except New York and Boston, he stayed in a black hotel apart from the rest of the team. Equally troubling for him, he rarely got the chance to play. After starting one game at first base, he looked at the lineup card the next day and was not there. Same thing the rest of the year. The manager, Lou Boudreau, never said a word to him about why he was on the bench. He was used as a pinch hitter, and could not adjust to the role. He finished the year with only five hits and no home runs in 32 at-bats over 29 games.

After the last game of the season, he was sitting at his locker, wondering if that was the end of the experiment, when McKechnie came over to him and asked whether he had ever played the outfield. No, Doby said, always infield, in high school, college at Long Island University for a year, Negro leagues, the streets, wherever. "Well," Doby recall McKechnie telling him, "Joe Gordon is the second baseman and he's going to be here a while. When you go home this winter get a book and learn how to play the outfield."

He bought a book by Tommy Henrich, the Yankees outfielder, and studied the finer points of playing outfield: what to do on liners hit straight at you (take your first step back, never forward), throwing to the right bases, hitting the cutoff man. He started the next season in right, and within a few weeks was over in center, where he developed into an offensive and defensive star, a key figure on the fearsome Indians teams from the late 1940s to mid-1950s. With Doby driving in more than 100 runs four times and tracking down everything in center, the Indians won the World Series against the Boston Braves in 1948, and lost to the Giants in 1954 after winning a league-record 111 games during the regular season.

It was during the '48 season that Doby set several firsts. After batting over .300 during the regular season, he became the first African American to play on a championship club and the first to hit a home run in the World Series. His blast won the fourth game that fall against the Braves. In the locker room celebration afterward, a wire service photographer took a picture that was sent out across the nation showing something that had never been seen before: a white baseball player, pitcher Steve Gromek, hugging the black player, Doby, who had won the game for him.

Doby says he will never forget that embrace. "That made me feel good because it was not a thing of, should I or should I not, not a thing of black or white. It was a thing where human beings were showing emotion. When you have that kind of thing it makes you feel better, makes you feel like, with all those obstacles and negatives you went through, there is someone who had feelings inside for you as a person and not based on color."

It was a rare situation that went easier for the black person than his white friend. Gromek received hate mail and questions from his neighbors when he went home. What are you doing hugging a black man like that? Hey, was his response, Doby won the game for me!

But the world did not embrace Doby as warmly as Gromek had. In St. Louis one day, McKechnie restrained him from climbing into the stands to go after a heckler who had been shouting racist epithets at him the whole game. His anger erupted one other time in 1948, when he slid into second base and an opposing infielder spit in his face. "I didn't expect to be spit on if I'm sliding into second base, but it happened. I just thank God there was an umpire there named Bill Summers, a nice man, who kind of walked in between us when I was ready to move on this fella. Maybe I wouldn't be sitting here talking if that hadn't happened. They wanted to find anyway they could go get you out of the league."

Al Smith, a left fielder who joined the Indians in 1953 and became Doby's roommate and close friend, said there was one other way opposing teams would go after black players.

Whenever Al Rosen or some other Indian hit a home run, the pitcher would wait until Doby came up, then throw at him. "They wouldn't knock the player who hit the home run down, they'd knock Doby down."

Common practice in those days, says Doby—he and Minnie Minoso, a Cuban-born outfielder who was an all-star seven years despite not becoming a regular in the major leagues until age 28, and Roy Campanella, a three-time NL most valuable player after playing for the Baltimore Elite Giants of the Negro leagues, were hit by pitches 10 times more often than Ted Williams, Stan Musial and Joe DiMaggio.

"You don't think people would do it simply because of race," Doby says. "But what was it? Did they knock us down because we were good hitters? How you gonna explain DiMaggio, Williams and Musial? Were they good hitters? So you see, you can't be naive about this kind of situation."

But there was one setting where Doby and the other blacks on the Indians' team felt completely protected—when teammate Early Wynn was on the mound. "Whenever Early pitched we didn't have any problems getting knocked down. Early, he would start at the top of the opposing lineup and go right down to the bottom. They threw at me, he'd throw at them."

The segregation of that era offered one ironically comforting side effect to Doby. Black fans in the late 1940s were directed out to the cheap seats, the bleachers in left and center and right. They were a long way from the action, but very close to Doby. "When people say, 'You played well in Washington,' well, I had a motivation factor there. I had cheerleaders there at Griffith Stadium. I didn't have to worry about name-calling. You got cheers from those people when you walked out onto the field. They'd let you know they appreciated you were there. Give you a little clap when you go out there, and if you hit a home run, they'd acknowledge the fact, tip their hat."

BACK TO CLEVELAND

At the All-Star Game at Jacobs Field in Cleveland on Tuesday, all of baseball will finally tip its hat to Lawrence Eugene Doby. Finally, he will emerge from the enormous shadow of the man he followed and revered, Jackie Robinson. The American League, for which he works as an executive in New York, has named him honorary captain of its team, and he has been selected to throw out the first pitch. The prospect of standing on the field in front of a sellout crowd to be honored has led Doby to think about what has changed since he broke in with the Indians 50 years ago.

"A lot of people are complaining that baseball hasn't come along fast enough. And there is much more work to be done," Doby says. "But if you look at baseball, we came in 1947, before Brown versus the Board of Education [the 1954 Supreme Court decision integrating public schools], before anyone wrote a civil rights bill saying give them the same opportunities everyone else has. So whatever you want to criticize baseball about—it certainly needs more opportunities for black managers, black general managers, black umpires—remember that if this country was as far advanced as baseball it would be in much better shape."

Doby rises from his chair and walks around his den, taking another look at history. Here is a picture of him at the first of seven straight all-star games to which he was selected. He is posed on the dugout steps with three other black players. "There's Camp and Newk [pitcher Don Newcombe] and Jackie," he says. "I'm the only American Leaguer, fighting those Dodgers."

Nearby is the picture of "Doby's Great Catch," taken in Cleveland in a game against Washington on July 20, 1954. "What a catch," he says softly, sounding modest even in praise, as though it was someone else who climbed that fence to make the play.

And in the corner is a picture of the football team at Paterson's East Side High back

in the early 1940s. One black player in the crowd—the split end. "I was always the one guy," he says, looking at the image of his younger self. Sometimes he was overshadowed or all but forgotten, and in the history books it says he came second, but Larry Doby is right. He always was the one guy.•

RECOGNITION OF JEAN SKONHOVD, STEPHANIE BROCKHOUSE, LEANN PRUSA AND TOM BERG'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Sioux Valley Hospital nurses, Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for three weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

In the midst of this crisis, Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg scrambled to travel to Grand Forks and help the victims of the disaster. Not thinking of themselves, these nurses from Sioux Valley Hospital rearranged their personal lives to volunteer their expertise to assist others. Their skill and professionalism shone through as they admirably performed their jobs in chaotic circumstances. Their ability to perform emergency services in these trying times deserves our respect and admiration.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of these nurses from Sioux Valley Hospital illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg of Sioux Valley Hospital illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

THANK YOU FOR STAFF WORK ON DISASTER RELIEF BILL

• Mr. DORGAN. Mr. President, now that the disaster relief money is flowing to disaster victims, I would just like to take a moment to thank some special people for their hard work in passing the disaster relief law several weeks ago.

First, I would like to thank my colleagues here in the U.S. Senate for their help in passing the disaster relief legislation, which is already helping people back in my home State of North Dakota. I know it was a grueling process and a difficult time for many of you, but I want you all to know that your efforts have already proven to be worth it. On behalf of the people of North Dakota, I want to thank you for your help.

Legislation like the disaster relief bill is only possible when there is a bipartisan effort, not only among senators but among their staffs as well. You know, I often wonder if the people who watch us on C-SPAN or who read about the Senate in the newspaper fully understand just how important our staffs are to the work we do here. So, while our staffs often work out of the spotlight, I'd like to put the spotlight on some truly special individuals whose work on the disaster relief bill represents public service at its finest.

First, I'd like to thank Steve Cortese, the majority staff director for the Senate Appropriations Committee, and Jim English, the Committee's minority staff director. Like most things, good legislation doesn't just happen—it takes hard work to write the language, negotiate painstaking compromises, and make the literally hundreds of difficult decisions legislation like the disaster bill requires. I'm grateful that when the people of the upper Midwest needed the help, these positions of great responsibility were held by such gifted and thoughtful public servants as Steve Cortese and Jim English.

I would also like to thank Mary Hawkins, who led my office's effort on the bill. Her vast experience in Congress was constantly on display throughout the effort to pass this legislation. A legislative expert and a good negotiator, Mary's contribution was inestimable.

Finally, I would also like to thank Doug Norell, my legislative director, who brought a combination of knowledge of Congress and knowledge of North Dakota to the table in this process, in addition to a dedication to do the right thing for our State and a willingness to work as hard as it took to get it done.

Dedicated men and women on both sides of the aisle helped make this badly needed disaster relief legislation a reality, and North Dakota is very grateful.•

THE ST. ALBANS CENTENNIAL

• Mr. LEAHY. Mr, President, the city of St. Albans, VT, this year celebrates its centennial, and thousands of citizens turned out on July 5 to mark the occasion in a festive and flawless celebration blessed by Vermont's glorious July weather.

There was a grand parade organized by the St. Albans Rotary Club. There was music. There were recollections and mementos of the city's rich history. And there was a community photograph.

In an article about the centennial published in the Burlington Free Press, reporter Richard Cowperthwait captured the festivities and the sense of history that all Vermonters share. Included in the article is this apt observation from St. Albans Mayor Peter DesLauriers: "We've gone through the life and death of our railroad; we've gone through fires; we've gone through all of these things and today—right now—I think we're literally on the top of the heap here."

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Burlington Free Press, July 6, 1997]

ST. ALBANS CELEBRATES 100 YEARS

(By Richard Cowparthwalt)

ST. ALBANS.—The Main Street banner said it all Saturday; "Celebrate St. Albans."

That is just what thousands did on a resplendent day that marked the city's centennial. Activities ranged from an hour-long parade, ethnic festival and community photograph to fireworks at nearby St. Albans Bay.

"I don't know how they could ever top this," St. Albans resident Madonna Vernal said. "It's a beautiful place."

During the past century, the city has seen its ups and downs. It has evolved from a booming railroad hub to a depressed area with double-digit unemployment to a once-again-lively county seat with a rising economy.

"It's a very proud day for the City of Albans," Police Chief David Demag said. "This event was very impressive. It was very much hometown USA."

City officials, residents and visitors from as far away as Belgium pointed to the success of the day and the beauty of downtown

Taylor Park. It is situated in the midst of the St. Albans Historic District, between turn-of-the century brick buildings on Main Street and the imposing churches, Franklin Superior Courthouse and St. Albans Historical Society museum building on Church Street.

"I'm impressed by the buildings" as well as by the friendliness of the people, said Myriam Van Dooren, a Belgian who is visiting friends in Fairfield.

Mayor Peter DesLauriers said the city's centennial homecoming celebration came off without a hitch on a day that had abundant sunshine and temperatures in the 70s. The pleasant conditions contrasted sharply with Friday's unsettled weather that did not stop a crowd estimated at more than 500 from turning out on Taylor Park for seven hours of musical entertainment.

DesLauriers said the city of about 7,600 has persevered through trying times since its first mayor and aldermen were elected March 2, 1997—109 years after the town of St. Albans was organized.

"We've gone through the life and death of our railroad; we've gone through fires; we've gone through all of these things and today—right now—I think we're literally on the top of the heap here, "DesLauriers said.

"The morning parade, which was organized by the St. Albans Rotary Club, was the signature event of the centennial. There were about 30 floats with St. Albans' history on display. They ranged from legendary local musician Sterling Weed driving a horse-drawn wagon to a depiction of the Oct 19, 1864, Civil War raid that put St. Albans on the map.

Following the parade, a crowd gathered near the intersection of Main and Bank streets for a community photograph by local photographer Leonard Parent.

"I wish we could do this more often, not just once every 100 years," City Council member James Pelkey said.•

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–18, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education: William D. Hansen, of Virginia; Frances M. Norris, of Virginia; and William E. Troutt, of Tennessee.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–18, appoints the following individuals to the National Commission on the Cost of Higher Education: Robert V. Burns, of South Dakota; and Clare M. Cotton, of Massachusetts.

NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 95, S. 231.

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

The assistant legislative clerk read as follows:

A bill (S. 231) to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at appropriate place in the RECORD.

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

The bill (S. 231) was deemed read the third time and passed, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cave and Karst Research Institute Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the "Institute").

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

EXTENDING LEGISLATIVE AUTHORITY TO ESTABLISH MEMORIAL HONORING GEORGE MASON

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 96, S. 423.

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

The assistant legislative clerk read as follows:

A bill (S. 423) to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and 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 (S. 423) was deemed read the third time and passed, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.

The legislative authority for the Board of Regents of Gunston Hall to establish a commemorative work (as defined by section 2 of the Commemorative Works Act (40 U.S.C. 1002)) shall expire August 10, 2000, notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)).

JIMMY CARTER NATIONAL HISTORIC SITE AND PRESERVATION DISTRICT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 97, S. 669.

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

The assistant legislative clerk read as follows:

A bill (S. 669) to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and 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 (S. 669) was deemed read the third time and passed, as follows:

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled "An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes", approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking ", the Plains Railroad Depot (described in subsection (b)(2)(B)),".

EXTENDING LEGISLATIVE AUTHORITY FOR CONSTRUCTION OF NATIONAL PEACE GARDEN MEMORIAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 98, S. 731.

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

The assistant legislative clerk read as follows:

A bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and 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 (S. 731) was deemed read the third time and passed, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99–652 and section 1(a) of Public Law 103–321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

TEMPORARILY WAIVING MEDICAID ENROLLMENT COMPOSITION RULE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2018, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be considered read a third time and 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. 2018) was deemed read the third time and passed.

ORDERS FOR MONDAY, JULY 14, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, July 14. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate begin consideration of the Department of Defense appropriations bill.

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

PROGRAM

Mr. LOTT. Mr. President, on Monday, the Senate will debate the DOD appropriations bill. I urge all Senators who have amendments to be present on Monday to offer their amendments. I know the distinguished Presiding Officer is very anxious to get this legislation up and the amendments will be considered and disposed of so we can complete action on this bill as early as possible on Tuesday.

Under a previous order, at 6 p.m., the Senate will proceed to executive session to conduct a cloture vote on the nomination of Joel Klein, to be an Assistant Attorney General. Therefore, the next rollcall vote will occur at 6 p.m. on Monday, July 14.

Following that vote, the Senate will resume consideration of amendments to the DOD appropriations bill. Senators should be aware that next week, the Senate hopes to complete action on four major appropriations bills. That would be perhaps a record if we could complete four, but I think we can do that. If we can get through the Department of Defense appropriations bill at a reasonable hour on Tuesday, we hope to go to energy and water appropriations, and we are hopeful we can maybe take up foreign operations and legislative. In some order, we will work on those bills next week.

We will expect to be in session and have votes throughout the day and perhaps into the night next week, because we are committed to completing all the appropriations bills, if at all possible, before the end of the fiscal year. I have a commitment from the Democratic leader to work with us in that effort, and we have the support of the administration to complete action on these appropriations bills. There is no need for these bills to be amended endlessly. There is no need for us to delay action on them. We already reached agreement on the overall number, and I know that the committee chairman, Mr. STEVENS, from Alaska, is going to be very diligent in his work. These are going to be good bills when they come out of the committee, and there is no need for 100 amendments per bill. I ask my colleagues for their cooperation.

ADJOURNMENT UNTIL MONDAY, JULY 14, 1997

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:10 p.m., adjourned until Monday, July 14, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1997:

DEPARTMENT OF THE TREASURY

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE DAVID A. LIPTON.

DEPARTMENT OF AGRICULTURE

AUGUST SCHUMACHER, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE EUGENE MOOS.

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE ELLEN WEINBERGER HAAS.

FEDERAL RESERVE SYSTEM

EDWARD M. GRAMLICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1994, VICE JANET L. YELLEN, RESIGNED.

ROGER WALTON FERGUSON, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1986, VICE LAWRENCE B. LINDSEY, RESIGNED.

DEPARTMENT OF JUSTICE

THOMAS E. SCOTT, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS VICE KENDALL BRINDLEY, COFFEY, RESIGNED.

S. 936, AS AMENDED AND PASSED

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.
Sec. 110. Reduction in authorizations of appropriations.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for AH-64D Longbow Apache fire control radar.
Sec. 113. Multiyear procurement authority for family of medium tactical vehicles.

Subtitle C—Navy Programs

Sec. 121. New Attack Submarine program.
Sec. 122. Nuclear aircraft carrier program.
Sec. 123. Exception to cost limitation for Seawolf submarine program.
Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B-2 bomber aircraft program.
Sec. 132. ALR radar warning receivers.

Subtitle E—Other Matters

Sec. 141. Prohibition on use of funds for acquisition or alteration of private drydocks.
Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.
Sec. 144. NATO Joint Surveillance/Target Attack Radar System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Joint Strike Fighter program.
Sec. 212. F-22 aircraft program.
Sec. 213. High Altitude Endurance Unmanned Vehicle Program.
Sec. 214. Advanced Anti-Radiation Guided Missile Program.
Sec. 215. Federally funded research and development centers.
Sec. 216. Goal for dual-use science and technology projects.
Sec. 217. Transfers of authorizations for counterproliferation support program.
Sec. 218. Kinetic energy tactical anti-satellite technology program.
Sec. 219. Clementine 2 micro-satellite development program.
Sec. 220. Bioassay testing of veterans exposed to ionizing radiation during military service.
Sec. 221. DOD/VA Cooperative Research Program.
Sec. 222. Multitechnology integration in mixed-mode electronics.
Sec. 223. Facial recognition technology program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 225. National Missile Defense Program.
Sec. 226. Reversal of decision to transfer procurement funds from the Ballistic Missile Defense Organization.

Subtitle D—Other Matters

Sec. 231. Manufacturing technology program.
Sec. 232. Use of major range and test facility installations by commercial entities.
Sec. 233. Eligibility for the Defense experimental program to stimulate competitive research.
Sec. 234. Restructuring of National Oceanographic Partnership Program organizations.
Sec. 235. Demonstration program on explosives demilitarization technology.

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. Fisher House Trust Funds.
Sec. 306. Funds for operation of Fort Chaffee, Arkansas.

Subtitle B—Depot-Level Activities

Sec. 311. Percentage limitation on performance of depot-level maintenance of materiel.
Sec. 312. Centers of Industrial and Technical Excellence.
Sec. 313. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 314. Annual report on depot-level maintenance and repair.
Sec. 315. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 316. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 317. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 318. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.
Sec. 319. Realignment of performance of ground communication-electronic workload.

Subtitle C—Environmental Provisions

Sec. 331. Clarification of authority relating to storage and disposal of nondefense toxic and hazardous materials on Department of Defense property.
Sec. 332. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 333. Annual report on environmental activities of the Department of Defense overseas.
Sec. 334. Membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 335. Additional information on agreements for agency services in support of environmental technology certification.
Sec. 336. Risk assessments under the Defense Environmental Restoration Program.
Sec. 337. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 338. Pilot program for the sale of air pollution emission reduction incentives.
Sec. 339. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.
Sec. 340. Procurement of recycled copier paper.
Sec. 341. Report on options for the diposal of chemical weapons and agents.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 351. Funding sources for construction and improvement of commissary store facilities.
Sec. 352. Integration of military exchange services.

Subtitle E—Other Matters

Sec. 361. Advance billings for working-capital funds.
Sec. 362. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 363. Administrative actions adversely affecting military training or other readiness activities.
Sec. 364. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 365. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 366. Inventory management.
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Sec. 1054. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
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Sec. 1068. Protection of employees from retaliation for certain disclosures of classified information.
Sec. 1069. Applicability of certain pay authorities to members of the Commission on Servicemembers and Veterans Transition Assistance.
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Sec. 1207. Officers.
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Sec. 2814. Long-term lease of property, Naples, Italy.
Sec. 2815. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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Sec. 3137. Permanent authority for transfers of defense environmental management funds.
Sec. 3138. Report on remediation under the Formerly Utilized Sites Remedial Action Program.
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Sec. 3140. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.

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Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
Sec. 3153. Annual report on plan and program for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3154. Submittal of biennial waste management reports.
Sec. 3155. Repeal of obsolete reporting requirements.
Sec. 3156. Commission on safeguarding and security of nuclear weapons and materials at Department of Energy facilities.
Sec. 3157. Modification of authority on commission on maintaining United States nuclear weapons expertise.
Sec. 3158. Land transfer, Bandelier National Monument.
Sec. 3159. Participation of national security activities in Hispanic outreach initiative of the Department of Energy.
Sec. 3160. Final settlement of Department of Energy community assistance payments to Los Alamos County under auspices of Atomic Energy Community Act of 1955.
Sec. 3161. Designating the Y-12 plant in Oak Ridge, Tennessee as the National Prototype Center.
Sec. 3162. Northern New Mexico educational foundation.
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Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

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Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Return of surplus platinum from the Department of the Treasury.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Leasing of certain oil shale reserves.
Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.

Subtitle B—Facilitation of Panama Canal Transition

Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to Canal transition.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.
Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Appointment of notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
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TITLE XXXVI—MISCELLANEOUS PROVISIONS

Sec. 3601. Commending Mexico on free and fair elections.
Sec. 3602. Sense of Congress regarding Cambodia.

Sec. 3603. Congratulating Governor Christopher Patten of Hong Kong.

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 1998 for procurement for the Army as follows:

(1) For aircraft, $1,394,459,000.

(2) For missiles, $1,223,851,000.

(3) For weapons and tracked combat vehicles, $1,179,107,000.

(4) For ammunition, $1,043,202,000.

(5) For other procurement, $2,903,730,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,482,265,000.

(2) For weapons, including missiles and torpedoes, $1,200,393,000.

(3) For shipbuilding and conversion, $8,593,358,000.

(4) For ammunition for the Navy and Marine Corps, $369,797,000.

(5) For other procurement, $3,177,700,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $554,806,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,048,915,000.

(2) For missiles, $2,411,241,000.

(3) For ammunition, $420,784,000.

(4) For other procurement, $6,798,453,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,749,285,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 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, $100,000,000.

(2) For the Air National Guard, $186,300,000.

(3) For the Army Reserve, $40,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $246,700,000.

(6) For the Marine Corps Reserve, $40,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is are hereby authorized to be appropriated for fiscal year 1998 the amount of $614,700,000 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 1998 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 $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program established under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

SEC. 110. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense, Army Procurement Advisory and Assistance Services shall be reduced by $30,000,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) LIMITATION.—Not more than 25 percent of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), or 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days after the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall, at a minimum, contain the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) FUNDING IN FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of the Army shall include in the plan required by subsection (a) a certification that the plan is to be funded in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64D LONGBOW APACHE FIRE CONTROL RADAR.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the AH-64D Longbow Apache fire control radar.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of four years and include an option to extend the contract for one additional year.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) CONTRACT AUTHORITY.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) REPEALS OF SUPERSEDED PROVISIONS OF PREVIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and(4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $345,000,000 is available for the procurement and construction of nuclear and nonnuclear components for the CVN–77 nuclear aircraft carrier program. The Secretary of the Navy is authorized to enter into a contract or contracts with the shipbuilder for the procurement and construction of such components.

(b) AMOUNTS AUTHORIZED FROM RDT&E ACCOUNT.—Of the amounts authorized to be appropriated by section 201(2) for fiscal year 1998, $35,000,000 is available for research, development, test, and evaluation of technologies that have potential for use in the CVN–77 nuclear aircraft carrier program.

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN–77 nuclear aircraft carrier and manage the program so that the CVN–77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN–77 aircraft carrier, as compared to the technology built into the baseline design of the CVN–76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 1105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23, SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.

(a) LIMITATION ON RESUMPTION OF SERIAL PRODUCTION.—Serial production of the airborne self-protection jammer may not be resumed until the Director of Operational Test and Evaluation of the Department of Defense has certified in writing to Congress that—

(1) the capabilities of the airborne self-protection jammer exceed the capabilities of the integrated defensive electronics countermeasure system that is under development for use in F/A–18E/F aircraft;

(2) the units of the airborne self-protection jammer to be produced are to be used in F/A–18E/F aircraft; and

(3) the deficiencies in the airborne self-protection jammer noted by the Director before the date of the enactment of this Act have been eliminated.

(b) LIMITATION ON OBLIGATION OF FUNDS.—No funds authorized to be appropriated by this or any other Act may be obligated for serial production of the airborne self-protection jammer until the Secretary of Defense has certified in writing to Congress that funding is programmed for serial production of the airborne self-protection jammer in the future-years defense program.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated in this or any other Act may be used—

(1) to procure any additional B–2 bomber aircraft; or

(2) to maintain any part of the bomber industrial base solely for the purpose of preserving the option to procure additional B–2 bomber aircraft in the future.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) any B–2 bomber aircraft that is covered by a contract for the production of that aircraft as of the date of the enactment of this Act; or

(2) any part of the bomber industrial base that is necessary for producing all B–2 bomber aircraft referred to in paragraph (1), but only for so long as is necessary to complete the production of such aircraft.

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) COST AND OPERATION EFFECTIVENESS ANALYSIS.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56M radar warning receiver.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

Subtitle E—Other Matters

SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISITION OR ALTERATION OF PRIVATE DRYDOCKS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be used, directly or indirectly, to purchase, lease, upgrade, or modify privately-owned drydocks.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) ANALYSIS REQUIRED.—The Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis of the requirements of the Department of Defense for replacing engines on the aircraft of the department that are derived from the Boeing 707 aircraft and the costs of meeting the requirements.

(b) CONTENT.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense and the number of such aircraft that are projected to be in the inventory of the department in 5 years, in 10 years, and in 15 years.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year after fiscal year 1997 and before fiscal year 2015, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC–135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) The estimated total cost of replacing the engines pursuant to a program that provides for replacement of the engines on all of the aircraft of one type before undertaking the replacement of the engines on the aircraft of another type, with a higher priority being given in turn to each type of aircraft in which the replacement of the engines is expected to yield the anticipated benefits of replacement faster.

(5) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) SUBMISSION DEADLINE.—The Under Secretary shall submit the report under this section not later than March 1, 1998.

SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION FOR SALES OF MANUFACTURED ARTICLES OR SERVICES OF ARMY INDUSTRIAL FACILITIES OUTSIDE THE UNITED STATES.

Section 4543 of title 10, United States Code, is amended—

(1) in subsection (a)(5), by inserting ", except in the case of a sale described in subsection (b)," after "the Secretary of the Army determines";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION.—A determination described in subsection (a)(5) is not necessary under the regulations in the case of—

"(1) a sale of articles to be incorporated into a weapon system being procured by the Department of Defense; or

"(2) a sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.".

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,750,462,000.

(2) For the Navy, $7,812,972,000.

(3) For the Air Force, $14,302,264,000.

(4) For Defense-wide activities, $10,087,347,000, of which—

(A) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $31,384,000 is authorized for the Director of Operational Test and Evaluation.

(b) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining acitivity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A-18E/F and F-22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) FISCAL YEAR 1998 BUDGET DEFINED.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 212. F-22 AIRCRAFT PROGRAM.

(a) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the F-22 aircraft program may not exceed $18,688,000,000.

(b) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F-22 production program may not exceed $43,000,000,000.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the F-22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (c); and

(2) a certification that the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) ANNUAL GAO REVIEW.—(1) Not later than December 1 of each year, the Comptroller General shall review the F-22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program.

(B) The status of costs, testing, and modifications.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) can be successfully carried out consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than December 1, 1997. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(e) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of the Air Force and the prime contractor under the F-22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (d).

SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) LIMITATION ON TOTAL COST OF ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program through fiscal year 2003 may not exceed $476,826,000.

(2) The total amount obligated or expended in fiscal year 1999, 2000, 2001, or 2002 for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program may not exceed the amount specified for that fiscal year, as follows:

(A) In fiscal year 1999, not more than $167,864,000.

(B) In fiscal year 2000, not more than $31,374,000.

(C) In fiscal year 2001, not more than $19,106,000.

(D) In fiscal year 2002, not more than $20,866,000.

(b) LIMITATION ON ACQUISITION.—No high altitude endurance unmanned vehicle may be acquired after the date of the enactment of this Act until 50 percent of the testing programmed in the test and evaluation master plan (as of such date) for the high altitude endurance unmanned vehicle has been completed.

(c) LIMITATION ON PROCEEDING.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Comptroller General has certified to Congress that the high altitude endurance unmanned vehicles can be produced under the program at an average unit cost that does not exceed $10,000,000 (the so-called fly away price) in fiscal year 1994 constant dollars.

(d) GAO REVIEW.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of making the certification under subsection (c).

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determinations required for the certification under subsection (c).

SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE PROGRAM.

To the extent provided in appropriations Acts, the Secretary of the Navy may use not more than $25,000,000 of the amount appropriated for the Navy for fiscal year 1997 for

research, development, test, evaluation for the Advanced Anti-Radiation Guided Missile Program in order to fund fiscal year 1998 research, development, test, and evaluation programs of the Navy that have a higher priority than such program.

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION ON STAFF YEARS FUNDED.—Not more than 6,206 staff years of technical effort (staff years) may be funded for federally funded research and development centers out of the funds authorized to be appropriated for the Department of Defense for fiscal year 1998.

(b) ALLOCATIONS AMONG CENTERS.—(1) 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 that specifies the number of staff years of technical effort that is to be allocated (for funding as described in subsection (a)) to each defense federally funded research and development center for fiscal year 1998.

(2) After the submission of the report on allocation of staff years of technical effort under paragraph (1), the Secretary of Defense may not reallocate more than 5 percent of the staff years of technical effort allocated to a federally funded research and development center for fiscal year 1998 from that center to other federally funded research and development centers until 30 days after the date on which the Secretary has submitted a justification for the reallocation to the congressional defense committees.

(c) FISCAL YEAR 1999 ALLOCATION.—(1) The Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated to each federally funded research and development center for fiscal year 1999 for funding out of the funds authorized to be appropriated for the Department of Defense for that fiscal year.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1999 to Congress under section 1105 of title 31, United States Code.

(c) STAFF YEAR DEFINED.—In this section, the term "staff year of technical effort" means 1,810 hours of paid effort by direct and consultant labor performing professional-level technical work primarily in the fields of studies and analysis, system engineering and integration, systems planning, program and policy planning and analyses, and basic and applied research.

SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY PROJECTS.

(a) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for new projects initiated under the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(b) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use programs under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use programs are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. The Secretary may consider in-kind contributions by non-Federal participants for dual-use projects for the purpose of calculating the share of project costs that has been or is being undertaken by such participants only to the extent provided in regulations issued pursuant to section 2511(c)(2) of title 10, United States Code.

(d) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(e) REPORT.—(1) Not later than January 31 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (a) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(g) DEFINITIONS.—In this section:

(1) The term "applied research program" means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term "dual-use project" means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) IN GENERAL.—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 1998 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 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) LIMITATIONS.—(1) The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

(2) The authority provided by this section 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.

(c) EFFECT OF TRANSFERS ON ACCOUNTS.—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) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

(b) LIMITATION.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1998 for program element 65104D, relating to technical studies and analyses, may be obligated or expended until the funds specified in subsection (a) have been released to the program manager

of the tactical kinetic energy anti-satellite technology program for implementation of that program.

SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) LIMITATION.—Of the funds authorized to be appropriated pursuant to this Act in program element 64480F for the Global Positioning System Block IIF satellite system, not more than $35,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds appropriated pursuant to subsection (a) for the purpose specified in that subsection.

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $300,000 shall be available for testing described in subsection (b) in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3)(A) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

(c) COLLECTION OF SAMPLES.—The appropriate department or agency shall collect the required bioassay samples, at the request of a veteran who participated in the United States atmospheric nuclear testing or the occupation of Hiroshima and Nagasaki, Japan, and forward them to Brookhaven National Laboratory, under the appropriate chain of custody.

SEC. 221. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

SEC. 222. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

SEC. 223. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competitive procedures in selecting participants for the program.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

Subtitle C—Ballistic Missile Defense Programs

SEC. 225. NATIONAL MISSILE DEFENSE PROGRAM.

(a) PROGRAM STRUCTURE.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) ELEMENTS OF NMD SYSTEM.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C3).

(c) PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the national missile defense program.

(e) ABM TREATY DEFINED.—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 226. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) TRANSFERS REQUIRED.—The Secretary of Defense shall—

(1) transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 the amounts that were transferred to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996; and

(2) ensure that, in the future-years defense program, the procurement funding covered by that program budget decision is programmed for appropriations accounts of the Ballistic Missile Defense Organization rather than appropriations accounts of the Armed Forces.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in subsection (a) is in addition to the transfer authority provided in section 1001.

Subtitle D—Other Matters

SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2001".

(b) ADDITIONAL REPORTING REQUIREMENT.—Subsection (h) of such section is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than February 15, 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 identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.".

(c) REPEAL OF REPORTING REQUIREMENTS WHEN EXECUTED.—Effective on October 1, 1998, subsection (h) of such section is repealed.

SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by adding at the end the following:

"(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section 7903(a) of such title is amended by striking out "government, academia, and industry" and inserting in lieu thereof "State governments, academia, and ocean industries".

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2473) is amended by striking out "January 1, 1997" and inserting in lieu thereof "January 1, 1998".

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104–201.

SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of Defense may conduct an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program, the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures in selecting participants for the demonstration program described in subsection (b).

(d) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes. In addition, the Secretary shall include a cost benefit analysis of this technology generally for explosives munitions destruction.

(e) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(f) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000 for the explosives demilitarization technology program (PE 63104D).

(3) The amount provided under section 101(5) for special equipment for user testing is hereby decreased by $6,000,000.

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 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,194,284,000.

(2) For the Navy, $21,681,330,000.

(3) For the Marine Corps, $2,379,445,000.

(4) For the Air Force, $18,861,685,000.

(5) For Defense-wide activities, $10,280,838,000.

(6) For the Army Reserve, $1,212,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,631,200,000.

(10) For the Army National Guard, $2,288,932,000.

(11) For the Air National Guard, $3,004,282,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $350,337,000.

(15) For Environmental Restoration, Navy, $257,500,000.

(16) For Environmental Restoration, Air Force, $351,900,000.

(17) For Environmental Restoration, Defense-Wide, $25,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $188,300,000.

(19) For Overseas Contingency Operations, $1,467,500,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $660,882,000.

(21) For Medical Programs, Defense, $9,954,782,000.

(22) For Former Soviet Union Threat Reduction programs, $322,000,000.

(23) For Overseas Humanitarian Demining and CINC Initiative activities, $40,130,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 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 Working-Capital Fund, $33,400,000.

(2) For the National Defense Sealift Fund, $516,126,000.

(3) For the Military Commissary Fund, $938,552,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 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 1998 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. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation and maintenance of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) The Fisher House Trust Fund, Department of the Army, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) The Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

SEC. 306. FUNDS FOR OPERATION OF FORT CHAFFEE, ARKANSAS.

Of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas.

Subtitle B—Depot-Level Activities

SEC. 311. PERCENTAGE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERFORMANCE IN NON-GOVERNMENT FACILITIES.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance of such workload in facilities other than Government-owned, Government-operated facilities.

"(2) In the administration of paragraph (1) for fiscal years ending before October 1, 1998, the percentage specified in that paragraph shall be deemed to be 40 percent.".

(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—Such section is further amended by inserting after subsection (a), as amended by subsection (a), the following:

"(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—For the purposes of subsection (a), any performance of a depot-level maintenance and repair workload by a public-private partnership formed under section 2474(b) of this title shall be treated as performance of the workload in a Government-owned, Government-operated facility.".

SEC. 312. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the

Defense Agencies (other than facilities recommended for closure or major 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)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2491(1) of this title).

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair at such centers and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

"(c) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report describing the policies established by the Secretary pursuant to section 2474 of title 10, United States Code (as added by subsection (a)), to carry out that section.

SEC. 313. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.".

SEC. 314. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads in Government-owned, Government-operated facilities; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities that are not owned and operated by the Federal Government.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 315. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) REPORT.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 316. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

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

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to "level load") in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) GAO REVIEW AND REPORT.—(1) The Comptroller General of the United States

shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General 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.

SEC. 317. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 318. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS 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, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

Subtitle C—Environmental Provisions

SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS ON DEPARTMENT OF DEFENSE PROPERTY.

(a) MATERIALS OF MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by inserting "or by a member of the armed forces (or a dependent of a member) living on the installation" before the period at the end.

(b) STORAGE OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(8) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "by that private person of an industrial-type" and inserting in lieu thereof "of a"; and

(3) by striking out "; and" and inserting in lieu thereof ", including a space launch facility located on a Department of Defense installation or other land controlled by the United States and a Department of Defense facility for testing materiel or training personnel;".

(c) TREATMENT AND DISPOSAL OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(9) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "commercial use by that person of an industrial-type" and inserting in lieu thereof "use of a";

(3) by striking out "with that person" and inserting in lieu thereof "with the prospective user"; and

(4) in subparagraph (B), by striking out "for that person's" and inserting in lieu thereof "for the prospective user's".

(d) ADDITIONAL AUTHORITY.—Subsection (b) of such section is further amended—

(1) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(2) by adding at the end the following:

"(10) the storage of materials that will be used in connection with an activity of the Department of Defense or in connection with a service performed for the benefit of the Department of Defense or the disposal of materials that have been used in such connection.".

SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, which statement sets forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year;

"(ii) with respect to each such statute—

"(I) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

"(II) the aggregate amount of fines and penalties paid during the fiscal year;

"(III) the total amount required to meet commitments to environmental enforcement authorities under agreements entered into by the Department of Defense during the fiscal year for supplemental environmental projects agreed to in lieu of the payment of fines or penalties; and

"(IV) the number of fines and penalties imposed or assessed during the fiscal year that were—

"(aa) $10,000 or less;

"(bb) more than $10,000, but not more than $50,000;

"(cc) more than $50,000, but not more than $100,000; and

"(dd) more than $100,000; and

"(iii) with respect to each fine or penalty set forth under clause (ii)(IV)(dd)—

"(I) the installation or facility to which the fine or penalty applies; and

"(II) the agency that imposed or assessed the fine or penalty.".

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply during such fiscal year with each requirement under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

"(B) A statement of the funds to be expended by the Department of Defense during such fiscal year in carrying out other activities relating to the environment overseas, including conferences, meetings, and studies for pilot programs and travel related to such activities.".

SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

(a) TERMS.—Section 2904(b)(4) of title 10, United States Code, is amended by striking out "three" and inserting in lieu thereof "not less than two or more than four".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments to the Strategic Environmental Research and Development Program Scientific Advisory Board made before, on, or after the date of enactment of this Act.

SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR AGENCY SERVICES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) ADDITIONAL INFORMATION.—Subsection (d) of section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended by adding at the end the following:

"(5) A statement of the funding that will be required to meet commitments made to State and local governments under agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

"(6) A description of any cost-sharing arrangement under any cooperative agreement entered into under this section.".

(b) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under agreements entered into under such section 327.

SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) IN GENERAL.—In carrying out risk assessments as part of the evaluation of facilities of the Department of Defense for purposes of allocating funds and establishing priorities for environmental restoration projects at such facilities under the Defense

Environmental Restoration Program, the Secretary of Defense shall—

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

(b) RISK ASSESSMENT METHOD.—The risk assessment method utilized under subsection (a) shall—

(1) take into account as a separate factor of risk—

(A) the extent to which the contamination level of a particular contaminant exceeds the permissible contamination level for the contaminant;

(B) the existence and extent of any population (including human populations and natural populations) potentially affected by the contaminant; and

(C) the existence and nature of any mechanism that would cause the population to be affected by the contaminant; and

(2) provide appropriately for the significance of any such factor in the final determination of risk.

(c) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM DEFINED.—In this section, the term "Defense Environmental Restoration Program" means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations guidelines concerning the cost-recovery and cost-sharing activities of the military departments and defense agencies.

(2) COVERED MATTERS.—The guidelines prescribed under paragraph (1) shall—

(A) establish uniform requirements relating to cost-recovery and cost-sharing activities for the military departments and defense agencies;

(B) require the Secretaries of the military departments and the heads of the defense agencies to obtain all appropriate data regarding activities of contractors of the Department or other private parties responsible for environmental contamination at Department sites that is relevant for purposes of cost-recovery and cost-sharing activities;

(C) require the Secretaries of the military departments and the heads of the defense agencies to use consistent methods in estimating the costs of environmental restoration at sites under the jurisdiction of such departments and agencies for purposes of reports to Congress on such costs;

(D) require the Secretaries of the military departments to reduce the amounts requested for environmental restoration activities of such departments for a fiscal year by the amounts anticipated to be recovered in the preceding fiscal year as a result of cost-recovery and cost-sharing activities; and

(E) resolve any unresolved issues regarding the crediting of amounts recovered as a result of such activities under section 2703(d) of title 10, United States Code.

(b) IMPLEMENTATION OF GUIDELINES.—The Secretary shall take appropriate actions to ensure the implementation of the guidelines prescribed under subsection (a), including appropriate requirements to—

(1) identify contractors of the Department and other private parties responsible for environmental contamination at Department sites;

(2) review the activities of contractors of the Department and other private parties in order to identify negligence or other misconduct in such activities that would preclude Department indemnification for the costs of environmental restoration relating to such contamination or justify the recovery or sharing of costs associated with such restoration;

(3) obtain data as provided for under subsection (a)(2)(B); and

(4) pursue cost-recovery and cost-sharing activities where appropriate.

(c) DEFINITION.—In this section, the term "cost-recovery and-cost sharing activities" means activities concerning—

(1) the recovery of the costs of environmental restoration at Department sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) AUTHORITY.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on October 1, 1997, and ending on September 30, 1999.

(b) INCENTIVES AVAILABLE FOR SALE.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) USE OF PROCEEDS.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" means the following:

(A) Section 2687 of title 10, United States Code.

(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).

(2) The term "economic incentives for the reduction of emission of air pollutants" means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program

and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(5) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

SEC. 341. REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following—

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across State lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform Federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORE FACILITIES.

(a) ADDITIONAL FUNDING SOURCES.—Section 2685 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FUNDS FOR CONSTRUCTION AND IMPROVEMENTS.—Revenues received by the Department of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (c), (d), and (e):

"(1) Adjustments or surcharges authorized by subsection (a).

"(2) Sale of recyclable materials.

"(3) Sale of excess property.

"(4) License fees.

"(5) Royalties.

"(6) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

"(7) Products offered for sale in commissaries under consignment with exchanges, as designated by the Secretary of Defense.".

SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.

(a) INTEGRATION REQUIRED.—The Secretaries of the military departments shall integrate the military exchange services, including the managing organizations of the military exchange services, not later than September 30, 2000.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the plan for achieving the integration required by subsection (a).

Subtitle E—Other Matters

SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL FUNDS.

(a) RESTRICTION.—Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) An advance billing of a customer for a working-capital fund is prohibited except as provided in paragraph (2).

"(2) An advance billing of a customer for a working-capital fund is authorized if—

"(A) the Secretary of Defense has submitted to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a notification of the advance billing; and

"(B) in the case of an advance billing in an amount that exceeds $50,000,000, thirty days have elapsed since the date of the notification.

"(3) A notification of an advance billing of a customer for a working-capital fund that is submitted under paragraph (2) shall include the following:

"(A) The reasons for the advance billing.

"(B) An analysis of the effects of the advance billing on military readiness.

"(C) An analysis of the effects of the advance billing on the customer.

"(4) The Secretary of Defense may waive the applicability of this subsection—

"(A) during a period war or national emergency; or

"(B) to the extent that the Secretary determines necessary to support a contingency operation.

"(5) The Secretary of Defense shall submit to the committees referred to in paragraph (2) a report on advance billings for all working-capital funds whenever the aggregate amount of the advance billings for all working-capital funds not covered by a notification under that paragraph or a report previously submitted under this paragraph exceeds $50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches $50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

"(6) In this subsection:

"(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

"(B) The term 'customer' means a requisitioning component or agency.".

(b) REPORTS ON ADVANCE BILLINGS FOR THE DBOF.—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out "$100,000,000" and inserting in lieu thereof "$50,000,000"; and

(2) by adding at the end the following:

"(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of the month in which the aggregate amount referred to in that subparagraph reaches the amount specified in that subparagraph.".

(c) FISCAL YEAR 1998 LIMITATION.—(1) The total amount of advance billings for Department of Defense working-capital funds and the Defense Business Operations Fund for fiscal year 1998 may not exceed $1,000,000,000.

(2) In paragraph (1), the term "advance billing", with respect to the working-capital funds of the Department of Defense and the Defense Business Operations Fund, has the same meaning as is provided with respect to working-capital funds in section 2208(k)(6) of title 10, United States Code (as amended by subsection (a)).

SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center, Hawaii.

(b) MISSIONS.—The Secretary of Defense shall specify the missions of the Center. The missions shall include the following:

(1) To provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require interagency coordination.

(2) To make available high-quality disaster management and humanitarian assistance in response to disasters.

(3) To provide and facilitate education, training, interagency coordination, and research on the following additional matters:

(A) Management of the consequences of nuclear, biological, and chemical events.

(B) Management of the consequences of terrorism.

(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

(D) Meeting requirements for information in connection with regional and global disasters, including use of advanced communications technology as a virtual library.

(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

(4) To develop a repository of disaster risk indicators for the Asia-Pacific region.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

(d) ACCEPTANCE OF FUNDS.—(1) Except as provided in paragraph (2), the Secretary of Defense may, on behalf of the Center, accept funds for use to defray the costs of the Center or to enhance the operation of the Center from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2)(A) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation, as the case may be, would compromise or appear to compromise—

(i) the ability of the Department of Defense, or any employee of the Department, to carry out any responsibility or duty of the Department in a fair and objective manner; or

(ii) the integrity of any program of the Department of Defense or of any official involved in such a program.

(B) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign gift or donation would have a result described in subparagraph (A).

(3) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(e) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 301, $5,000,000 shall be available for the Center for Excellence in Disaster Management and Humanitarian Assistance.

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) CONSULTATION BETWEEN SECRETARY AND HEAD OF EXECUTIVE AGENCY.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) MORATORIUM.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) EFFECT OF LACK OF AGREEMENT.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

"(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) LIMITATION ON DELEGATION OF AUTHORITY.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) DEFINITION.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following:

"§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) COVERED ACTIVITIES.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) AUTHORITY.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) AUTHORITY TO SELL OUTSIDE DOD.—The Secretary of the Army may sell ammunition or ammunition components that are

excess, obsolete, or unserviceable and have not been demilitarized to a person eligible under subsection (c) if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may negotiate a sale in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) ELIGIBLE PURCHASERS.—A purchaser of excess, obsolete, or unserviceable ammunition or ammunition components under this section shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components purchased.

"(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) DISPOSITION OF FUNDS.—Amounts received as proceeds of sale of ammunition or ammunition components under this section in any fiscal year shall—

"(1) be credited to an appropriation available for such fiscal year for the acquisition of ammunition or ammunition components or to an appropriation available for such fiscal year for the demilitarization of excess, obsolete, or unserviceable ammunition or ammunition components; and

"(2) shall be available for the same period and for the same purposes as the appropriation to which credited.

"(h) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(i) DEFINITIONS.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

SEC. 366. INVENTORY MANAGEMENT.

(a) SCHEDULE FOR IMPLEMENTATION OF BEST INVENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—(1) The Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within the agency, for the supplies and equipment described in paragraph (2), inventory practices identified by the Director as being the best commercial inventory practices for such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(2) The inventory practices shall apply to the acquisition and distribution of medical supplies, subsistence supplies, clothing and textiles, commercially available electronics, construction supplies, and industrial supplies.

(3) For the purposes of this section, the term "best commercial inventory practice" includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(b) TIME FOR SUBMISSION OF SCHEDULE TO CONGRESS.—The schedule required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) CONTRACTS.—Exercising authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) CONTRACTOR FEE.—Under authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) RETENTION OF RECOVERED FUNDS.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) TERMINATION OF AUTHORITY.—The pilot program shall terminate at the end of September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(1) The number of contracts entered into under the program.

(2) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(3) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE INCREASED PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following:

"(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government to enhance that government's capabilities to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the department to provide such services is adversely affected by an action described in paragraph (1).".

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(1), $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(2) Of the amount authorized to be appropriated under section 301(1), the total amount available for cold weather clothing is decreased by $36,000,000.

SEC. 370. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(l)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

SEC. 371. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

Subtitle F—Sikes Act Improvement

SEC. 381. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Sikes Act Improvement Act of 1997".

(b) REFERENCES TO SIKES ACT.—In this subtitle, the term "Sikes Act" means the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations", approved September 15, 1960 (commonly known as the "Sikes Act") (16 U.S.C. 670a et seq.).

SEC. 382. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) IN GENERAL.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORITY OF SECRETARY OF DEFENSE.—

"(1) PROGRAM.—

"(A) IN GENERAL.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

"(B) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

"(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

"(3) PURPOSES OF PROGRAM.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

"(A) the conservation and rehabilitation of natural resources on military installations;

"(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

"(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

"(4) EFFECT ON OTHER LAW.—Nothing in this title—

"(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

"(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

"(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.".

(b) CONFORMING AMENDMENTS.—

(1) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(A) in subsection (b)(4), by striking "cooperative plan" each place it appears and inserting "integrated natural resources management plan";

(B) in subsection (c), in the matter preceding paragraph (1), by striking "a cooperative plan" and inserting "an integrated natural resources management plan";

(C) in subsection (d), in the matter preceding paragraph (1), by striking "cooperative plans" and inserting "integrated natural resources management plans"; and

(D) in subsection (e), by striking "Cooperative plans" and inserting "Integrated natural resources management plans".

(2) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking "a cooperative plan" and inserting "an integrated natural resources management plan".

(3) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by striking "a cooperative plan" and inserting "an integrated natural resources management plan".

(4) Section 106 of the Sikes Act (16 U.S.C. 670f) is amended—

(A) in subsection (a), by striking "cooperative plans" and inserting "integrated natural resources management plans"; and

(B) in subsection (c), by striking "cooperative plans" and inserting "integrated natural resources management plans".

(c) REQUIRED ELEMENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking "(b) Each cooperative" and all that follows through the end of paragraph (1) and inserting the following:

"(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

"(1) shall, to the extent appropriate and applicable, provide for—

"(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

"(B) fish and wildlife habitat enhancement or modifications;

"(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

"(D) integration of, and consistency among, the various activities conducted under the plan;

"(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

"(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

"(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

"(H) enforcement of applicable natural resource laws (including regulations);

"(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

"(J) such other activities as the Secretary of the military department determines appropriate;";

(2) in paragraph (2), by adding "and" at the end;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking "collect the fees therefor," and inserting "collect, spend, administer, and account for fees for the permits,".

SEC. 383. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section, the terms "military installation" and "United States" have the meanings provided in section 100 of the Sikes Act (as added by section 389).

(b) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act (as amended by this subtitle) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than 3 years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this subtitle); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this subtitle.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

SEC. 384. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 382(c)(4)) is amended by inserting before the period at the end the following: ", unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes".

SEC. 385. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following:

"(f) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

"(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

"(C) an assessment of the extent to which the plans comply with this title.

"(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

"(3) DEFINITION OF COMMITTEES.—In this subsection, the term 'committees' means—

"(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

"(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.".

SEC. 386. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a), by striking "Secretary of Defense" and inserting "Secretary of a military department";

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

"(c) MULTIYEAR AGREEMENTS.—Funds made available to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in the fiscal year, regardless of the fact that the agreement extends for more than 1 fiscal year.".

SEC. 387. FEDERAL ENFORCEMENT.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 108; and

(2) by inserting after section 105 the following:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.".

SEC. 388. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 387) the following:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.".

SEC. 389. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before section 101 the following:

"SEC. 100. DEFINITIONS.

"In this title:

"(1) MILITARY INSTALLATION.—The term 'military installation'—

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

"(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means the 1 or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

"(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.".

SEC. 390. REPEAL.

Section 2 of Public Law 99–561 (16 U.S.C. 670a–1) is repealed.

SEC. 391. TECHNICAL AMENDMENTS.

(a) The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Sikes Act'.".

(b) The title heading for title I of the Sikes Act (16 U.S.C. prec. 670a) is amended by striking "MILITARY RESERVATIONS" and inserting "MILITARY INSTALLATIONS".

(c) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(1) in subsection (b)(3) (as redesignated by section 382(c)(4))—

(A) in subparagraph (A), by striking "the reservation" and inserting "the military installation"; and

(B) in subparagraph (B), by striking "the military reservation" and inserting "the military installation";

(2) in subsection (c)—

(A) in paragraph (1), by striking "a military reservation" and inserting "a military installation"; and

(B) in paragraph (2), by striking "the reservation" and inserting "the military installation"; and

(3) in subsection (e), by striking "the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)" and inserting "chapter 63 of title 31, United States Code".

(d) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking "military reservations" and inserting "military installations".

(e) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended—

(1) by striking "military reservations" and inserting "military installations"; and

(2) by striking "such reservations" and inserting "the installations".

SEC. 392. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 387(1)) are each amended by striking "1983" and all that follows through "1993," and inserting "1998 through 2003,".

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking "the sum of $10,000,000" and all that follows through "to enable the Secretary of the Interior" and inserting "$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior"; and

(2) in subsection (b), by striking "the sum of $12,000,000" and all that follows through

"to enable the Secretary of Agriculture" and inserting "$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 485,000, of whom not more than 80,300 shall be officers.

(2) The Navy, 390,802, of whom not more than 55,695 shall be officers.

(3) The Marine Corps, 174,000, of whom not more than 17,978 shall be officers.

(4) The Air Force, 371,577, of whom not more than 72,732 shall be officers.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,002.

(6) The Air Force Reserve, 73,542.

(7) The Coast Guard Reserve, 8,000.

(b) 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, 1998, 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, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,671.

(6) The Air Force Reserve, 963.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,244,962,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY PROMOTION BOARD.

(a) ACTIVE COMPONENT OFFICERS.—Section 619(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618 of this title".

(b) RESERVE COMPONENT OFFICERS.—Section 14301(c) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618, 14110, or 14111 of this title;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to each selection board that is convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after such date.

SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO THE GRADE OF O–6.

Paragraph (2) of section 777(d) of title 10, United States Code, is amended to read as follows:

"(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—

"(A) in the case of the grade of major, lieutenant colonel, lieutenant commander, or commander, 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; and

"(B) in the case of the grade of colonel or captain, 2 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.".

SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED LIST OR OF RETIREMENT AGE TO SERVE AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE NAVY.

(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—(1) Section 5142(b) of title 10, United States Code, is amended by striking out ", who are not on the retired list," in the second sentence.

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chapter 573 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age

"The Secretary of the Navy may defer the retirement under section 1251(a) of this title of an officer of the Chaplain Corps if during the period of the deferment the officer will be serving as the Chief of Chaplains or the Deputy Chief of Chaplains. A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.".

SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIREES.

(a) INAPPLICABILITY OF LIMITATION TO CERTAIN OFFICERS.—Section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 30, 1997, immediately after the amendment made by section 521(a) of Public Law 104–201 (110 Stat. 2515) takes effect.

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

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

(1) by striking out "Except" and inserting in lieu thereof "(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except

as provided in subsection (b) or (c) of this section and''; and

(2) by adding at the end the following:

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

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

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

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

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

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

Subtitle B—Matters Relating to Reserve Components

SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

(a) TERMINATION.—(1) Chapter 1214 of title 10, United States Code, is amended by adding at the end the following;

''§ 12533. Termination of program authority

''(a) BENEFITS NOT TO ACCRUE.—No benefits accrue under the insurance program for active duty performed on or after the program termination date.

''(b) SERVICE NOT INSURED.—The insurance program does not apply with respect to any order of a member of the Ready Reserve into covered service that becomes effective on or after the program termination date.

''(c) CESSATION OF ACTIVITIES.—No person may be enrolled, and no premium may be collected, under the insurance program on or after the program termination date.

''(d) PROGRAM TERMINATION DATE.—For the purposes of this section, the term 'program termination date' is the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''12533. Termination of program authority.''.

(b) PAYMENT OF BENEFITS.—The Secretary of Defense shall pay in full all benefits that have accrued to members of the Armed Forces under the Ready Reserve Mobilization Income Insurance Program before the date of the enactment of this Act. A refund of premiums to a beneficiary under subsection (c) may not reduce the benefits payable to the beneficiary under this subsection.

(c) REFUND OF PREMIUMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall refund premiums paid under the Ready Reserve Mobilization Income Insurance Program to the persons who paid the premiums, as follows:

(1) In the case of a person for whom no payment of benefits has accrued under the program, all premiums.

(2) In the case of a person who has accrued benefits under the program, the premiums (including any portion of a premium) that the person has paid for periods (including any portion of a period) for which no benefits accrued to the person under the program.

(d) STUDY AND REPORT.—Not later than June 1, 1998, the Secretary of Defense shall—

(1) carry out a study to determine—

(A) the reasons for the fiscal deficiencies in the Ready Reserve Mobilization Income Insurance Program that make it necessary to appropriate $72,000,000 or more to pay benefits (including benefits in arrears) and other program costs; and

(B) whether there is a need for such a program; and

(2) submit to Congress a report containing—

(A) the Secretary's determinations; and

(B) if the Secretary determines that there is a need for a Ready Reserve mobilization income insurance program, the Secretary's recommendations for improving the program under chapter 1214 of title 10, United States Code.

SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFICERS IN AN INACTIVE STATUS.

Section 12683(b)(1) of title 10, United States Code, is amended to read as follows:

''(1) to—

''(A) a separation under section 12684, 14901, or 14907 of this title; or

''(B) a separation of a reserve officer in an inactive status in the Standby Reserve who is not qualified for transfer to the Retired Reserve or, if qualified, does not apply for transfer to the Retired Reserve;''.

SEC. 513. RETENTION OF MILITARY TECHNICIANS IN GRADE OF BRIGADIER GENERAL AFTER MANDATORY SEPARATION DATE.

(a) RETENTION TO AGE 60.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out ''section 14506 or 14507'' and inserting in lie thereof ''section 14506, 14507, or 14508(a)''; and

(2) by striking out ''or colonel'' and inserting in lieu thereof ''colonel, or brigadier general''.

(b) RELATIONSHIP TO OTHER RETENTION AUTHORITY.—Section 14508(c) of such title is amended by adding at the end the following: ''For the purposes of the preceding sentence, a retention of a reserve officer under section 14702 of this title shall not be construed as being a retention of that officer under this subsection.''.

SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, as amended by section 364, is further amended by adding at the end the following new section:

''§ 114. Honor guard functions at funerals for veterans

''Subject to such restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at funerals may not be considered to be a period of drill or training otherwise required.''.

(2) The table of sections at the beginning of such chapter, as amended by section 364, is further amended by adding at the end the following new item:

''114. Honor guard functions at funerals for veterans.''.

(b) FUNDING FOR FISCAL YEAR 1997.—Section 114 of title 32, United States Code, as added by subsection (a), does not authorize additional appropriations for fiscal year 1997. Any expenses of the National Guard that are incurred by reason of such section during fiscal year 1997 may be paid from existing appropriations available for the National Guard.

Subtitle C—Education and Training Programs

SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

''§ 4345. Exchange program with foreign military academies

''(a) AGREEMENT AUTHORIZED.—The Secretary of the Army may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

''(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

''(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Academy and the foreign government provide cadets of the Academy with instruction at military academies of the foreign government.

''(B) That the number of cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

''(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

''(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

''(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

''(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

''(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

''(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 4344 of this title; and

"(B) the authorized strength of the cadets of the Academy under section 4342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

"4345. Exchange program with foreign military academies.".

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

"§ 6957a. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Naval Academy and the foreign government provide midshipmen of the Academy with instruction at military academies of the foreign government.

"(B) That the number of midshipmen of the Naval Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Naval Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Naval Academy to the same extent that the foreign government provides comparable support and services to midshipmen of the Naval Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 midshipmen of the Naval Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Naval Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Naval Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Naval Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Naval Academy under section 6957 of this title; and

"(B) the authorized strength of the midshipmen under section 6954 of this title.

"(2) Section 6957(c) of this title applies to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

"6957a. Exchange program with foreign military academies.".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§ 9345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Air Force may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Air Force Academy and the foreign government provide Air Force Cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of Air Force Cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to Air Force Cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 Air Force Cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 9344 of this title; and

"(B) the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE TRAINING SCHOOLS.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "(b) Subject to subsection (c)" and inserting in lieu thereof "(b) CONFERMENT OF DEGREE.—(1) Subject to paragraph (2)";

(2) by redesignating subsection (c) as paragraph (2) and in such paragraph, as so redesignated—

(A) by striking out "(1) the" and inserting in lieu thereof "(A) the"; and

(B) by striking out "(2) the" and inserting in lieu thereof "(B) the";

(3) in subsection (a)—

(A) by inserting after "(a)" the following: "ESTABLISHMENT AND MISSION.—"; and

(B) in paragraph (1), by striking out "Air Force" and inserting in lieu thereof "armed forces described in subsection (b)"; and

(4) by inserting after subsection (a) the following new subsection (b):

"(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education referred to in subsection (a)(1):

"(1) An enlisted member of the Army, Navy, or Air Force who is serving as an instructor at an Air Force training school.

"(2) Any other enlisted member of the Air Force.".

(b) RETROACTIVE APPLICABILITY.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), shall apply with respect to programs of higher education of

the Community College of the Air Force as of March 31, 1996.

SEC. 523. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PRESERVATION OF EDUCATIONAL ASSISTANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out ", in connection with the Persian Gulf War,".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b)(4) of such title is amended—

(1) by striking out "(A)";

(2) by striking out ", during the Persian Gulf War,";

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out "(B) For the purposes" and all that follows through "title 38.".

SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY REQUIREMENTS FOR THE ARMY RANGER TRAINING BRIGADE.

(a) IN GENERAL.—(1) Section 4303 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4303.

(b) REPEAL OF RELATED PROVISION.—Section 562 of Public Law 104-106 (110 Stat. 323) is repealed.

SEC. 525. FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§ 2032. Responsibility of the Secretary of Defense

"(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

"(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidations of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

"(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2032. Responsibility of the Secretary of Defense.".

Subtitle D—Decorations and Awards

SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out "during the one-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "after February 9, 1996, and before February 10, 1998".

SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces of the United States, such as the Military Intelligence Service of the Army, that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than 2 years after the date of the enactment of this Act.

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104-201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stirpes, in equal shares.

SEC. 536. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant office in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any one person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) DEFINITIONS.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"Sec. 1131. Cold War service medal.".

Subtitle E—Military Personnel Voting Rights

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Military Voting Rights Act of 1997".

SEC. 542. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Subtitle F—Other Matters

SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

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

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Comptroller General should—

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to Congress a report on the study not later than one year after the date of enactment of this Act.

SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE MILITARY.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Gender Integration in the Military.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The commission shall be composed of 11 members appointed from among private citizens of the United States who have appropriate and diverse experiences, expertise, and historical perspectives on training, organizational, legal, management, military, and gender integration matters.

(2) SPECIFIC QUALIFICATIONS.—Of the 11 members, at least two shall be appointed from among persons who have superior academic credentials, at least four shall be appointed from among former members and retired members of the Armed Forces, and at least two shall be appointed from among members of the reserve components of the Armed Forces.

(c) APPOINTMENTS.—

(1) AUTHORITY.—The President pro tempore of the Senate shall appoint the members in consultation with the chairman of the Committee on Armed Services, who shall recommend six persons for appointment, and the ranking member of the Committee on Armed Services, who shall recommend five persons for appointment. The appointments shall be made not later than 45 days after the date of the enactment of this Act.

(2) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the commission.

(3) VACANCIES.—A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) WHEN CALLED.—The Commission shall meet upon the call of the chairman.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and a vice chairman from among its members.

(f) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized, by the Commission, take any action which the Commission is authorized to take under this title.

(g) DUTIES.—The Commission shall—

(1) review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training;

(2) review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces and personal relationships between members of the armed forces and non-military personnel of the opposite sex;

(3) assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, or rank of the individuals involved;

(4) provide an independent assessment of the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on adultery announced by the Secretary of Defense; and

(5) examine the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than April 15, 1998, the Commission shall submit to the Committee on Armed Services of the Senate an initial report setting forth the activities, findings, and recommendations of the Commission. The report shall include any recommendations for congressional action and administrative action that the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 16, 1998, the Commission shall submit to the Committee on Armed Services a final report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for congressional action and administrative action that the Commission considers appropriate.

(i) POWERS.—

(1) HEARINGS, ET CETERA.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties.

Upon the request of the chairman of the Commission, the head of a department or agency shall furnish the requested information expeditiously to the Commission.

(3) POSTAL SERVICES.— The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall, upon the request of the chairman of the Commission, furnish the Commission any administrative and support services that the Commission may require.

(k) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(2) TRAVEL ON MILITARY CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(3) TRAVEL EXPENSES.—The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) STAFF.—The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the Commission to perform its duties. The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the executive schedule under section 5316 of such title.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the chairman of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(6) TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(l) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the final report under subsection (h)(2).

(m) FUNDING.—

(1) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, out of funds appropriated for the Department of Defense, such amounts as the Commission may require to carry out its duties.

(2) PERIOD OF AVAILABILITY.—Funds made available to the Commission shall remain available, without fiscal year limitation, until the date on which the Commission terminates.

SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—Any commanding officer or officer in charge of a unit, vessel, facility, or area who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the Armed Forces or a civilian employee of the Department of Defense shall, to the extent practicable—

(1) within 72 hours after receipt of the complaint—

(A) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(B) commence, or cause the commencement of, an investigation of the complaint; and

(C) advise the complainant of the commencement of the investigation;

(2) ensure that the investigation of the complaint is completed not later than 14 days after the investigation is commenced; and

(3) either—

(A) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced; or

(B) submit a report on the progress made in completing the investigation to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving any complaint forwarded in accordance with subsection (a) during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

(c) SEXUAL HARASSMENT DEFINED.—In this section, the term "sexual harassment" means—

(1) a form of sex discrimination that—

(A) involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive;

(2) any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense; and

(3) any deliberate or repeated unwelcome verbal comment, gesture, or physical contact of a sexual nature in the workplace by any member of the Armed Forces or civilian employee of the Department of Defense.

SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHER AUTHORITIES.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end:

"§ 3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following:

"§ 8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"8583. Requirement of exemplary conduct.".

SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE PERSONNEL IN MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060a the following new section:

"§ 1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees

"(a) AUTHORITY TO PERMIT PARTICIPATION.—The Secretary concerned may authorize a member of the armed forces, a civilian officer or employee of the Department of Defense, or a civilian officer or civilian employee of the Coast Guard—

"(1) to serve as a director, officer, or trustee of a military welfare society or other entity described in subsection (c); or

"(2) to participate in any other capacity in the management of such a society or entity.

"(b) COMPENSATION PROHIBITED.—Compensation may not be accepted for service or participation authorized under subsection (a).

"(c) COVERED ENTITIES.—This section applies with respect to the following entities:

"(1) MILITARY WELFARE SOCIETIES.—The following military welfare societies:

"(A) The Army Emergency Relief.

"(B) The Air Force Aid Society.

"(C) The Navy-Marine Corps Relief Society.

"(D) The Coast Guard Mutual Assistance.

"(2) OTHER ENTITIES.—Each of the following additional entities that is not operated for profit:

"(A) Any athletic conference, or other entity, that regulates and supports the athletics programs of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(B) Any entity that regulates international athletic competitions.

"(C) Any regional educational accrediting agency, or other entity, that accredits the academies referred to in subparagraph (A) or accredits any other school of the armed forces.

"(D) Any health care association, professional society, or other entity that regulates and supports standards and policies applicable to the provision of health care by or for the Department of Defense.

"(d) SECRETARY OF DEFENSE AS SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to civilian officers and employees of the Department of Defense who are not officers or employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060a the following new item:

"1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.".

SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE IN ROPMA PROVISION RELATING TO POSITION VACANCY PROMOTION.

Section 14317(d) of title 10, United States Code, is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attache in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(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 1998 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 611. REVISED ENTITLEMENT AND RATES.

(a) UNIVERSAL ENTITLEMENT TO BAS EXCEPT DURING BASIC TRAINING.—

(1) IN GENERAL.—Section 402 of title 37, United States Code, is amended by striking out subsections (b) and (c).

(2) EXCEPTION.—Subsection (a) of such section is amended by adding at the end the following: "However, an enlisted member is not entitled to the basic allowance for subsistence during basic training.".

(b) RATES BASED ON FOOD COSTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) RATES OF BAS.—(1) The monthly rate of basic allowance for subsistence in effect for an enlisted member for a year (beginning on January 1 of the year) shall be the amount that is halfway between the following amounts that are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence in effect for an officer for a year (beginning on January 1 of the year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.".

(c) CONTINUATION OF ADVANCE PAYMENT AUTHORITY.—Such section is further amended by inserting after subsection (b), as added by subsection (b) of this section, the following new subsection (c):

"(c) ADVANCE PAYMENT.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.".

(d) FLEXIBILITY TO MANAGE DEMAND FOR DINING AND MESSING SERVICES.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) POLICIES ON USE OF DINING AND MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.".

(e) REGULATIONS.—Such section is further amended by adding after subsection (e), as added by subsection (d) of this section, the following:

"(f) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

"(2) The regulations shall include the rates of basic allowance for subsistence.".

(f) STYLISTIC AND CONFORMING AMENDMENTS.—

(1) SUBSECTION HEADINGS.—Such section is amended—

(A) in subsection (a), by inserting "ENTITLEMENT.—" after "(a)"; and

(B) in subsection (d), by inserting "COAST GUARD.—" after "(d)".

(2) TRAVEL STATUS EXCEPTION TO ENTITLEMENT.—Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BAS TRANSITION PERIOD.—For the purposes of this section, the BAS transition period is the period beginning on the effective date of this part and ending on the date that this section ceases to be effective under section 613(b).

(b) TRANSITIONAL AUTHORITY.—Notwithstanding section 402 of title 37, United States Code (as amended by section 611), during the BAS transition period—

(1) the basic allowance for subsistence shall not be paid under that section for that period;

(2) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (c);

(3) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (d); and

(4) the rates of the basic allowance for subsistence are those determined under subsection (e).

(c) TRANSITIONAL ENTITLEMENT TO BAS.—

(1) ENLISTED MEMBERS.—

(A) TYPES OF ENTITLEMENT.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(i) when rations in kind are not available;

(ii) when permission to mess separately is granted; and

(iii) when assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) OTHER ENTITLEMENT CIRCUMSTANCES.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving his first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) ADVANCE PAYMENT.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is, at all

times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) TRANSITIONAL AUTHORITY FOR PARTIAL BAS.—

(1) ENLISTED MEMBERS FURNISHED SUBSISTENCE IN KIND.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) MONTHLY PAYMENT.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be paid on a monthly basis.

(e) TRANSITIONAL RATES.—

(1) FULL BAS FOR OFFICERS.—The rate of basic allowance for subsistence that is payable to officers of the uniformed services for a year shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) FULL BAS FOR ENLISTED MEMBERS.—The rate of basic allowance for subsistence that is payable to an enlisted member of the uniformed services for a year shall be the higher of—

(A) the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year; or

(B) the daily equivalent of what, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code (as added by section 611(b)).

(3) PARTIAL BAS FOR ENLISTED MEMBERS.—The rate of any partial basic allowance for subsistence paid under subsection (d) for a member for a year shall be equal to the lower of—

(A) the amount equal to the excess, if any, of—

(i) the amount equal to the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percent by which the rates of basic pay for members of the uniformed services were increased for the year over those in effect for such preceding year, over

(ii) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, over

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) EFFECTIVE DATE.—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) TERMINATION OF TRANSITIONAL PROVISIONS.—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as determined under subsection (e)(2) of such section, equals or exceeds the amount that, except for subsection (b) of such section, would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING.

(a) REDESIGNATION OF BAQ.—Section 403 of title 37, United States Code, is amended by striking out "basic allowance for quarters" each place it appears, except in subsections (f) and (m), and inserting in lieu thereof "basic allowance for housing".

(b) RATES.—Subsection (a) of such section is amended by striking out "section 1009" and inserting in lieu thereof "section 403a".

(c) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—Subsection (f) of such section is amended to read as follows:

"(f) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of a uniformed service who is in pay grade above E–4 (four or more years of service) or above is entitled to a temporary housing allowance (at a rate determined under section 403a of this title) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.".

(d) DETERMINATIONS NECESSARY FOR ADMINISTERING AUTHORITY FOR ALL MEMBERS.—Subsection (h) of such section is amended by striking out "enlisted" each place it appears.

(e) ENTITLEMENT OF MEMBERS NOT ENTITLED TO PAY.—Subsection (i) of such section is amended by striking out "enlisted".

(f) TEMPORARY HOUSING AND ALLOWANCE FOR SURVIVORS OF ACTIVE DUTY MEMBERS.—

(1) CONTINUATION OF OCCUPANCY.—Paragraph (1) of subsection (l) of such section is amended by striking out "in line of duty" and inserting in lieu thereof "on active duty".

(2) ALLOWANCE.—Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) The Secretary concerned may pay a basic allowance for housing (at the rate determined under section 403a of this title) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

"(i) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

"(ii) are occupying such housing on a rental basis on such date; or

"(iii) vacate such housing sooner than 180 days after the date of the member's death.

"(B) The payment of the allowance under this subsection shall terminate 180 days after the date of the member's death.".

(g) ENTITLEMENT OF MEMBER PAYING CHILD SUPPORT.—Subsection (m) of such section is amended to read as follows:

"(m) MEMBERS PAYING CHILD SUPPORT.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member is in a pay grade above E–4, is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel.

"(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential (at the rate applicable under section 403a of this title) to the members' pay grade except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (o).".

(h) REPLACEMENT OF VHA BY BASIC ALLOWANCE FOR HOUSING.—

(1) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—Such section is further amended by adding at the end the following:

"(n) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—(1) A member of a uniformed service with dependents who is assigned to an unaccompanied tour of duty outside the continental United States is eligible for a basic allowance for housing as provided in paragraph (2).

"(2)(A) For any period during which the dependents of a member referred to in paragraph (1) reside in the United States where, if the member were residing with them, the member would be entitled to receive a basic allowance for housing, the member is entitled to a basic allowance for housing at the rate applicable under section 403a of this title to the member's pay grade and the location of the residence of the member's dependents.

"(B) A member referred to in paragraph (1) may be paid a basic allowance for housing at the rate applicable under section 403a of this title to the members's pay grade and location.

"(3) Payment of a basic allowance for housing to a member under paragraph (2)(B) shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.".

(2) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—Paragraph (2) of section 403a(a) of title 37, United States Code, is transferred to the end of section 403 of such title and, as transferred, is amended—

(A) by striking out "(2)" and inserting in lieu thereof "(o) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—";

(B) by striking out "variable housing allowance" each place it appears and inserting in lieu thereof "basic allowance for housing";

(C) by striking out "(under regulations prescribed under subsection (e))" in the matter following subparagraph (B) and inserting in lieu thereof "(under regulations prescribed by the Secretary of Defense)"; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) REPEAL OF VHA ALLOWANCE.—Section 403a of title 37, United States Code, is repealed.

(i) MEMBERS WITHOUT DEPENDENTS.—Section 403 of such title, as amended by subsection (f), is further amended by adding at the end the following:

"(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—A member of a uniformed service without dependents who is not entitled to receive a basic allowance for housing under subsection (b) or (c) is entitled to a partial allowance for quarters determined under section 403a of this title.".

(j) STYLISTIC AMENDMENTS.—Section 403 of title 37, United States Code, as amended by this section, is further amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) GENERAL ENTITLEMENT.—(1)";

(2) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) MEMBERS ASSIGNED TO QUARTERS.—(1)";

(3) in subsection (c), by striking out "(c)(1)" and inserting in lieu thereof "(c) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—(1)";

(4) in subsection (d), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROHIBITED GROUNDS FOR DENIAL.—(1)";

(5) in subsection (e), by inserting "RENTAL OF PUBLIC QUARTERS.—" after "(e)";

(6) in subsection (g), by inserting "AVIATION CADETS.—" after "(g)";

(7) in subsection (h), by inserting "NECESSARY DETERMINATIONS.—" after "(h)";

(8) in subsection (i), by inserting "ENTITLEMENT OF MEMBER NOT ENTITLED TO PAY.—" after "(i)";

(9) in subsection (j), by striking out "(j)(1)" and inserting in lieu thereof "(j) ADMINISTRATIVE AUTHORITY.—(1)";

(10) in subsection (k), by inserting "PARKING FACILITIES NOT CONSIDERED QUARTERS.—" after "(k)"; and

(11) in subsection (l), by striking out "(l)(1)" and inserting in lieu thereof "(l) DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—(1)".

(k) SECTION HEADING.—The heading of section 403 of title 37, United States Code, is amended to read as follows:

"§ 403. Basic allowance for housing: eligibility".

SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.

Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section 403a:

"§ 403a. Basic allowance for housing: rates

"(a) RATES PRESCRIBED BY SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe monthly rates of basic allowance for housing payable under section 403 of this title. The Secretary shall specify the rates, by pay grade and dependency status, for each geographic area defined in accordance with subsection (b).

"(b) GEOGRAPHIC BASIS FOR RATES.—(1) The Secretary shall define the areas within the United States and the areas outside the United States for which rates of basic allowance for housing are separately specified.

"(2) For each area within the United States that is defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for civilians residents of that area whose relevant circumstances the Secretary considers as being comparable to those of members of the uniformed services.

"(3) For each area outside the United States defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for members of the uniformed services.

"(c) RATES WITHIN THE UNITED STATES.—(1) Subject to paragraph (2), the monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area within the United States shall be the amount equal to the excess of—

"(A) the monthly cost of housing determined applicable for members of that grade and dependency status for that area under subsection (b), over

"(B) the amount equal to 15 percent of the average of the monthly costs of housing determined applicable for members of the uniformed services of that grade and dependency status for all areas of the United States under subsection (b).

"(2) The rates of basic allowance for housing determined under paragraph (1) shall be reduced as necessary to comply with subsection (g).

"(d) RATES OUTSIDE THE UNITED STATES.—The monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area outside the United States shall be an amount appropriate for members of the uniformed services of that grade and dependency status for that area, as determined by the Secretary on the basis of the costs of housing in that area.

"(e) ADJUSTMENTS WHEN RATES OF BASIC PAY INCREASED.—The Secretary of Defense shall periodically redetermine the housing costs for areas under subsection (b) and adjust the rates of basic allowance for housing as appropriate on the basis of the redetermination of costs. The effective date of any adjustment in rates of basic allowance for housing for an area as a result of such a redetermination shall be the same date as the effective date of the next increase in rates of basic pay for members of the uniformed services after the redetermination.

"(f) SAVINGS OF RATE.—The rate of basic allowance for housing payable to a particular member for an area within the United States may not be reduced during a continuous period of eligibility of the member to receive a basic allowance for housing for that area by reason of—

"(1) a general reduction of rates of basic allowance for housing for members of the same grade and dependency status for the area taking effect during the period; or

"(2) a promotion of the member during the period.

"(g) FISCAL YEAR LIMITATION ON TOTAL ALLOWANCES PAID FOR HOUSING INSIDE THE UNITED STATES.—(1) The total amount that may be paid for a fiscal year for the basic allowance for housing for areas within the United States by authorized members of the uniformed services by section 403 of this title is the product of—

"(A) the total amount authorized to be paid for the allowance for such areas for the preceding fiscal year (as adjusted under paragraph (2)); and

"(B) the fraction—

"(i) the numerator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the preceding fiscal year; and

"(ii) the denominator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the fiscal year before the preceding fiscal year.

"(2) In making a determination under paragraph (1) for a fiscal year, the Secretary shall adjust the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing to reflect changes (during the fiscal year for which the determination is made) in the number, grade distribution, and dependency status of members of the uniformed services entitled to the basic allowance for housing from the number of such members during such preceding fiscal year.

"(h) MEMBERS EN ROUTE BETWEEN PERMANENT DUTY STATIONS.—The Secretary of Defense shall prescribe in regulations the rate of the temporary housing allowance to which a member is entitled under section 403(f) of this title while the member is in a travel or leave status between permanent duty stations.

"(i) SURVIVORS OF MEMBERS DYING ON ACTIVE DUTY.— The rate of the basic allowance for housing payable to dependents of a deceased member under section 403(l)(2) of this title shall be the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing.

"(j) MEMBERS PAYING CHILD SUPPORT.—(1) The basic allowance for housing differential to which a member is entitled under section 403(m)(2) of this title is the amount equal to the excess of—

"(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on such date), over

"(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on that date).

"(2) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential shall be increased by the average percent increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date in the increase in the rates of basic pay.

"(k) PARTIAL ALLOWANCE FOR QUARTERS.—The rate of the partial allowance for quarters to which a member without dependents is entitled under section 403(p) of this title is the partial rate of basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).".

SEC. 618. DISLOCATION ALLOWANCE.

(a) AMOUNT.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title" in the matter preceding paragraph (1) and inserting in lieu thereof "determined under subsection (g)";

(2) in subsection (b), by striking out "equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title" and inserting in lieu thereof "determined under subsection (g)"; and

(3) by adding at the end the following:

"(g) AMOUNT.—(1) The dislocation allowance payable to a member under subsection (a) shall be the amount equal to 160 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(2) The dislocation allowance payable to a member under subsection (b) shall be the amount equal to 130 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(3) In this section, the term 'monthly national average cost of housing', with respect to members of a particular grade and dependency status, means the average of the monthly costs of housing that the Secretary determines adequate for members of that grade and dependency status for all areas in the United States under section 403a(b)(2) of this title.".

(b) STYLISTIC AMENDMENTS.—Such section is amended—

(1) in subsection (a), by inserting "FIRST ALLOWANCE.—" after "(a)";

(2) in subsection (b), by inserting "SECOND ALLOWANCE.—" after "(b)";

(3) in subsection (c), by inserting "ONE ALLOWANCE PER FISCAL YEAR.—" after "(c)";

(4) in subsection (d), by inserting "NO ENTITLEMENT FOR FIRST AND LAST MOVES.—" after "(d)";

(5) in subsection (e), by inserting "WHEN MEMBER WITH DEPENDENTS CONSIDERED MEMBER WITHOUT DEPENDENTS.—" after "(e)"; and

(6) in subsection (f), by inserting "PAYMENT IN ADVANCE.—" after "(f)".

SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.

(a) FAMILY SEPARATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY FOR ALLOWANCE EQUAL TO BAQ.—Section 427 of title 37, United States Code, is amended by striking out subsection (a).

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) by striking out "(b) ADDITIONAL SEPARATION ALLOWANCE.—";

(B) by redesignating paragraphs (1), (2), (3), (4), and (5), as subsections (a), (b), (c), (d), and (e), respectively;

(C) in subsection (a), as so redesignated—

(i) by inserting "ENTITLEMENT.—" after "(a)";

(ii) by striking out ", including subsection (a),"; and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in subsection (b), as redesignated by paragraph (2)—

(i) by inserting "EFFECTIVE DATE FOR SEPARATION DUE TO CRUISE OR TEMPORARY DUTY.—" after "(b)";

(ii) by striking out "subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1)" and inserting in lieu thereof "section by virtue of duty described in paragraph (2) or (3) of subsection (a)";

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2), as so redesignated—

(I) by striking out "subsection" and inserting in lieu thereof "section"; and

(II) by striking out "subparagraphs" and inserting in lieu thereof "paragraphs";

(E) in subsection (c), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHEN NO RESIDENCE OR HOUSEHOLD MAINTAINED FOR DEPENDENTS.—" after "(c)"; and

(ii) by striking out "subsection" and inserting in lieu thereof "section";

(F) in subsection (d), as redesignated by paragraph (2)—

(i) by inserting "EFFECT OF ELECTION OF UNACCOMPANIED TOUR.—" after "(d)"; and

(ii) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)"; and

(G) in subsection (e), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHILE DEPENDENT ENTITLED TO BASIC PAY.—" after "(e)"; and

(ii) by striking out "paragraph (1)(D)" each place it appears and inserting in lieu thereof "subsection (a)(4)".

(b) STATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY.—Section 405 of title 37, United States Code, is amended by striking out subsection (b).

(2) CONFORMING AMENDMENT.—Such section is further amended by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 620. OTHER CONFORMING AMENDMENTS.

(a) DEFINITION OF REGULAR MILITARY COMPENSATION.—Section 101(25) of title 37, United States Code, is amended by striking out "basic allowance for quarters (including any variable housing allowance or station allowance)" and inserting in lieu thereof "basic allowance for housing.".

(b) ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS.—Section 420(c) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(c) PAYMENTS TO MISSING PERSONS.—Section 551(3)(D) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(d) PAYMENT DATE.—Section 1014(a) of such title is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(e) OCCUPANCY OF SUBSTANDARD FAMILY HOUSING.—Section 2830(a) of title 10, United States Code, is amended by striking out "basic allowance for quarters" each place it appears and inserting in lieu thereof "basic allowance for housing".

SEC. 621. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to section 403 and 403a and inserting in lieu thereof the following:

"403. Basic allowance for housing: eligibility.
"403a. Basic allowance for housing: rates.".

SEC. 622. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on January 1, 1998.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) CONFORMING REPEAL OF AUTHORITY RELATING TO BAS AND BAQ.—

(1) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

"§ 1009. Adjustments of monthly basic pay

"(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5 is adjusted upward, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

"(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

"(1) have the force and effect of law; and

"(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

"(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

"(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

"(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise his authority under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, he shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

"(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Adjustments of monthly basic pay.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking out "and shall" in the first sentence and all that follows in that sentence and inserting in lieu thereof a period and the following: "The allowance shall be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.".

Subtitle C—Bonuses and Special and Incentive Pays

SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—

Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(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, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES 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, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) 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, 1998" and inserting in lieu thereof "September 30, 1999".

(c) 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, 1998" and inserting in lieu thereof "September 30, 1999".

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER INCENTIVE PAY.

(a) AMOUNTS.—The table in subsection (b)(1) of section 301a(b)(1) of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

"Over 14 ..... 840";

and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

"PHASE II

"Years of service as an officer:	"Monthly rate
"Over 22	$585
"Over 23	495
"Over 24	385
"Over 25	250".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 635. AVIATION CONTINUATION PAY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2005".

(b) BONUS AMOUNTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "$12,000" and inserting in lieu thereof "$25,000"; and

(2) in paragraph (2), by striking out "$6,000" and inserting in lieu thereof "$12,000".

(c) DEFINITION OF AVIATION SPECIALTY.—Subsection (j)(2) of such section is amended by inserting "specific" before "community".

(d) CONTENT OF ANNUAL REPORT.—Subsection (i)(1) of such section is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out the semicolon and "and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(e) EFFECTIVE DATES AND APPLICABILITY.—(1) Except as provided in paragraphs (1) and (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect on October 1, 1997, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

(3) The amendment made by subsection (c) shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE MULTIYEAR RETENTION BONUS PROVIDED FOR MEDICAL OFFICERS.

(a) ADDITION OF DENTAL OFFICERS.—Section 301d of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or dental" after "medical"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "or Dental Corps" after "Medical Corps"; and

(ii) by inserting "or dental" after "medical"; and

(B) in paragraph (3), by inserting "or dental" after "medical".

(b) CONFORMING AMENDMENT AND RELATED CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 301d. Multiyear retention bonus: medical and dental officers of the armed forces".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

"301d. Multiyear retention bonus: medical and dental officers of the armed forces.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 301d of title 37, United States Code, on or after that date.

SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR OFFICERS BELOW GRADE O–7.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F), and inserting in lieu thereof the following:

"(C) $4,000 per year, if the officer has at least six but less than 8 years of creditable service.

"(D) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, 18 or more years of creditable service.".

(b) VARIABLE SPECIAL PAY FOR OFFICERS ABOVE GRADE O–6.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended—

(1) in subparagraph (B), by striking out "14" and inserting in lieu thereof "10"; and

(2) by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and shall apply with respect to months beginning on or after that date.

SEC. 638. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS AUTHORITY.

(a) ELIGIBILITY OF MEMBERS WITH UP TO 14 YEARS OF TOTAL SERVICE.—Subsection (a) of section 308b of title 37, United States Code, is amended by striking out "ten years" in paragraph (1) and inserting in lieu thereof "14 years".

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1)" after "(a)";

(3) by striking out "a bonus as provided in subsection (b)" before the period at the end and inserting in lieu thereof "a bonus or bonuses in accordance with this section"; and

(4) by adding at the end the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later voluntary extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, as the case may be, the person satisfies the eligibility requirements set forth in paragraph (1) and the eligibility requirements for reenlisting or extending the enlistment; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the

case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) BONUS AMOUNTS.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(d) DISBURSEMENT OF BONUS.—Subsection (c) of such section is amended to read as follows:

"(c) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(e) SUBSECTION HEADINGS.—Such section is further amended—

(1) in subsection (d), by inserting "REFUND FOR UNSATISFACTORY SERVICE.—" after "(d)";

(2) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(3) in subsection (f), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES FOR ENLISTMENTS BY PRIOR SERVICE PERSONNEL IN CRITICAL SKILLS IN THE SELECTED RESERVE.

(a) REORGANIZATION OF SECTION.—Section 308i of title 37, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d);

(2) by redesignating subsections (b), (c), (d), (h), and (i) as subsections (c), (e), (f), (g), and (h), respectively; and

(3) by redesignating paragraph (2) of subsection (a) as subsection (b) and in subsection (b), as so redesignated, by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Subsection (a) of such section is amended by inserting after paragraph (1) the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, the person satisfies the eligibility requirements set forth in subsection (b) and the eligibility requirements for reenlisting or extending the enlistment, as the case may be; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended by striking out "10 years" and inserting in lieu thereof "14 years".

(d) BONUS AMOUNTS.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended to read as follows:

"(c) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(e) DISBURSEMENT OF BONUS.—Such section is amended by inserting after subsection (c), as redesignated by subsection (a)(2) and amended by subsection (d), the following new subsection (d):

"(d) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(f) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of such section is amended by striking out "paragraph (2) may be paid a bonus as prescribed in subsection (b)" and inserting in lieu thereof "subsection (b) may be paid a bonus or bonuses in accordance with this section".

(2) Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by striking out "may not be paid more than one bonus under this section and".

(3) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended—

(A) by inserting "REFUND FOR UNSATISFACTORY SERVICE.—(1)" after "(f)";

(B) in paragraphs (2) and (4), as redesignated by subsection (a)(1), by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)"; and

(C) in paragraph (3), as redesignated by subsection (a)(1)—

(i) by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)"; and

(ii) by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)".

(g) SUBSECTION HEADINGS.—Such section, as amended by subsections (a) through (f), is further amended—

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(2) in subsection (b), by inserting "ELIGIBILITY.—" after "(b)";

(3) in subsection (e), by inserting "LIMITATION.—" after "(e)";

(4) in subsection (g), by inserting "REGULATIONS.—" after "(g)"; and

(5) in subsection (h), by inserting "TERMINATION OF AUTHORITY.—" after "(h)".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NUCLEAR QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$15,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Subsection (a)(1) of section 312b of title 37, United States Code, is amended by striking out "$8,000" and inserting in lieu thereof "$10,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$10,000" and inserting in lieu thereof "$12,000"; and

(2) in subsection (b)(1), by striking out "$4,500" and inserting in lieu thereof "$5,500".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after the effective date of the amendments.

SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) PAYMENT FLEXIBILITY.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "at a rate" and all that follows through "Secretary concerned";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) PAYMENT SCHEDULE AND RATES.—At the election of the Secretary concerned, the Secretary may pay the special pay to which a member is entitled under subsection (a)—

"(1) in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 each; or

"(2) as an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.".

(b) PROHIBITION OF CONCURRENT RECEIPT WITH REST AND RECUPERATIVE ABSENCE OR TRANSPORTATION.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended—

(1) by inserting "CONCURRENT RECEIPT OF BENEFITS PROHIBITED.—(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In the case of a member entitled to an annual bonus for a 12-month period under subsection (b)(2), the amount of the annual bonus shall be reduced by the percent determined by dividing 12 into the number of months in the period that the member is authorized rest and recuperative absence or transportation. For the purposes of the preceding sentence, a member shall be treated as having been authorized rest and recuperative absence or transportation for a full month if rest and recuperative absence or transportation is authorized for the member for any part of the month.

"(B) The Secretary concerned shall recoup by collection from a member any amount of an annual bonus paid under subsection (b)(2) to the member for a 12-month period that exceeds the amount of the bonus to which the member is entitled for the period by reason of an authorization of rest and recuperative absence or transportation for the member during that period that was not taken into account in computing the amount of the entitlement.".

(c) REPAYMENT.—Such section is further amended by adding at the end the following:

"(d) REFUND FOR FAILURE TO COMPLETE TOUR OF DUTY.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

"(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

"(e) TREATMENT OF REIMBURSEMENT OBLIGATIONS.—(1) An obligation to reimburse the United States imposed under subsection (c)(2)(B) or (d) is for all purposes a debt owed to the United States.

"(2) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt referred to in paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.".

(d) STYLISTIC AMENDMENT.—Subsection (a) of such section is amended by inserting "AUTHORITY.—" after "(a)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 314 of title 37, United States Code, on or after that date.

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

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

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

(2) by adding at the end the following:

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

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAYMENT OF RETIRED PAY.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following:

"§1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

"(a) AUTHORITY.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the 1-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

"(b) CONCURRENCE OF SPOUSE.—(1) A married participant may not make an election under subsection (a) without the concurrence of the participant's spouse, except that the participant may make such an election without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned that one of the conditions described in section 1448(a)(3)(C) of this title exists.

"(2) The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(c) LIMITATION ON ELECTION WHEN FORMER SPOUSE COVERAGE IN EFFECT.—The limitation set forth in section 1450(f)(2) of this title shall apply to an election to discontinue participation in the Plan under subsection (a).

"(d) WITHDRAWAL OF ELECTION TO DISCONTINUE.—Section 1448(b)(1)(D) of this title shall apply to an election under subsection (a).

"(e) CONSEQUENCES OF DISCONTINUATION.—Section 1448(b)(1)(E) of this title shall apply to an election under subsection (a).

"(f) NOTICE TO EFFECTED BENEFICIARIES.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of any election to discontinue participation under subsection (a).

"(g) EFFECTIVE DATE OF ELECTION.—An election authorized under this section is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

"(h) INAPPLICABILITY OF IRREVOCABILITY PROVISIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following:

"1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.".

(b) TRANSITION PROVISION.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of the section if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) EFFECTIVE DATE.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE.

Section 1450(f)(1)(C) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time without regard to the time limitation in section 1448(a)(5)(B) of this title.".

SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) COVERAGE PAID UP AT 30 YEARS OR AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the earlier of—

"(A) the 360th month in which the member's retired pay has been reduced under this section; or

"(B) the month in which the member attains 70 years of age.

"(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).".

SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services 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 of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section 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) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is

filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Subtitle E—Other Matters

SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR ILLNESS, INJURY, OR DEATH INCURRED OR AGGRAVATED IN LINE OF DUTY.

(a) PAY AND ALLOWANCES.—(1) Section 204 of title 37, United States Code, is amended—

(A) in subsection (g)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or"; and

(B) in subsection (h)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 206(a)(3)(C) of such title is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(b) MEDICAL AND DENTAL CARE.—(1) Section 1074a(a)(3) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 1076(a)(2) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(C) who incurs or aggravates an injury, illness, or disease in the line of duty while serving on active duty under a call or order to active duty for a period of 30 days or less, if the call or order is modified to extend the period of active duty of the member to be more than 30 days.".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2) of title 10, United States Code, is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(2) Section 1206 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(e) CONFORMING AMENDMENTS AND RELATED CLERICAL AMENDMENTS.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

"§ 1204. Members on active duty for 30 days or less or on inactive-duty training: retirement".

(2) The heading of section 1206 of such title is amended to read as follows:

"§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation".

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.";

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less or on inactive-duty training: separation.".

(f) PROSPECTIVE APPLICABILITY.—No benefit shall accrue under an amendment made by this section for any period before the date of the enactment of this Act.

SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by inserting before the period at the end of the matter following clause (iii) the following: "or action on the sentence is pending under that section".

SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to adoptions completed on or after such date.

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of

the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND ANNUAL FEES FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§ 1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care

"(a) AUTHORITY.—The administering Secretaries shall prescribe in regulations—

"(1) authority for members of the armed forces referred to in subsection (b) to receive care under the Civilian Health and Medical Program of the Uniformed Services; and

"(2) policies and procedures for waiving an obligation for such members to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

"(b) ELIGIBILITY.—The regulations may be applied to a member of the uniformed services on active duty who—

"(1) is assigned to—

"(A) permanent duty as a recruiter;

"(B) permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps;

"(C) permanent duty as a full-time adviser to a unit of a reserve component of the armed forces; or

"(D) any other permanent duty designated by the administering Secretary concerned for purposes of the regulations; and

"(2) pursuant to such assignment, resides at a location that is more than 50 miles, or one hour of driving time, from—

"(A) the nearest health care facility of the uniformed services adequate to provide the needed care under this chapter; and

"(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

"(c) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations shall be paid out of funds available to the Department of Defense for the defense health program.

"(d) DEFINITIONS.—In this section:

"(1) The term 'TRICARE Prime plan' means a plan under the TRICARE program that provides for voluntary enrollment for health care to be furnished in a manner similar to the manner in which health care is furnished by health maintenance organizations.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of this chapter, principally section 1097 of this 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.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.".

SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor while the person is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care under subsection (a).

SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the administering Secretaries referred to in section 1073(3) of title 10, United States Code, shall prescribe regulations that require each source dispensing a prescription medication to a person under chapter 55 of such title to furnish to that person, with the medication, written cautionary information on the medication.

(b) INFORMATION TO BE DISCLOSED.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) FORM OF INFORMATION.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) COVERED SOURCES.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) REQUIREMENT.—A member of the Armed Forces described in subsection (b) shall be entitled to medical and dental care under chapter 55 of title 10, United States Code, for a symptom or illness described in subsection (b)(2) to the same extent and under the same conditions (other than the requirement to be on active duty) as is a member of a uniformed service who is entitled under section 1074(a) of such title to medical and dental care under such chapter. The Secretary shall provide such care free of charge to the member.

(b) COVERED MEMBERS.—Subsection (a) applies to any member of a reserve component of the Armed Forces who—

(1) is a Persian Gulf veteran;

(2) registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2805; 10 U.S.C. 1074 note) to be a result of such service; and

(3) is not otherwise entitled to medical and dental care under section 1074(a) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "Persian Gulf veteran" has the same meaning as in section 721(i) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2807; 10 U.S.C. 1074 note).

SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, a member's share may 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.".

(b) RETIREE DENTAL INSURANCE.—Paragraph (2) of section 1076c(c) of title 10, United States Code, is amended by striking out "(2) The amount of the premiums" and inserting in lieu thereof "(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, the premiums".

SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF UNIFORMED SERVICE IN THE PUBLIC HEALTH SERVICE AND NOAA.

(a) OFFICIALS RESPONSIBLE.—Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out "Secretary of Defense" and inserting in lieu thereof "administering Secretaries".

(b) ELIGIBILITY.—Subsection (b)(1) of such section is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.

(a) EXPANDED AUTHORITY.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following:

"(15) Artificial limbs, voice prostheses, and artificial eyes.

"(16) Any prosthetic device not named in paragraph (15) that is determined under regulations prescribed by the Secretary of Defense to be necessary because of one or more significant impairments resulting from trauma, congenital anomaly, or disease.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that such items may be sold, at the cost to the United States, to dependents outside the United States and at stations inside the United States where adequate civilian facilities are unavailable.".

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

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

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

SEC. 709. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of the program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B).'"; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

SEC. 710. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

SEC. 711. STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional fee-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by an out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

Subtitle B—Uniformed Services Treatment Facilities

SEC. 731. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for fiscal year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.".

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.".

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for fiscal year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: ", subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: ", or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 732. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for fiscal year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 733. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for fiscal year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for fiscal year 1991 (Public Law 101-510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

Subtitle C—Persian Gulf Illnesses

SEC. 751. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 15, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 753. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The Secretary of Defense shall submit to Congress not later than March 15, 1998, a plan to ensure that the results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location or locations to improve future access to the records. The report shall include a schedule for implementation of the plan completion within 2 years of enactment.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 754. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 755. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND ENVIRONMENTAL HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and environmental hazards to which members of the Armed Forces may be exposed.

SEC. 756. NOTICE OF USE OF DRUGS UNAPPROVED FOR THEIR INTENDED USAGE.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive a drug unapproved for its intended use, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer a drug unapproved for its intended use or who are likely to treat members who receive such a drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the drug is first administered to the member, if practicable, but in no case later than 30 days after the drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the unapproved drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered has not been approved for its intended usage.

"(2) The reasons why the unapproved drug is being administered.

"(3) Information regarding the possible side effects of the unapproved drug, including any known side effects possible as a result of the interaction of the drug with other drugs or treatments being administered to the members receiving the drug.

"(4) Such other information that, as a condition for authorizing the use of the unapproved drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of drugs unapproved for their intended usage.".

SEC. 757. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 758. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR CONTRACTS UNDER INTERNATIONAL AGREEMENTS.

Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out "and such document is approved by the competition advocate for the procuring activity".

SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

"(A) A contingency operation.

"(B) A humanitarian or peacekeeping operation.".

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out "(7)(A)" and inserting in lieu thereof "(7)"; and

(2) by striking out "(B) In subparagraph (A), the" and inserting in lieu thereof "(8) The".

SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§ 2410a. Severable service contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for

the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(5) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(2) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(c) LEVELS OF COMPENSATION NOT ALLOWABLE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CONTRACTOR PERSONNEL NOT ALLOWABLE AS COSTS UNDER CERTAIN CONTRACTS.

"(a) DETERMINATION REQUIRED.—For purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 306(e)(1)(P) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection the Administrator shall consult with the Director of the Defense Contract Audit Agency and such other officials of executive agencies as the Administrator considers appropriate.

"(b) BENCHMARK COMPENSATION AMOUNT.—The benchmark compensation amount applicable for a fiscal year is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (a) is made.

"(c) DEFINITIONS.—In this section:

"(1) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

"(2) The term 'senior executive', with respect to a corporation, means—

"(A) the chief executive officer of the corporation or any individual acting in a similar capacity for the corporation;

"(B) the five most highly compensated employees in management positions of the corporation other than the chief executive officer; and

"(C) in the case of a corporation that has components managed by personnel who report on the operations of the components directly to officers of the corporation, the five most highly compensated individuals in management positions at each such component.

"(3) The term 'benchmark corporation', with respect to a year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the year.

"(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.".

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.".

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501) is amended—

(1) in subsection (a), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy"; and

(2) in subsection (b)(2), by striking out "Secretary of Defense if the Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy if the Secretary".

(b) NAME OF AGREEMENTS.—Subsection (a) of such section is amended—

(1) by striking out "DEFENSE CAPABILITY PRESERVATION AGREEMENT.—" and inserting in lieu thereof "SHIPBUILDING CAPABILITY PRESERVATION AGREEMENT.—"; and

(2) by striking out "'defense capability preservation agreement'" and inserting in lieu thereof "'shipbuilding capability preservation agreement'".

(c) SCOPE OF AUTHORITY.—(1) The first sentence of subsection (a) of such section is amended—

(A) by striking out "defense contractor" and inserting in lieu thereof "shipbuilder"; and

(B) by adding at the end the following "to the shipbuilder under a Navy contract for the construction of a ship".

(2) Subsection (b)(1)(A) of such section is amended by striking out "defense contract" and inserting in lieu thereof "contract for the construction of a ship for the Navy".

(d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT COSTS.—Subsection (b)(1)(C) of such section is amended—

(1) by striking out "in any year of" and inserting in lieu thereof "covered by"; and

(2) by striking out "that year" and inserting in lieu thereof "the period covered by the agreement".

(e) APPLICABILITY.—Such section is further amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

"(A) A contract that is in effect on the date on which the agreement is entered into.

"(B) A contract that is awarded during the term of the agreement.

"(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.".

(f) IMPLEMENTATION AND REPORT.—Such section is further amended adding at the end the following:

"(d) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by this section.

"(e) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to the congressional defense committees a report on applications for shipbuilding capability preservation agreements. The report shall contain the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any applications disapproved.".

(g) SECTION HEADING.—The heading for such section is amended by striking out "defense" and inserting in lieu thereof "certain".

SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to"; and

(B) in paragraph (2), by striking out "certifies to the agency" and inserting in lieu thereof "agrees"; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out "such certification by failing to carry out".

SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny or dismiss the claim, request, or demand) denied the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

Subtitle B—Contract Provisions

SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.

(a) REVISION OF REQUIREMENT.—Section 2403 of title 10, United States Code, is amended to read as follows:

"§ 2403. Major systems: contractor guarantees

"(a) GUARANTEE REQUIRED.—In any case in which the head of an agency determines that it is appropriate and cost effective to do so in entering into a contract for the production of a major system, the head of an agency shall, except as provided in subsection (b), require the prime contractor to provide the United States with a written guarantee that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract will be free from all defects in materials and workmanship at the time it is delivered to the United States;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet a guarantee required under paragraph (1), (2), or (3), the contractor will, at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

"(b) EXCEPTION.—The head of an agency may not require a prime contractor under subsection (a) to provide a guarantee for a major system, or for a component of a major system, that is furnished by the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a major system.

"(2) The term 'design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the major system being produced.

"(3) The term 'essential performance requirements', with respect to a major system, means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(4) The term 'component' means any constituent element of a major system.

"(5) The term 'head of an agency' has the meaning given that term in section 2302 of this title.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2403. Major systems: contractor guarantees.".

SEC. 812. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.".

Subtitle C—Acquisition Assistance Programs

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 1998 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. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1998" and inserting in lieu thereof "1999";

(2) in paragraph (2), by striking out "1999" and inserting in lieu thereof "2000"; and

(3) in paragraph (3), by striking out "1999" and inserting in lieu thereof "2000".

SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended—

(1) by striking out "plan—" and inserting in lieu thereof "plan of a contractor—";

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(B) shall cover each Department of Defense contract that is entered into by the

contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.".

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out "September 30, 1998" in the second sentence and inserting in lieu thereof "September 30, 2000.".

SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting ", except as provided in (B)," after "the head of an agency may" in the first sentence; and

(3) adding at the end the following:

"(B) The Secretary of Defense may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in any fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).".

Subtitle D—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410m. Retention of amounts collected from contractor during the pendency of contract dispute

"(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

"(1) any settlement of the claim by the parties;

"(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

"(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

"(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

"(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

"(i) no appeal on the claim is commenced at the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978; and

"(ii) no action on the claim is commenced in a court of the United States; or

"(B) if not expiring under subparagraph (A), expires—

"(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

"(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

"(2) While available under this section, an amount may be obligated or expended only for the purpose described in subsection (a).

"(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be deposited in the Treasury as miscellaneous receipts.

"(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

"(1) The total amount available for obligation.

"(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

"(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

"(4) The total amount returned to the Treasury in such preceding year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of amounts collected from contractor during the pendency of contract dispute.".

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized under subsection (a).

"(B) The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.".

SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION REPORTS.

Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 834. UNIT COST REPORTS.

(a) IMMEDIATE REPORT REQUIRED ONLY FOR PREVIOUSLY UNREPORTED INCREASED COSTS.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" in the matter following paragraph (3).

(b) IMMEDIATE REPORT NOT REQUIRED FOR COST VARIANCES OR SCHEDULE VARIANCES OF MAJOR CONTRACTS.—Subsection (c) of such section is further amended—

(1) by inserting "or" at the end of paragraph (1);

(2) by striking out "or" at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) CONGRESSIONAL NOTIFICATION OF INCREASED COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING OF FISCAL YEAR.—Subsection (d)(3) of such section is amended by striking out "(for the first time since the beginning of the current fiscal year)" in the first sentence.

SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF CONTACT FOR CONTRACTING INFORMATION.

(a) DESIGNATION OF OFFICIAL.—The Under Secretary of Defense for Acquisition and Technology shall designate an official within the Office of the Under Secretary of Defense for Acquisition and Technology to serve as a central point of contact for persons seeking information described in subsection (b).

(b) AVAILABLE INFORMATION.—Upon request, the official designated under subsection (a) shall provide information on the following:

(1) How and where to submit unsolicited proposals for research, development, test, and evaluation or for furnishing property or services to the Department of Defense.

(2) Department of Defense solicitations for offers that are open for response and the procedures for responding to the solicitations.

(3) Procedures for being included on any list of approved suppliers used by the Department of Defense.

(c) AVAILABILITY OF INFORMATION.—The official designated under subsection (a) shall use a variety of means for making the information described in subsection (b) readily available to potential contractors for the Department of Defense. The means shall include the establishment of one or more toll-free automated telephone lines, posting of information about the services of the official on generally accessible computer communications networks, and advertising.

Subtitle E—Other Matters

SEC. 841. DEFENSE BUSINESS COMBINATIONS.

(a) EXTENSION OF REQUIREMENT FOR REPORTS ON PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 1821; 10 U.S.C. 2324 note) is amended by striking out "1995, 1996, and 1997" and inserting in lieu thereof "1997, 1998, and 1999".

(b) SECRETARY OF DEFENSE REPORTS.—Not later than March 1 in each of the years 1998, 1999, and 2000, the Secretary of Defense shall submit to the congressional defense committees a report on effects on competition resulting from any business combinations of major defense contractors that took place during the year preceding the year of the report. The report shall include, for each business combination reviewed by the Department pursuant to Department of Defense Directive 5000.62, the following:

(1) An assessment of any potentially adverse effects that the business combination could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry.

(2) The actions taken to mitigate the potentially adverse effects.

(c) GAO REPORTS.—(1) Not later than December 1, 1997, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas adversely affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the beneficial impact of business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the beneficial impact of business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii).

(C) Any recommendations that the Comptroller General considers appropriate.

(d) BUSINESS COMBINATION DEFINED.—In this section, the term "business combination" has the meaning given that term in section 818(f) of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2822; 10 U.S.C. 2324 note).

SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following:

"§ 2667a. Leases: non-excess property of Defense Agencies

"(a) AUTHORITY.—Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of the Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

"(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

"(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(c) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (a) shall be deposited in a special account in the Treasury established for such Defense Agency. Amounts in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".

(b) CONFORMING AMENDMENT.—The heading of section 2667 of such title is amended to read as follows:

"§ 2667. Leases: non-excess property of military departments".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property of military departments.

"2667a. Leases: non-excess property of Defense Agencies.".

SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O–4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology 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 the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

SEC. 844. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) POLICY.—Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended to read as follows:

"SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

"(a) IN GENERAL.—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of its procurement system.

"(b) APPLICABLE STANDARDS.—In conducting electronic commerce, the head of an agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

"(c) AGENCY PROCEDURES.—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

"(1) are implemented with uniformity throughout the agency, to the extent practicable;

"(2) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

"(3) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, government-wide point of entry.

"(d) IMPLEMENTATION.—The Administrator shall, in carrying out the requirements of this section—

"(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

"(2) ensure that the head of each executive agency complies with the requirements of subsection (c) with respect to the agency systems, technologies, procedures, and processes established pursuant to this section; and

"(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(e) ELECTRONIC COMMERCE DEFINED.—For the purposes of this section, the term 'electronic commerce' means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.".

(b) REPEAL OF REQUIREMENTS FOR IMPLEMENTATION OF FACNET CAPABILITY.—Section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) is repealed.

(c) REPEAL OF REQUIREMENT FOR GAO REPORT.—Section 9004 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 426a note) is repealed.

(d) REPEAL OF CONDITION FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) AMENDMENTS TO PROCUREMENT NOTICE REQUIREMENTS.—(1) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(g)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(2) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs

(B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(3) The amendments made by paragraphs (1) and (2) shall be implemented in a manner consistent with any applicable international agreements.

(f) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended—

(A) in subsection (c)(4)—

(i) by striking out "the Federal acquisition computer network ('FACNET')" and inserting in lieu thereof "the electronic commerce"; and

(ii) by striking out "(as added by section 9001)"; and

(B) in subsection (e)(9)(A), by striking out ", or by dissemination through FACNET,".

(2) Section 5401 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1501) is amended—

(A) in subsection (a)—

(i) by striking out "through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')"; and

(ii) by striking out the last sentence;

(B) in subsection (b)—

(i) by striking out "ADDITIONAL FACNET FUNCTIONS.—" and all that follows through "(41 U.S.C. 426(b)), the FACNET architecture" and inserting in lieu thereof "FUNCTIONS.—(1) The system for providing on-line computer access"; and

(ii) in paragraph (2), by striking out "The FACNET architecture" and inserting in lieu there for "The system for providing on-line computer access";

(C) in subsection (c)(1), by striking out "the FACNET architecture" and inserting in lieu thereof "the system for providing on-line computer access"; and

(D) by striking out subsection (d).

(3)(A) Section 2302c of title 10, United States Code, is amended to read as follows:

"§ 2302c. Implementation of electronic commerce capability

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each agency named in paragraphs (1), (5) and (6) shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to implement the capability within the Department of Defense.

"(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 2304(g)(4) of such title 10 is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(4)(A) Section 302C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c) is amended to read as follows:

"SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each executive agency shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 303(g)(5) of the Federal Property and Administrative Services Act (41 U.S.C. 253(g)(5)) is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(h) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The repeal made by subsection (c) of this section shall take effect on the date of the enactment of this Act.

SEC. 845. CONFORMANCE OF POLICY ON PERFORMANCE BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED FOR DEFENSE ACQUISITION PROGRAMS.

(a) PERFORMANCE GOALS.—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.".

(b) CONFORMING AMENDMENT TO REPORTING REQUIREMENT.—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting "regarding major acquisitions that is" in the first sentence after "policy".

SEC. 846. MODIFICATION OF PROCESS REQUIREMENTS FOR THE SOLUTIONS-BASED CONTACTING PILOT PROGRAM.

(a) SOURCE SELECTION.—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

(1) in subparagraph (A), by striking out ", and ranking of alternative sources," and inserting in lieu thereof "or sources,";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "(or a longer period, if approved by the Administrator)" after "30 to 60 days";

(B) in clause (i), by inserting "or sources" after "source"; and

(C) in clause (ii), by striking out "that source" and inserting in lieu thereof "the source whose offer is determined to be most advantageous to the Government"; and

(3) in subparagraph (C), by striking out "with alternative sources (in the order ranked)".

(b) TIME MANAGEMENT DISCIPLINE.—Paragraph (12) of such section is amended by inserting before the period at the end the following: ", except that the Administrator may approve the application of a longer standard period".

SEC. 847. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

SEC. 848. DEPARTMENT OF DEFENSE AND FEDERAL PRISON INDUSTRIES JOINT STUDY.

(a) STUDY OF EXISTING PROCUREMENT PROCEDURES.—The Department of Defense and Federal Prison Industries shall conduct jointly a study of existing procurement procedures, regulations, and statutes which now govern procurement transactions between the Department of Defense and Federal Prison Industries.

(b) FINDINGS.—A report describing the findings of the study and containing recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the United States Senate Committees on Armed Services and the Judiciary no later than 180 days after the date of enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

Section 138(b)(4) of title 10, United States Code, is amended by striking out "of special operations activities (as defined in section 167(j) of this title) and" and inserting in lieu thereof "of the performance of the responsibilities of the commander of the special operations command under subsections (e)(4) and (f) of section 167 of this title and of".

SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2165. National Defense University

"(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

"(b) COMPONENT INSTITUTIONS.—The university includes the following institutions:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Armed Forces Staff College.

"(4) The Institute for National Strategic Studies.

"(5) The Information Resources Management College.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2165. National Defense University.".

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

"(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.—This section applies to the following professional military education schools:

"(1) The National Defense University.

"(2) The Army War College.

"(3) The College of Naval Warfare.

"(4) The Air War College.

"(5) The United States Army Command and General Staff College.

"(6) The College of Naval Command and Staff.

"(7) The Air Command and Staff College.

"(8) The Marine Corps University.".

(c) REPEAL OF DUPLICATIVE DEFINITION.—Section 1595(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(1)"; and

(2) by striking out paragraph (2).

SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

"(9) Force protection.".

SEC. 904. TRANSFER OF TIARA PROGRAMS.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense shall transfer—

(1) the responsibilities of the Tactical Intelligence and Related Activities (TIARA) aggregation for the conduct of programs referred to in subsection (b) to officials of elements of the military departments not in the intelligence community; and

(2) the funds available within the Tactical Intelligence and Related Activities aggregation for such programs to accounts of the military departments that are available for non-intelligence programs of the military departments.

(b) COVERED PROGRAMS.—Subsection (a) applies to the following programs:

(1) Targeting or target acquisition programs, including the Joint Surveillance and Target Attack Radar System, and the Advanced Deployable System.

(2) Tactical Warning and Attack Assessment programs, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Tactical communications systems, including the Joint Tactical Terminal.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§ 10509. Senior Representative of the National Guard Bureau

"(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advice and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting ", and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1998.

SEC. 906. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) INSTITUTION OF THE NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) The Center for Hemispheric Defense Studies.".

(b) CIVILIAN FACULTY MEMBERS.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT CENTER FOR HEMISPHERIC DEFENSE STUDIES.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

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 1998 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 $2,500,000,000.

(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. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1997 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 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) 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 the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18).

SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL YEAR 1996 AUTHORIZATIONS.

Section 1001(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 414) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC PLAN.

(a) BIENNIAL PLAN.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Biennial financial management strategic plan

"(a) PLAN REQUIRED.—Not later than September 30 of each even-numbered year, the Secretary of Defense shall submit to Congress a strategic plan to improve the financial management within the Department of Defense. The strategic plan shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and feeder systems that support financial functions.

"(b) DEFINITIONS.—In this section, the term 'feeder system' means an automated or manual system that provides input to a financial management or accounting system.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Biennial financial management strategic plan.".

(b) FIRST SUBMISSION.—The Secretary of Defense shall submit the first financial management strategic plan under section 483 of title 10, United States Code (as added by subsection (a)), not later than September 30, 1998.

(c) CONTENT OF FIRST PLAN.—(1) At a minimum, the first financial management strategic plan shall include the following:

(A) The costs and benefits of integrating the finance and accounting systems of the Department of Defense, and the feasibility of doing so.

(B) Problems with the accuracy of data included in the finance systems, accounting systems, or feeder systems that support financial functions of the Department of Defense and the actions that can be taken to address the problems.

(C) Weaknesses in the internal controls of the systems and the actions that can be taken to address the weaknesses.

(D) Actions that can be taken to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements, and to avoid such disbursements in the future.

(E) The status of the efforts being undertaken in the department to consolidate and eliminate—

(i) redundant or unneeded finance systems; and

(ii) redundant or unneeded accounting systems.

(F) The consolidation or elimination of redundant personnel systems, acquisition systems, asset accounting systems, time and attendance systems, and other feeder systems of the department.

(G) The integration of the feeder systems of the department with the finance and accounting systems of the department.

(H) Problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, and the actions that can be taken to address those problems.

(I) The costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, and the feasibility of doing so.

(J) The costs and benefits of contracting for private sector performance of specific functions performed by the Defense Finance and Accounting Service, and the feasibility of doing so.

(K) The costs and benefits of increasing the use of electronic fund transfer as a method of payment, and the feasibility of doing so.

(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

(M) Any other changes in the financial management structure of the department or revisions of the department's financial processes and business practices that the Secretary of Defense considers necessary to improve financial management in the department.

(2) For the problems and actions identified in the plan, the Secretary shall include in the plan statements of objectives, performance measures, and schedules, and shall specify the individual and organizational responsibilities.

(3) In this subsection, the term "feeder system" has the meaning given the term in section 483(b) of title 10, United States Code, as added by subsection (a).

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) CORRECTION TO ELIMINATE USE OF TERM ASSOCIATED WITH FUNDING AUTHORITIES.—Section 2221(c) of title 10, United States Code, is amended by striking out "or maintenance" each place it appears.

(b) CORPUS OF AIR FORCE TRUST FUND.—Section 914(b) of Public Law 104–106 (110 Stat. 412) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.".

SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991 FUNDS FOR PAYMENT OF CONTRACT CLAIM.

(a) AUTHORITY.—The Secretary of the Army may reimburse the fund provided by section 1304 of title 31, United States Code, out of funds appropriated for the Army for fiscal year 1991 for other procurement (BLIN 105125 (Special Programs)), for any judgment against the United States that is rendered in the case Appeal of McDonnell Douglas Company, Armed Services Board of Contract Appeals Number 48029.

(b) CONDITIONS FOR PAYMENT.—(1) Subject to paragraph (2), any reimbursement out of funds referred to in subsection (a) shall be made before October 1, 1998.

(2) No reimbursement out of funds referred to in subsection (a) may be made before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a notification of the intent to make the reimbursement.

SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) DETAILED PRESENTATION IN FUTURE-YEARS DEFENSE PROGRAM.—Section 10543 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:

"(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

"(1) procurement of each item of equipment to be procured for each reserve component; and

"(2) each military construction project to be carried out for each reserve component, together with the location of the project.

"(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

"(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

"(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

"(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.".

(b) PROHIBITION.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

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

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

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

(c) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OTHER PROCUREMENT, NAVY.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 102(a)(5) is hereby decreased by $40,000,000.

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

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

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

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEILLANCE TOWED ARRAY SENSOR PROGRAM.

The Secretary of the Navy is authorized to enter into a long-term charter, in accordance with section 2401 of title 10, United States Code, for a vessel to support the Surveillance Towed Array Sensor (SURTASS) Program through fiscal year 2004.

SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

"(2) In such a case, the Secretary may—

"(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

"(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

"(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).".

SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the submarine tender Holland (AS 32) of the Hunley class.

(2) To the Government of Chile, the oiler Isherwood (T–AO 191) of the Kaiser class.

(3) To the Government of Egypt:

(A) The following frigates of the Knox class:

(i) The Paul (FF 1080).

(ii) The Miller (FF 1091).

(iii) The Jesse L. Brown (FFT 1089).

(iv) The Moinester (FFT 1097).

(B) The following frigates of the Oliver Hazard Perry class:

(i) The Fahrion (FFG 22).

(ii) The Lewis B. Puller (FFG 23).

(4) To the Government of Israel, the tank landing ship Peoria (LST 1183) of the Newport class.

(5) To the Government of Malaysia, the tank landing ship Barbour County (LST 1195) of the Newport class.

(6) To the Government of Mexico, the frigate Roark (FF 1053) of the Knox class.

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the Knox class:

(A) The Whipple (FF 1062).

(B) The Downes (FF 1070).

(8) To the Government of Thailand, the tank landing ship Schenectady (LST 1185) of the Newport class.

(b) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, 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.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1031 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended by striking out "fiscal year 1997" and inserting in lieu thereof "fiscal years 1997 and 1998".

(b) EXTENSION OF FUNDING AUTHORIZATION.—Subsection (d) of such section is amended by inserting "for fiscal years 1997 and 1998" after "shall be available".

(c) CONCURRENCE OF SECRETARY OF STATE REQUIRED.—Subsection (a) of such section, as amended by subsection (a), is further amended by inserting ", with the concurrence of the Secretary of State," after "Secretary of Defense may".

SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may, with the concurrence of the Secretary of State, provide either or both of the governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. The support provided to a government under the authority of this subsection shall be in addition to support provided to that government under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The governments referred to in subsection (a) are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support:

(1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

(4) The transfer of riverine patrol boats.

(5) The maintenance and repair of equipment of a government named in subsection (b) that is used for counter-narcotics activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to the provision of support to a government under this section.

(e) FUNDING.—Of the amounts authorized to be appropriated for drug interdiction and counter-drug activities, not more than $30,000,000 shall be available in that fiscal year for the provision of support under this section.

(f) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide a government with support under this section

until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) a written certification of the following:

(A) That the provision of support to that government under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of that government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(C) That such government has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the government to receive the support has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of that government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the government to receive the support will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(G) That the government to receive the support will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, together with the Secretary of State, has developed a riverine counter-drug plan (including the resources to be contributed by each such agency, and the manner in which such resources will be utilized, under the plan) and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(3) The committees referred to in this paragraph 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.

Subtitle D—Reports and Studies

SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) ACHIEVEMENT OF COST, PERFORMANCE, AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor" in the first sentence.

(2) CONVERSION OF CERTAIN HEATING SYSTEMS.—Section 2690(b) of title 10, United States Code, is amended by striking out "unless the Secretary—" and all that follows and inserting in lieu thereof the following: "unless the Secretary determines that the conversion (1) is required by the government of the country in which the facility is located, or (2) is cost effective over the life cycle of the facility.".

(3) AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.—

(1) OVERSEAS BASING COSTS.—Section 8125 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-41; 10 U.S.C. 113 note) is amended—

(A) by striking out subsection (g); and

(B) in subsection (h), by striking out "subsections (f) and (g)" and inserting in lieu thereof "subsection (f)".

(2) STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1933; 10 U.S.C. 2431 note) is repealed.

(c) REPORTS REQUIRED BY OTHER LAW.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g), relating to the annual report on development of procurement regulations.

SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEMPOS AND PERSONNEL TEMPOS.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and to the maximum extent practicable, develop a common means of measuring the operations tempo (OPTEMPO) and the personnel tempo (PERSTEMPO) of each of the Armed Forces.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo shall include a means of identifying the rate of deployment for individuals in addition to the rate of deployment for units.

SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployment overseas of personnel of the Armed Forces. The report shall describe the deployment as of June 30, 1996, and June 30, 1997.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The number of personnel who were deployed overseas pursuant to a permanent duty assignment on each date specified in that subsection in aggregate and by country or ocean to which deployed.

(2) The number of personnel who were deployed overseas pursuant to a temporary duty assignment on each date, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of personnel deployed overseas on each date who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities.

SEC. 1034. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must, be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) PROJECTION OF SAVINGS FOR USE FOR MODERNIZATION.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

(g) PLANNED FORCE ENHANCEMENT DEFINED.—In this section, the term "planned force enhancement", with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) REQUIREMENT.—(1) Not later than 120 days after the date of 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 on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) READINESS POSTURE.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every 6 months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) REPORT ELEMENTS.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "state of high readiness", in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term "state of low readiness", in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

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

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists "the loss of U.S. access to critical facilities and lines of communication in key regions" as one of the so-called "wild card" scenarios covered in the review.

(5) The National Defense Panel states that "U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) REPORT REQUIRED.—Not later than March 31, 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 overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REQUIREMENT.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budget to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

SEC. 1038. DISPOSAL OF EXCESS MATERIALS.

(a) REPORT.—Not later than January 31, 1998, the Secretary shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of excess materials.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) Whether any change is needed in the process of coding military equipment for demilitarization during the acquisition process.

(2) Whether any change is needed to improve methods used for the demilitarization of specific types of military equipment.

(3) Whether any change is needed in the penalties that are applicable to Federal Government employees or contractor employees who fail to comply with rules or procedures applicable to the demilitarization of excess materials.

(4) Whether provision has been made for sufficient supervision and oversight of the demilitarization of excess materials by purchasers of the materials.

(5) Whether any additional controls are needed to prevent the inappropriate transfer of excess materials overseas.

(6) Whether the Department should—

(A) identify categories of materials that are particularly vulnerable to improper use; and

(B) provide for enhanced review of the sale or other disposal of such materials.

(7) Whether legislation is necessary to establish appropriate mechanisms, including repurchase, for the recovery of equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a comprehensive review and comparison of—

(1) the protections and benefits afforded under Federal law to former spouses of members and former members of the uniformed services by reason of their status as former spouses of such personnel; and

(2) the protections and benefits afforded under Federal law to former spouses of employees and former employees of the Federal Government by reason of their status as former spouses of such personnel.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include the following:

(1) In the case of former spouses of members and former members of the uniformed services, the following:

(A) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252)) that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of members and former members of the uniformed services in retired or retainer pay of members and former members; and

(ii) provide other benefits for former spouses of members and former members.

(B) The experience of the uniformed services in administering such provisions of law.

(C) The experience of former spouses and members and former members of the uniformed services in the administration of such provisions of law.

(2) In the case of former spouses of employees and former employees of the Federal Government, the following:

(A) All provisions of law that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of employees and former employees of the Federal Government in annuities of employees and former employees under Federal employees' retirement systems; and

(ii) provide other benefits for former spouses of employees and former employees.

(B) The experience of the Office of Personnel Management and other agencies of the Federal Government in administering such provisions of law.

(C) The experience of former spouses and employees and former employees of the Federal Government in the administration of such provisions of law.

(c) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(d) REPORT.—Not later than September 30, 1999, the Secretary shall submit a report on the results of the review and comparison to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include any recommendation for legislation that the Secretary considers appropriate.

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

SEC. 1041. EYE SAFETY AT SMALL ARMS FIRING RANGES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1042. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

SEC. 1043. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD FROM TERRORIST ATTACK.

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

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dharhan is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE FAMILY NOTIFICATION AND ASSISTANCE PROCEDURES IN CASES OF MILITARY AVIATION ACCIDENTS.

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

(1) There is a need for the Department of Defense to improve significantly the family notification procedures of the department that are applicable in cases of Armed Forces personnel casualties and Department of Defense civilian personnel casualties resulting from military aviation accidents.

(2) This need was demonstrated in the aftermath of the tragic crash of a C–130 aircraft off the coast of Northern California that killed 10 Reserves from Oregon on November 22, 1996.

(3) The experience of the members of the families of those Reserves has left the family members with a general perception that the existing Department of Defense procedures for notifications regarding casualties and related matters did not meet the concerns and needs of the families.

(4) It is imperative that Department of Defense representatives involved in family notifications regarding casualties have the qualifications and experience to provide meaningful information on accident investigations and effective grief counseling.

(5) Military families deserve the best possible care, attention, and information, especially at a time of tragic personal loss.

(6) Although the Department of Defense provides much needed logistical support, including transportation and care of remains, survivor counseling, and other benefits in cases of tragedies like the crash of the C–130 aircraft on November 22, 1996, the support may be insufficient to meet the immediate emotional and personal needs of family members affected by such tragedies.

(7) It is important that the flow of information to surviving family members be accurate and timely, and be provided to family members in advance of media reports, and, therefore, that the Department of Defense give a high priority, to the extent practicable, to providing the family members with all relevant information on an accident as soon as it becomes available, consistent with the national security interests of the United States, and to allowing the family members full access to any public hearings or public meetings about the accident.

(8) Improved procedures for civilian family notification that have been adopted by the Federal Aviation Administration and National Transportation Safety Board might serve as a useful model for reforms to Department of Defense procedures.

(b) REPORTS BY SECRETARY OF DEFENSE.—(1) Not later than December 1, 1997, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for conducting a single, public investigation of each Department of Defense aviation accident that is similar to the accident investigation process of the National Transportation Safety Board. The report shall include—

(A) a discussion of whether adoption of the accident investigation process of the National Transportation Safety Board by the Department of Defense would result in benefits that include the satisfaction of needs of members of families of victims of the accident, increased aviation safety, and improved maintenance of aircraft;

(B) a determination of whether the Department of Defense should adopt that accident investigation process; and

(C) any justification for the current practice of the Department of Defense of conducting separate accident and safety investigations.

(2) Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among Armed Forces and civilian personnel of the department. The report shall include—

(A) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments; and

(B) a description of the assistance provided to members of the families of such personnel.

(c) REPORT BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL.—(1) Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents, and submit a report on the review to Congress. The report shall include a discussion of the following matters:

(A) Designation of an experienced nonprofit organization to provide assistance for satisfying needs of families of accident victims.

(B) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(C) Protection of members of families from unwanted solicitations relating to the accident.

(D) A recommendation regarding whether the procedures or similar procedures should be adopted by the Department of Defense, and if the recommendation is not to adopt the procedures, a detailed justification for the recommendation.

(d) UNCLASSIFIED FORM OF REPORTS.—The reports under subsections (b) and (c) shall be submitted in unclassified form.

SEC. 1045. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki Joint Statement on future reductions in nuclear forces. The report shall address the United States approach (including verification implications) to implementing the Helsinki Joint Statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles; measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II TREATY" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

SEC. 1046. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

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

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and 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. The report shall contain—

(1) a discussion of the results of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

SEC. 1047. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

SEC. 1048. REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other Federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,

(2) wirewound resistors,

(3) film resistors,

(4) solid tantalum capacitors,

(5) multi-layer ceramic capacitors, and

(6) wet tantalum capacitors.

Subtitle E—Other Matters

SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE MILITARY RULES OF EVIDENCE.

(a) REQUIREMENT FOR PROPOSED RULE.—The Secretary of Defense shall submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that recognizes an evidentiary privilege regarding disclosure by a psychotherapist of confidential communications between a patient and the psychotherapist.

(b) APPLICABILITY OF PRIVILEGE.—The recommended amendment shall include a provision that applies the privilege to—

(1) patients who are not subject to the Uniform Code of Military Justice; and

(2) any patients subject to the Uniform Code of Military Justice that the Secretary determines it appropriate for the privilege to cover.

(c) SCOPE OF PRIVILEGE.—The evidentiary privilege recommended pursuant to subsection (a) shall be similar in scope to the psychotherapist-patient privilege recognized under Rule 501 of the Federal Rules of Evidence, subject to such exceptions and limitations as the Secretary determines appropriate on the bases of law, public policy, and military necessity.

(d) DEADLINE FOR RECOMMENDATION.—The Secretary shall submit the recommendation under subsection (a) on or before the later of the following dates:

(1) The date that is 90 days after the date of the enactment of this Act.

(2) January 1, 1998.

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR CURRENT NUMBER OF PROGRAMS.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) is amended—

(1) by striking out "During fiscal years 1993 through 1995" and inserting in lieu thereof "(1) During fiscal years 1993 through 1998"; and

(2) by adding at the end the following new paragraph:

"(2) In fiscal years after fiscal year 1995, the number of programs carried out under subsection (d) as part of the pilot program may not exceed the number of such programs as of September 30, 1995.".

(b) FISCAL RESTRICTIONS.—(1) Section 1091 of such Act is amended by striking out subsection (k) and inserting in lieu thereof the following:

"(k) FISCAL RESTRICTIONS.—(1) The Federal Government's share of the total cost of carrying out a program in a State as part of the pilot program in any fiscal year after fiscal year 1997 may not exceed 50 percent of that total cost.

"(2) The total amount expended for carrying out the program during a fiscal year may not exceed $20,000,000.".

(2) Subsection (d)(3) of such section is amended by inserting ", subject to subsection (k)(1)," after "provide funds".

(c) CONFORMING REPEAL.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note) is repealed.

SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL DURING PEACE OPERATIONS.

(a) PROTECTION OF PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces (including Army units, Marine Corps units, Air Force units, and support units for such units) engaged in peace operations have adequate troop protection equipment for such operations.

(2) SPECIFIC ACTIONS.—In taking such actions, the Secretary shall—

(A) identify the additional troop protection equipment, if any, required to equip a division equivalent with adequate troop protection equipment for peace operations;

(B) establish procedures to facilitate the exchange of troop protection equipment among the units of the Armed Forces; and

(C) designate within the Department of Defense an individual responsible for—

(i) ensuring the proper allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(ii) monitoring the availability, status or condition, and location of such equipment.

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a).

(c) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term "troop protection equipment" means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B–52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997 or fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) FUNDING LIMITATION ON EARLY DEACTIVATION.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the United States and the Russian Federation at various stages during deactivation and upon completion.

(d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYSTEMS.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(e) START TREATIES DEFINED.—In this section:

(1) The term "Strategic Arms Reduction Treaty" means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR USE OF OVERSEAS MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) AUTHORITY.—Section 2350j of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PAYMENTS FOR CIVIL USE OF MILITARY AIRFIELDS.—The authority under subsection (a) includes authority for the Secretary of a military department to accept payments of landing fees for use of a military airfield by civil aircraft that are prescribed pursuant to an agreement that is entered into with the government of the country in which the airfield is located. Payments received under this subsection in a fiscal year shall be credited to the appropriation that is available for the fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for the same period and purposes as the appropriation is available.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking out "Any" at the beginning of the second sentence and inserting in lieu thereof "Except as provided in subsection (f), any".

(2) Subsection (c) of such section is amended by striking out "Contributions" in the matter preceding paragraph (1), and inserting in lieu thereof "Except as provided in subsection (f), contributions".

SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by striking out "1997" and inserting in lieu thereof "1998".

(b) LIMITATIONS ON AMOUNT OF ASSISTANCE FOR ADDITIONAL FISCAL YEARS.—Subsection (d)(3) of such section is amended by striking out "or $15,000,000 for fiscal year 1997" and inserting in lieu thereof "$15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998".

SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) ASSISTANCE AUTHORIZED.—The On-Site Inspection Agency of the Department of Defense may provide technical assistance, on a reimbursable basis (in accordance with subsection (b)), to a facility that is subject to a routine or challenge inspection under the

Chemical Weapons Convention upon the request of the owner or operator of the facility.

(b) REIMBURSEMENT REQUIREMENT.—The United States National Authority shall reimburse the On-Site Inspection Agency for costs incurred by the agency in providing assistance under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "facility that is subject to a routine inspection" means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term "challenge inspection" means an inspection conducted under Article IX of the Convention.

(4) The term "United States National Authority" means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention.

SEC. 1058. SENSE OF SENATE REGARDING THE RELATIONSHIP BETWEEN ENVIRONMENTAL LAWS AND UNITED STATES OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chemical Weapons Convention requires the destruction of the United States stockpile of lethal chemical agents and munitions within 10 years after the Convention's entry into force (or 2007).

(2) The President possesses substantial powers under existing law to ensure that the technologies necessary to destroy the stockpile are developed, that the facilities necessary to destroy the stockpile are constructed, and that Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President—

(1) should use the authority granted the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the United States obligations under the Convention, should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN THE ANNUAL BUDGET REQUEST.

(a) LIMITATION.—It is the sense of Congress that, to the maximum extent practicable, Congress should consider authorizing appropriations for reserve component modernization activities not included in the budget request of the Department of Defense for a fiscal year only if—

(1) there is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) the equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future-years defense program;

(3) the equipment is consistent with the use of reserve component forces;

(4) the equipment is necessary in the national security interests of the United States; and

(5) the funds can be obligated in the fiscal year.

(b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF STAFF.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a), Congress should obtain the views of the Chairman of the Joint Chiefs of Staff, including views on whether funds for equipment not included in the budget request are appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

(a) AUTHORITY TO WAIVE TIME LIMITATIONS.—Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking out "Comptroller General" and inserting in lieu thereof "Secretary of Defense".

(b) APPROPRIATION TO BE CHARGED.—Paragraph (2) of such section is amended by striking out "shall be subject to the availability of appropriations for payment of that particular claim" and inserting in lieu thereof "shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid".

SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

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

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases proved to be inadequate and, being inadequate, diminished the usefulness of that information and preclude commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting ", or capabilities," after "methods".

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

"(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information, as those terms are defined in section 467 of this title.".

(2) Section 467(4)(C) of title 10, United States Code, is amended to read as follows:

"(C) maps, charts, geodetic data, and related products.".

SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOLUNTARILY PROVIDED BY A CHARTER AIR CARRIER.

Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR SAFETY INFORMATION.—(1) Subject to paragraph (2), the appropriate official may deny a request made under any other provision of law for public disclosure of safety-related information that has been provided voluntarily by an air carrier to the Secretary of Defense for the purposes of this section, notwithstanding the provision of law under which the request is made.

"(2) The appropriate official may exercise authority to deny a request for disclosure of information under paragraph (1) if the official first determines that—

"(A) the disclosure of the information as requested would inhibit an air carrier from voluntarily disclosing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

"(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

"(3) For the purposes of this section, the appropriate official for exercising authority under paragraph (1) is—

"(A) the Secretary of Defense, in the case of a request for disclosure of information that is directed to the Department of Defense; or

"(B) the head of another Federal agency, in the case of a request that is directed to that Federal agency regarding information described in paragraph (1) that the Federal agency has received from the Department of Defense.".

SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL POSITIONING SYSTEM.

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

(1) The Global Positioning System, with its multiple uses, makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System, including both space and ground segments of the infrastructure, is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) Driven by the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure—

(i) efficient management of the electromagnetic spectrum utilized for the Global Positioning System; and

(ii) protection of that spectrum in order to prevent disruption of, and interference with, signals from the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment of the Global Positioning System capabilities, and the operation of basic Global Positioning System services, that are beneficial for the national security interests of United States;

(2) develop appropriate measures for preventing hostile use of the Global Positioning System that make it unnecessary to use the selective availability feature of the system continuously and do not hinder the use of the Global Positioning System by the United States and its allies for military purposes; and

(3) ensure that United States military forces have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces.

(c) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment and operation of basic Global Positioning System services for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees;

(2) provide for the sustainment and operation of basic Global Positioning System services in order to meet the performance requirements of the Federal Radionavigation Plan jointly issued by the Secretary of Defense and the Secretary of Transportation;

(3) coordinate with the Secretary of Transportation regarding the development and implementation by the Federal Government of augmentations to the basic Global Positioning System that achieve or enhance uses of the system in support of transportation;

(4) coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil uses for the Global Positioning System; and

(5) develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(d) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall continue to prepare the Federal Radionavigation Plan every two years as originally provided for in the International Maritime Satellite Telecommunications Act (title V of the Communications Satellite Act of 1962; 47 U.S.C. 751 et seq.).

(e) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by—

(1) undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource;

(2) seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference; and

(3) undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(f) PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of any satellite navigation system operated by a foreign country.

(g) REPORT.—(1) Not later than 30 days after the end of each even numbered fiscal year (beginning with fiscal year 1998), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations on the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

(A) The operational status of the Global Positioning System.

(B) The capability of the system to satisfy effectively—

(i) the military requirements for the system that are current as of the date of the report; and

(ii) the performance requirements of the Federal Radionavigation Plan.

(C) The most recent determination by the President regarding continued use of the selective availability feature of the Global Positioning System and the expected date of any change or elimination of use of that feature.

(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the Global Positioning System or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

(E) Any progress made toward establishing the Global Positioning System as an international standard for consistency of navigational service.

(F) Any progress made toward protecting the Global Positioning System from disruption and interference.

(G) The effects of use of the Global Positioning System on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

(2) In preparing the parts of the report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of Commerce, Secretary of Transportation, and Secretary of Labor.

(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES DEFINED.—In this section, the term "basic global positioning system services" means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

(1) The constellation of satellites.

(2) The navigation payloads that produce the Global Positioning System signals.

(3) The ground stations, data links, and associated command and control facilities.

SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

"§ 1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority

"(a) AUTHORITY.—A special agent of the Defense Criminal Investigative Service designated under subsection (b) has the following authority:

"(1) To carry firearms.

"(2) To execute and serve any warrant or other process issued under the authority of the United States.

"(3) To make arrests without warrant for—

"(A) any offense against the United States committed in the agent's presence; or

"(B) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) DESIGNATION OF AGENTS TO HAVE AUTHORITY.—The Secretary of Defense may designate to have the authority provided under subsection (a) any special agent of the Defense Criminal Investigative Service whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

"(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following:

"1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority.".

SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OPERATION OF THE NAVAL ACADEMY DAIRY FARM.

(a) REPEAL.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out "nor shall" and all that follows through "Act of Congress".

(b) CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting "(if any)" before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting "(if any)" after "Academy dairy".

SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS.

The Director of Central Intelligence, in consultation with the Secretary of Defense, shall provide analytical support on POW/MIA matters to all departments and agencies of the Federal Government involved in such matters. The Secretary of Defense shall ensure that all intelligence regarding POW/MIA matters is taken into full account in the analysis of POW/MIA cases by DPMO.

SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIATION FOR CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DISCLOSURES TO OFFICIALS CLEARED FOR ACCESS.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (8)—

(A) by striking out "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B)(ii); and

(C) by adding at the end the following:

"(C) a disclosure by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs which the employee or applicant reasonably believes to provide direct and specific evidence of—

"(i) a violation of any law, rule, or regulation,

"(ii) gross mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety, or

"(iii) a false statement to Congress on an issue of material fact,

if the disclosure is made to a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates, to any other Member of Congress who is authorized to receive information of the type disclosed, or to an employee of Congress who has the appropriate security clearance for access to the information disclosed;"; and

(2) by striking out the matter following paragraph (11).

(b) DISSEMINATION OF INFORMATION ON NEW PROTECTION.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) take such action as is necessary to ensure that employees of the executive branch having access to classified information receive notice that the disclosure of such information to Congress is not prohibited by law, executive order, or regulation, and is not otherwise contrary to public policy when the information is disclosed under the circumstances described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)); and

(2) submit to Congress a report on the actions taken to carry out paragraph (1).

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to a taking, failing to take, or threat to take or fail to take a personnel action on or after such date because of a disclosure described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)), that is made before, on, or after such date.

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

SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE.

(a) APPLICABILITY.—Section 705(a) of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

(1) by inserting "(1)" before "Each member"; and

(2) by adding at the end the following:

"(2)(A) A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to such membership.

"(B) A member of the Commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the Commission.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 705(a) of the Veterans' Benefits Improvements Act of 1996 to which such amendments relate.

SEC. 1070. TRANSFER OF B–17 AIRCRAFT TO MUSEUM.

(a) AUTHORITY.—The Secretary of the Air Force may convey to the Planes of Fame Museum, Chino, California (hereafter in this section referred to as the "museum"), all right, title, and interest of the United States in and to the B–17 aircraft known as the "Picadilly Lilly", an aircraft that has been in the possession of the museum since 1959. The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.

(b) CONDITION OF AIRCRAFT.—Before conveying ownership of the aircraft, the Secretary shall alter the aircraft as necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft in any other way before conveying the ownership.

(c) CONDITION FOR CONVEYANCE.—A conveyance of ownership of the aircraft under this section shall be subject to the condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the advance approval of the Secretary of the Air Force.

(d) REVERSION.—If the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the advance approval of the Secretary, all right, title, and interest in and to the aircraft, including any repairs or alterations of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force 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.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any death, injury, loss, or damages that result from any use of the aircraft conveyed under this section by any person other than the United States after the conveyance is complete.

SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) EXTENSION.—Section 44310 of title 49, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2002".

(b) EFFECTIVE DATE.—This section shall take effect as of September 30, 1997.

SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

(a) IN GENERAL.—Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (a)(1)—

(A) by inserting ", reenlistment, extension of enlistment," after "at the time of enlistment"; and

(B) by inserting "or on board a public vessel owned or operated by the United States for noncommercial service," after "United States, the Canal Zone, American Samoa, or Swains Island,"; and

(2) by adding at the end the following new subsection:

"(d) WAIVER.—(1) For purposes of the naturalization of natives of the Philippines under

section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note), notwithstanding any other provision of law—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of Section 405 of the Immigration Act of 1990 (Public Law 101-649; 104 Stat. 5039), including necessary interviews, may be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act; and

"(B) oaths of allegiance for applications under this subsection may be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act.

"(2) Paragraph (1) shall be effective only during the period beginning February 3, 1996, and ending at the end of February 2, 2006.".

(b) EFFECTIVE DATES.—The amendments made by subsection (a)(1) shall be effective for all enlistments, reenlistments, extensions of enlistment, or inductions of persons occurring on or after January 1, 1990.

SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VETERAN.

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

(1) The United States has never in its more than 200 years of existence conferred honorary veteran status on any person.

(2) Honorary veteran status is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) It is fitting and proper to confer that status on Bob Hope.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) Since then, Bob Hope has travelled to visit and entertain millions of members of the Armed Forces of the United States throughout World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, in Europe, Africa, England, Wales, Ireland, Scotland, Sicily, the Aleutian Islands, Pearl Harbor, Kwajalein Island, Guam, Japan, Korea, Vietnam, Saudi Arabia, and many other locations.

(6) Bob Hope frequently elected to stage his shows in forward combat areas.

(7) Bob Hope richly deserves the more than 100 awards and citations that he has received from government, military, and civic groups.

(8) Those awards include the American Congressional Gold Medal, the Medal of Freedom, the People to People Award, the Peabody Award, the Jean Hersholdt Humanitarian Award, the Al Jolson Award of the Veterans of Foreign Wars, the Medal of Liberty, and the Distinguished Service Medals of each of the Armed Forces.

(9) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, has worked tirelessly to bring a spirit of humor and cheer to millions of military members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) HONORARY DESIGNATION.—The elected representatives of the American people, expressing the gratitude of the American people to Bob Hope for his years of unselfish service to the members of the Armed Forces of the United States, designate Bob Hope as an honorary veteran of the Armed Forces of the United States.

SEC. 1075. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(l) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

"(B) the term 'explosive' has the same meaning as in section 844(j); and

"(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates subsections" and inserting the following: "person who—

"(1) violations subsections";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) violates subsection (l)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(2) in subsection (j), by striking "and (i)" and inserting "(i), and (l)".

SEC. 1076. PROHIBITION ON PROVISION OF BURIAL BENEFITS TO INDIVIDUALS CONVICTED OF FEDERAL CAPITAL OFFENSES.

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

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

(2) Any other burial benefit under Federal law.

SEC. 1077. NATIONAL POW/MIA RECOGNITION DAY.

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

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

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

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

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

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

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

(2) Federal national cemeteries;

(3) the National Korean War Veterans Memorial;

(4) the National Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

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

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

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

SEC. 1078. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the

donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

SEC. 1079. REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) FINDINGS.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be of 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

SEC. 1080. GAO STUDY ON CERTAIN COMPUTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the national security risks relating to the sale of computers with composite theoretical performance of between 2,000 and 7,000 million theoretical operations per second to end-users in Tier 3 countries. The study shall also analyze any foreign availability of computers described in the preceding sentence and the impact of such sales on United States exporters.

(b) PUBLICATION OF END-USER LIST.—The Secretary of Commerce shall publish in the Federal Register a list of military and nuclear end-users of the computers described in subsection (a), except any end-user with respect to whom there is an administrative finding that such publication would jeopardize the user's sources and methods.

(c) END-USER ASSISTANCE TO EXPORTERS.—The Secretary of Commerce shall establish a procedure by which exporters may seek information on questionable end-users.

(d) DEFINITION OF TIER 3 COUNTRY.—For purposes of this section, the term "Tier 3 country" has the meaning given such term in section 740.7 of title 15, Code of Federal Regulations.

SEC. 1081. CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

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

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

SEC. 1082. DEFENSE BURDENSHARING.

(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United

States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

SEC. 1083. SENSE OF THE SENATE REGARDING A FOLLOW-ON FORCE FOR BOSNIA.

(a) The Senate finds the following:

(1) United States military forces were deployed to Bosnia as members of the North Atlantic Treaty Organization (NATO) Implementation Forces (IFOR) to implement the military aspects of the Dayton Agreement.

(2) The military aspects of the Dayton Agreement were being successfully implemented.

(3) Following the recommendation of the Secretary General of the North Atlantic Treaty Organization on December 11, 1996, to extend the presence of NATO forces in Bosnia until June 1998 so that progress could be achieved in implementing the civil aspects of the Dayton Agreement, the President announced his decision to extend the presence of United States forces in Bosnia to participate in the NATO Stabilization Force (SFOR) until June 1998.

(4) The cost of United States participation in operations in Bosnia from 1992 through June 1998 is estimated to exceed $7,000,000,000.

(5) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from Bosnia by June 1998.

(b) It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult with the Congress with respect to any support to be provided to a Western European Union-led or NATO-led follow-on force in Bosnia after June 1998.

SEC. 1084. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) DEFINITIONS.—

(1) REPRESENTATIVE OF THE PRESIDENT.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense, the Department of Energy who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

SEC. 1085. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the President submits to Congress a written certification under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications:

(1) A certification that—

(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

(2) A certification that the national security interests of the United States could be undermined by a United States policy not to carry out chemical weapons destruction activities under the Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this or any other Act for fiscal year 1998.

(c) DEFINITIONS.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

SEC. 1086. RESTRICTIONS ON USE OF HUMANS AS EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) PROHIBITED ACTIVITIES.—No officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) INAPPLICABILITY TO CERTAIN ACTIONS.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemicals and to protection against chemical or biological weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) REPORT AND CERTIFICATION.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

"(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.".

(e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND EXECUTED LAWS.—Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

SEC. 1087. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104-208; 22 U.S.C. 1928 note) by a vote of 81-16 in the Senate, and 353-65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

SEC. 1088. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines

that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

SEC. 1089. AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

SEC. 1090. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relative to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulations shall be accompanied with elimination of barriers to exports of United States made beverages currently placed by other countries.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following:

"(f)(1) Not later than February 1 and August 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representative a report on the management of the civilian workforce under the jurisdiction of that official.

"(2) Each report of an official under paragraph (1) shall contain the following:

"(A) The official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and that, during the six months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

"(B) A description of how the civilian workforce is managed.

"(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the six-month period referred to in subparagraph (A).".

SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MARINE CORPS UNIVERSITY.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out "the Marine Corps Command and Staff College" and inserting in lieu thereof "a school of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The table of sections at the beginning of chapter 643 of such title is amended by striking out the item relating to section 7478 and inserting in lieu thereof the following new item:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) REMITTANCE TO CSRS FUND.—Section 5597 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84 of this title, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee. The remittance shall be in place of any remittance with respect to the employee that is otherwise required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 of this title and to whom a voluntary separation incentive has been paid under this section on the basis of a separation on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) EXTENSION OF AUTHORITY.—(1) Subsection (e) of such section is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking out "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHER UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) PREVENTION OF EXCESSIVE INCREASES.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date determined under paragraph (1), the rate of pay determined under such section (as in effect on that day) shall not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service on or after that day.

SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) ELIGIBILITY WITHOUT PERMANENT RESIDENCE.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read as follows:

"(a) For purposes of subsection (c) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such subsection. Notwithstanding clauses (2) and (4) of such subsection and any other provision of title III of the Immigration and Nationality Act, neither prior admission to the United States for permanent residence nor presence in the United States at the time of naturalization is required as a condition for the naturalization (under the authority of such subsection) of a person employed by the Center.".

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

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.";

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

SEC. 1108. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) ESTABLISHMENT.—The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) PURPOSE.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems Command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures (including governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) CURRICULUM.—The curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) DISTANCE LEARNING OPTION.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) PERIOD FOR PILOT PROGRAM.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing a similar program for all of the Department of Defense.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

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

SEC. 1202. POWERS.

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

SEC. 1203. PURPOSES.

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

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

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

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

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

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

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

(7) To assemble together for social activities.

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

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

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

SEC. 1204. SERVICE OF PROCESS.

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

SEC. 1205. MEMBERSHIP.

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

SEC. 1206. BOARD OF DIRECTORS.

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

SEC. 1207. OFFICERS.

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

SEC. 1208. RESTRICTIONS.

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

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

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

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

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

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

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

SEC. 1209. LIABILITY.

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

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

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

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

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

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

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

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

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

(2) by adding at the end the following:

"(79) Air Force Sergeants Association.".

SEC. 1212. ANNUAL REPORT.

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

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

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

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

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

SEC. 1215. TERMINATION.

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

SEC. 1216. DEFINITION OF STATE.

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

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

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	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Naval Weapons Station, Concord	$23,000,000
Colorado	Fort Carson	$7,300,000
Georgia	Fort Gordon	$22,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
North Carolina	Fort Bragg	$6,500,000
South Carolina	Naval Weapons Station, Charleston	$7,700,000
Texas	Fort Sam Houston	$16,000,000
Virginia	Charlottesville	$3,100,000
	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
Washington	Fort Lewis	$33,000,000
CONUS Classified	Classified Location	$6,500,000
	Total:	$387,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects 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
Germany	Katterbach Kaserne, Ansbach	$22,000,000
	Kitzingen	$4,365,000
	Tompkins Barracks, Heidelberg	$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Various Overseas	Various Locations	$37,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$174,265,000

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 or location	Purpose	Amount
Alaska	Fort Richardson	52 Units	$9,600,000
	Fort Wainwright	32 Units	$8,300,000
Florida	Miami	8 Units	$2,300,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Kentucky	Fort Campbell	Family housing improvements.	$8,500,000

Army: Family Housing—Continued

State	Installation or location	Purpose	Amount
Maryland	Fort Meade	56 Units	$7,900,000
New York	United States Military Academy, West Point	Whole neighborhood revitalization.	$5,400,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total:	$120,450,000

(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 $11,665,000.

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 units in an amount not to exceed $44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,951,478,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $360,500,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $174,265,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,512,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,915,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,143,286,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2763), $22,000,000.

(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 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,500,000 (the balance of the amount authorized under section 2101(a) for the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas).

SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR FUNDS TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Army may carry out a project to construct a heliport at Fort Irwin, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3029) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 524) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (110 Stat. 523).

(b) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for the project covered by that subsection by the later of the dates set forth in section 2701(a) of this Act, the authority in that subsection to use funds for the project shall expire on the later of such dates.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$11,426,000
	Marine Corps Air Station, Yuma	$14,700,000
California	Marine Corps Air Station, Camp Pendleton	$14,020,000
	Marine Corps Air Station, Miramar	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$3,810,000
	Marine Corps Base, Camp Pendleton	$39,469,000
	Naval Air Facility, El Centro	$11,000,000
	Naval Air Station, North Island	$19,600,000
Connecticut	Naval Submarine Base, New London	$23,560,000
Florida	Naval Air Station, Jacksonville	$3,480,000
Hawaii	Honolulu (Fort DeRussy)	$9,500,000
	Marine Corps Air Station, Kaneohe Bay	$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu	$3,900,000
	Naval Station, Pearl Harbor	$25,000,000
Illinois	Naval Training Center, Great Lakes	$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport	$22,440,000
North Carolina	Marine Corps Air Station, Cherry Point	$8,800,000
	Marine Corps Air Station, New River	$19,900,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Island	$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck	$7,000,000
	Naval Air Station, Norfolk	$14,240,000
	Naval Air Station, Oceana	$28,000,000
	Naval Amphibious Base, Little Creek	$8,685,000
	Naval Station, Norfolk	$64,970,000
	Naval Surface Warfare Center, Dahlgren	$20,480,000
	Naval Weapons Station, Yorktown	$11,257,000
	Norfolk Naval Shipyard, Portsmouth	$9,500,000
Washington	Naval Air Station, Whidbey Island	$1,100,000
	Puget Sound Naval Shipyard, Bremerton	$4,400,000
	Total:	$481,257,000

(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
Bahrain	Administrative Support Unit, Bahrain	$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific	$4,050,000
Italy	Naval Air Station, Sigonella	$21,440,000
	Naval Support Activity, Naples	$8,200,000
United Kingdom	Joint Maritime Communications Center, Saint Mawgan	$2,330,000
	Total:	$65,920,000

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 Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
North Carolina	Marine Corps Base, Camp Lejeune	37 Units	$2,863,000
Texas	Naval Air Station, Corpus Christi	57 Units	$6,470,000
Washington	Naval Air Station, Whidbey Island	198 Units	$32,290,000
		Total:	$140,139,000

(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 $15,850,000.

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 $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,907,387,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $448,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $65,920,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,597,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $329,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a large anachoic chamber facility at Patuxent River Naval Warfare Center, 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), $9,000,000.

(7) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766), $5,200,000.

(8) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2767), $14,600,000.

(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) $32,620,000 (the balance of the amount authorized under section 2101(a) for the replacement of the Berthing Pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated under paragraph (5) of subsection (a) is the sum of the amounts authorized to be appropriated under such paragraph, reduced by $8,463,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT PASCAGOULA NAVAL STATION, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766) is amended by striking out the item relating to Navy Project, Stennis Space Center, Mississippi, and inserting in lieu thereof the following:

Mississippi	Naval Station Pascagoula	$4,990,000
	Navy Project, Stennis Space Center	$7,960,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding paragraph (1), by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "$23,600,000" and inserting in lieu thereof "$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "$14,100,000" and inserting in lieu thereof "$14,600,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out

military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,574,000
Alaska	Clear Air Force Station	$67,069,000
	Elmendorf Air Force Base	$6,100,000
	Eielson Air Force Base	$13,764,000
	Indian Mountain Long Range Radar Site	$1,991,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base	$26,876,000
Colorado	Buckley Air National Guard Base	$6,718,000
	Falcon Air Force Station	$10,551,000
	Peterson Air Force Base	$4,081,000
	United States Air Force Academy	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$15,900,000
	Robins Air Force Base	$18,663,000
Hawaii	Bellows Air Force Station	$5,232,000
Idaho	Mountain Home Air Force Base	$30,669,000
Kansas	McConnell Air Force Base	$19,219,000
Louisiana	Barksdale Air Force Base	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri	Whiteman Air Force Base	$17,419,000
Montana	Malmstrom Air Force Base	$4,500,000
Nebraska	Offutt Air Force Base	$6,900,000
Nevada	Nellis Air Force Base	$5,900,000
New Jersey	McGuire Air Force Base	$9,954,000
New Mexico	Cannon Air Force Base	$2,900,000
	Kirtland Air Force Base	$20,300,000
North Carolina	Pope Air Force Base	$8,356,000
North Dakota	Grand Forks Air Force Base	$8,560,000
	Minot Air Force Base	$5,200,000
Ohio	Wright-Patterson Air Force Base	$32,750,000
Oklahoma	Altus Air Force Base	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base	$7,700,000
South Carolina	Shaw Air Force Base	$6,072,000
South Dakota	Ellsworth Air Force Base	$6,600,000
Tennessee	Arnold Air Force Base	$10,750,000
Texas	Dyess Air Force Base	$10,000,000
	Randolph Air Force Base	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia	Langley Air Force Base	$4,031,000
Washington	Fairchild Air Force Base	$24,016,000
	McChord Air Force Base	$9,655,000
CONUS Classified	Classified Location	$6,175,000
	Total:	$546,152,000

(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 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	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
Portugal	Lajes Field, Azores	$4,800,000
United Kingdom	Royal Air Force, Lakenheath	$11,400,000
Overseas Classified	Classified Location	$29,100,000
	Total:	$89,345,000

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	Installation or location	Purpose	Amount
California	Edwards Air Force Base	51 units	$8,500,000
	Travis Air Force Base	70 units	$9,714,000
	Vandenberg Air Force Base	108 units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 units	$5,100,000
Florida	MacDill Air Force Base	58 units	$10,000,000
	Tyndall Air Force Base	32 units	$4,200,000
Georgia	Robins Air Force Base	106 units	$12,000,000
Idaho	Mountain Home Air Force Base	60 units	$11,032,000
Kansas	McConnell Air Force Base	19 units	$2,951,000
Mississippi	Columbus Air Force Base	50 units	$6,200,000
	Keesler Air Force Base	40 units	$5,000,000
Montana	Malmstrom Air Force Base	956 units	$21,447,000
New Mexico	Kirtland Air Force Base	180 units	$20,900,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
North Dakota	Grand Forks Air Force Base	42 units	$7,936,000
South Carolina	Charleston Air Force Base	Improve family housing area.	$14,300,000
Texas	Dyess Air Force Base	70 units	$10,503,000
	Goodfellow Air Force Base	3 units	$500,000
	Lackland Air Force Base	50 units	$7,400,000
Wyoming	F.E. Warren Air Force Base	52 units	$6,853,000
		Total:	$182,467,000

(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 $13,021,000.

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 $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,799,181,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $546,152,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $51,080,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, planning improvement of military family housing and facilities, $297,683,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(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 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 (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000"; and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Commissary Agency	Fort Lee, Virginia	$9,300,000
Defense Finance & Accounting Service	Naval Station, Pearl Harbor, Hawaii	$10,000,000
	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
Defense Intelligence Agency	Redstone Arsenal, Alabama	$32,700,000
	Bolling Air Force Base, District of Columbia	$7,000,000
Defense Logistics Agency	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond, Virginia	$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	$4,500,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facility Office	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Robins Air Force Base, Georgia	$19,000,000
	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
	Lackland Air Force Base, Texas	$3,000,000
	Hill Air Force Base, Utah	$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	Naval Station, Everett, Washington	$7,500,000
National Security Agency	Fort Meade, Maryland	$29,800,000
Special Operations Command	Naval Amphibious Base, North Island, California	$7,400,000
	Eglin Auxiliary Field 3, Florida	$11,200,000
	Hurlburt Field, Florida	$2,450,000
	Fort Benning, Georgia	$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	$2,500,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Fort Bragg, North Carolina	$9,800,000
	Total:	$408,090,000

(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	Installation or location	Amount
Ballistic Missile Defense Organization	Kwajalein Atoll	$4,565,000
Defense Logistics Agency	Defense Fuel Support Point, Anderson Air Force Base, Guam	$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	$14,400,000
	Total:	$34,965,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense 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 $50,000.

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 appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,950,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), 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, 1997, 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 $2,778,531,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,090,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587), $9,900,000.

(4) 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 (106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at the Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (110 Stat. 535), $14,200,000.

(7) 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), $34,600,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $34,457,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,520,000.

(11) For energy conservation projects authorized by section 2404 of this Act, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000, of which not more than $27,673,000 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 the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out "Naval Station, Ford Island, Pearl Harbor, Hawaii" and inserting in lieu thereof "Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii".

SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO CARRY OUT CERTAIN DEFENSE AGENCY MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for the military construction project authorized at McClellan Air Force Base, California, by section 2401 of that Act (108 Stat. 3041).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

(c) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for a project referred to in subsection (b) by the later of the dates set forth in section 2701(a), the authority in subsection (a) to use such funds for the project shall expire on the later of such dates.

SEC. 2408. 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), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), 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 "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995 PROJECT RELATING TO RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law and except as provided in subsection (b), funds appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103-335; 108 Stat. 2615) for the construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall be available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds covered by that subsection for the purpose specified in that subsection if such funds are obligated before the later of the dates specified in that subsection.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment 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, 1997, 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 Security Investment program authorized by section 2501, in the amount of $152,600,000.

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, 1997, 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 1803 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, $165,345,000; and

(B) for the Army Reserve, $87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $193,269,000; and

(B) for the Air Force Reserve, $34,580,000.

SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD CONSTRUCTION PROJECT, AVIATION SUPPORT FACILITY, HILO, HAWAII, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(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 Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant	$4,000,000
	Indian Head Naval Surface Warfare Center	Denitrification/Acid Mixing Facility.	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters	$6,480,000
Washington	Naval Station, Everett	Housing Office	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center.	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units)	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility.	$2,450,000
	Pope Air Force Base	Fire Training Facility	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building	$5,100,000

Defense Agencies: Extension of 1995 Project Authorizations—Continued

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility.	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	$3,910,000
	Camp Roberts	Combat Pistol Range	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

SEC. 2705. 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 table in subsection (b), as provided in section 2101 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), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is 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

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out "$200,000" each place it appears in subsection (a) and inserting in lieu thereof "$500,000".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out "**$200,000**" and inserting in lieu thereof "**$500,000**".

(2) The table of sections at the beginning of chapter 159 of such title is amended in the item relating to section 2672 by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following:

"§ 2695. Sale of utility systems

"(a) AUTHORITY.—The Secretary of the military department concerned may convey all right, title, and interest of the United States, or any lesser estate thereof, in and to all or part of a utility system located on or adjacent to a military installation under the jurisdiction of the Secretary to a municipal utility, private utility, regional or district

utility, or cooperative utility or other appropriate entity.

"(b) SELECTION OF PURCHASER.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under that subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

"(c) CONSIDERATION.—

"(1) IN GENERAL.—The Secretary concerned shall accept as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest conveyed.

"(2) FORM OF CONSIDERATION.—Consideration under this subsection may take the form of—

"(A) a lump sum payment; or

"(B) a reduction in charges for utility services provided the military installation concerned by the utility or entity concerned.

"(3) TREATMENT OF PAYMENTS.—

"(A) CREDITING.—A lump sum payment received under paragraph (2)(A) shall be credited, at the election of the Secretary—

"(i) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

"(ii) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

"(iii) to an appropriation of the military department available for improvements to other utility systems on the installation concerned.

"(B) AVAILABILITY.—Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

"(d) INAPPLICABILITY OF CERTAIN CONTRACTING REQUIREMENTS.—Sections 2461, 2467, and 2468 of this title shall not apply to the conveyance of a utility system under subsection (a).

"(e) NOTICE AND WAIT REQUIREMENT.—The Secretary concerned may not make a conveyance under subsection (a) until—

"(1) the Secretary submits to the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures) demonstrating that—

"(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

"(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

"(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with a conveyance under subsection (a) as such Secretary considers appropriate to protect the interests of the United States.

"(g) UTILITY SYSTEM DEFINED.—For purposes of this section:

"(1) IN GENERAL.—The term 'utility system' means the following:

"(A) A system for the generation and supply of electric power.

"(B) A system for the treatment or supply of water.

"(C) A system for the collection or treatment of wastewater.

"(D) A system for the generation and supply of steam, hot water, and chilled water.

"(E) A system for the supply of natural gas.

"(2) INCLUSIONS.—The term 'utility system' includes the following:

"(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

"(B) Easements and rights-of-ways associated with a system referred to in that paragraph.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2695. Sale of utility systems.".

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, as amended by section 2802 of this Act, is further amended by adding at the end the following:

"§ 2696. Administrative expenses relating to certain real property transactions

"(a) AUTHORITY TO COLLECT.—Upon entering into a transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may collect from the person or entity an amount equal to the administrative expenses incurred by the Secretary in entering into the transaction.

"(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

"(1) The exchange of real property.

"(2) The grant of an easement over, in, or upon real property of the United States.

"(3) The lease or license of real property of the United States.

"(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which such expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.".

(2) The table of sections at the beginning of chapter 159 of such title, as so amended, is further amended by adding at the end the following:

"2696. Administrative expenses relating to certain real property transactions.".

(b) CONFORMING AMENDMENT.—Section 2667(d)(4) of such title is amended by striking out "to cover the administrative expenses of leasing for such purposes and".

SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY SAVINGS AND WATER COST SAVINGS.

(a) IN GENERAL.—Section 2865(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "and financial incentives described in subsection (d)(2)";

(2) in paragraph (2)—

(A) by striking out "section 2866(b)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(B) by striking out "section 2866(b)" in subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(3) by adding at the end the following:

"(3)(A) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for water demand or conservation under section 2866(b)(1) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

"(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.".

(b) CONFORMING AMENDMENT.—Section 2866(b) of such title is amended to read as follows:

"(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

"(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.".

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

"§ 2697. Screening of certain real property before conveyance

"(a) REQUIREMENT.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Services Act of 1949.

"(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

"(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

"(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

"(b) EXCEPTED AUTHORITY.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) 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).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) LIMITATION ON MODIFICATION OR WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2697. Screening of certain real property before conveyance.".

(b) APPLICABILITY.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

Subtitle B—Land Conveyances

SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL OF CERTAIN REAL PROPERTY, FORT BELVOIR, VIRGINIA.

(a) REPEAL OF AUTHORITY TO CONVEY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(b) TREATMENT AS SURPLUS PROPERTY.—(1) Notwithstanding any other provision of law, the real property described in paragraph (2) shall be deemed to be surplus property for purposes of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out "County" and inserting in lieu thereof "Board".

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way 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 County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the property conveyed for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to this section is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The District shall bear the cost of the survey.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a) the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to 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. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(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 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 lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (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 consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2819. MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to the fair market value of the property (as determined jointly by the Administrator and the City).".

SEC. 2820. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

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

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

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2821. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of 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 subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the all revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condin with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including—

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees;

(2) notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.) the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

Subtitle C—Other Matters

SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding the provisions of section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the account in the Treasury under section 204 of that Act as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall, to the extent provided in appropriations Acts, be available to the Secretary of the Air Force for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

SEC. 2832. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and constructing facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(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) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(f) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system

may be used to quantify costs and savings attributable to the 1995 base closure round.

SEC. 2833. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

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

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section 2832 should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

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.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,726,900,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,243,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,144,290,000.

(B) For the accelerated strategic computing initiative, $190,800,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97-D-102, Dual-Axis Radiographic Hydrodynamic facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96-D-103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96-D-105, Contained Firing Facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial confinement fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 96-D-111, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California, $197,800,000.

(3) For technology transfer and education, $69,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,033,050,000, to be allocated as follows:

(1) For operation and maintenance, $1,861,465,000.

(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), $171,585,000, to be allocated as follows:

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98-D-125, Tritium Extraction Facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98-D-126, accelerator production of tritium, various locations, $67,865,000.

Project 97-D-122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97-D-124, steam plant wastewater treatment facility upgrade, Y-12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96-D-122, sewage treatment quality upgrade, Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95-D-102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,700,000.

Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92-D-126, replace emergency notification systems, various locations, $3,200,000.

Project 88-D-122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $268,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,741,373,000.

(b) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,559,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,478,876,000.

(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), $80,768,000, to be allocated as follows:

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96-D-408, waste management upgrades, various locations, $8,200,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $237,881,000.

(d) NUCLEAR MATERIAL AND FACILITY STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear material and facility stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,266,021,000, to be allocated as follows:

(1) For operation and maintenance, $1,181,114,000.

(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), $84,907,000, to be allocated as follows:

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 97-D-450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97-D-451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97-D-470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97-D-473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96-D-461, electrical distribution upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $2,927,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $14,985,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River Site, Aiken, South Carolina, $2,713,000.

Project 95-D-456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $602,000.

(e) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $18,104,000.

(f) ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental science and risk policy in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $40,000,000.

(g) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $373,251,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,582,981,000, to be allocated as follows:

(1) For verification and control technology, $458,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $214,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $20,000,000.

(4) For emergency management, $27,700,000.

(5) For program direction, nonproliferation, and national security, $84,900,000.

(6) For environment, safety and health, defense, $54,000,000.

(7) For worker and community transition assistance:

(A) For assistance, $65,800,000.

(B) For program direction, $4,700,000.

(8) For fissile materials disposition:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,345,000.

(9) For naval reactors development, $683,000,000, to be allocated as follows:

(A) For program direction, $20,080,000.

(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), $14,000,000, to be allocated as follows:

Project 98-D-200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97-D-201, advanced test reactor secondary coolant system refurbishment, Idaho National Engineering and Environmental Laboratory, Idaho, $4,100,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(10) For the Chernobyl shutdown initiative, $2,000,000.

(11) For nuclear technology research and development, $25,000,000.

(12) For nuclear security, $4,000,000.

(13) For the Office of Hearings and Appeals, $2,685,000.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 to carry out environmental management privatization projects in connection with national security programs in the amount of $274,700,000, to be allocated as follows:

Project 98-PVT-1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $21,000,000.

Project 98-PVT-4, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98-PVT-7, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98-PVT-11, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 98-PVT-__, waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98-PVT-__, Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

Project 97-PVT-1, tank waste remediation system phase 1, Hanford, Washington, $157,000,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 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 $190,000,000.

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 $5,000,000.

(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 $5,000,000, 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 time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this subsection to transfer authorizations may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred.

(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 OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design report 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 $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by the 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, or 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 appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) LIMITATION ON CONTRACTS.—Funds authorized to be appropriated by section 3104 for a project referred to in that section are available for a contract under the project only if the contract—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract before the commencement of the provision of goods or services under the contract;

(3) requires the contractor to bear any of the costs of the design, construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance objectives specified in the contract.

(b) NOTICE AND WAIT.—The Secretary of Energy may not enter into a contract or option to enter into a contract, or otherwise incur any contractual obligation, under a project authorized by section 3104 until 30 days after the date which the Secretary submits to the congressional defense committees a report with respect to the contract. The report shall set forth—

(1) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(2) any performance objectives specified in the contract;

(3) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(4) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(5) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(6) the site services or other support to be provided the contractor by the Department under the contract;

(7) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(8) the schedule for the contract;

(9) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(10) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(11) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(12) the plans for maintaining financial and programmatic accountability for activities under the contract.

(c) COST VARIATIONS.—(1) The Secretary may not enter into a contract under a project referred to in paragraph (2), or incur additional obligations attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(2) Paragraph (1) applies to an environmental management privatization project that is—

(A) authorized by section 3104; or

(B) carried out under section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824).

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not less than 15 days before the Secretary obligates funds available for a project authorized by section 3104 to terminate the contract or contracts under the project, the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract under a project authorized by section 3104 during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(f) REPORT ON CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts under defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise

available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $15,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a).

SEC. 3134. TRITIUM PRODUCTION.

(a) FUNDING.—Subject to subsection (c), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $262,000,000 shall be available for activities related to tritium production.

(b) ACCELERATION OF TRITIUM PRODUCTION.—(1) Not later than June 30, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in subsection (a);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(c) REPORT.—If the Secretary determines that it is not possible to make the final decision by the date specified in subsection (b), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) July 30, 1998; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (b).

SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(d), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities under such program or agreement support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—Section 3136(b)(1) of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is amended by striking out "The Secretary of Energy shall annually submit" and inserting in lieu thereof "Not later than February 1 each year, the Secretary of Energy shall submit".

(d) ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

(e) DEFINITION.—In this section, the term "laboratory directed research and development" has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) PERMANENT AUTHORITY.—Section 3139 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2832) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—Subsection (c) of that section is amended by striking out "The requirements of section 3121" and inserting in lieu thereof "No recurring limitation on reprogramming of Department of Energy funds contained in an annual authorization Act for national defense".

(c) DEFINITIONS.—Subsection (f)(1) of that section is amended by striking out "any of the following:" and all that follows and inserting in lieu thereof "any program or project of the Department of Energy relating to environmental restoration and waste management activities necessary for national security programs of the Department.".

(d) REPORT.—Subsection (g) of that section, as redesignated by subsection (a)(2), is amended—

(1) by striking out "September 1, 1997," and inserting in lieu thereof "November 1 each year";

(2) by inserting "during the preceding fiscal year" after "in subsection (b)"; and

(3) by striking out the second sentence.

(e) CONFORMING AMENDMENT.—The section heading of that section is amended by striking out "temporary authority relating to" and inserting in lieu thereof "authority for".

SEC. 3138. REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site?

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities?

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination?

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination?

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites?

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis?

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d) The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act.".

SEC. 3140. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site and under the jurisdiction of the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee and under the jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in advance in appropriations Acts, the Secretary may use amounts credited to the defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

Subtitle D—Other Matters

SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF ENERGY ACTIVITIES.

(a) PROCEDURES FOR PRESCRIBING REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c), (e), (f), and (g) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c), as so redesignated, by striking out "subsections (b), (c), and (d)" and inserting in lieu thereof "subsection (b)".

(b) ADVISORY COMMITTEES.—(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(2) Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) REPEAL OF REQUIREMENT FOR EPA STUDY.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) EXTENSION OF AUTHORITY.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—(1) Not later than March 15, 1998, the Secretary of Energy shall submit to the congressional defense committees a plan and program for maintaining the warheads in the nuclear weapons stockpile (including stockpile stewardship, stockpile management, and program direction).

(2) Not later than March 15 of each year after 1998, the Secretary shall submit to the congressional defense committees an update of the plan and program submitted under paragraph (1) current as of the date of submittal of the updated plan and program.

(3) The plan and program, and each update of the plan and program, shall be consistent with the programmatic and technical requirements of the Nuclear Weapons Stockpile Memorandum current as of the date of submittal of the plan and program or update.

(b) ELEMENTS.—The plan and program, and each update of the plan and program, shall set forth the following:

(1) The numbers of warheads (including active and inactive warheads) for each type of warhead in the nuclear stockpile.

(2) The current age of each warhead type and any plans for stockpile life extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary is assessing the lifetime and requirements for life extension or replacement of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear stockpile.

(4) The process used in recertifying the safety, reliability, and performance of each warhead type (including active and inactive warheads) in the nuclear weapons stockpile.

(5) Any concerns which would affect the recertification of the safety, security, or reliability of warheads (including active and inactive warheads) in the nuclear stockpile.

(c) FORM.—The Secretary shall submit the plan and program, and each update of the plan and program, in unclassified form, but may include a classified annex.

SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B)) is amended by striking out "odd-numbered year after 1995" and inserting in lieu thereof "odd-numbered year after 1997".

SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out "and the 60-day period referred to in subsection (e)(2)(A)(ii)".

(f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639) is repealed.

(g) ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY OF NUCLEAR WEAPONS AND MATERIALS AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards and Security at Department of Energy Facilities (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of eight members appointed from among individuals in the public and private sectors who have significant experience in matters relating to the safeguarding and security of nuclear weapons and materials, as follows:

(i) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

(ii) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of the committee.

(iii) Two shall be appointed by the chairman of the Committee on National Security of the House of Representatives, in consultation with the ranking member of the committee.

(iv) One shall be appointed by the ranking member of the Committee on National Security of the House of Representatives, in consultation with the chairman of the committee.

(v) Two shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission by the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on National Security of the House of Representatives, the ranking member of the committee on Armed Services of the Senate, and the ranking member of the Committee on National Security of the House of Representatives.

(D) Members shall be appointed not later than 60 days after the date of enactment of this Act.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall—

(A) conduct a review of the specifications in the document entitled "Design Threat Basis" relating to the safeguarding and security of nuclear weapons and materials in order to determine whether or not the specifications establish procedures adequate for the safeguarding and security of such weapons and materials at Department of Energy facilities; and

(B) determine whether or not the document takes into account all relevant guidelines for the safeguarding and security of such weapons and materials at such facilities, including Presidential Decision Directive 39, relating to United States policy on counterterrorism.

(2) In conducting the review, the Commission shall—

(A) visit various Department facilities, including the Rocky Flats Plant, Colorado, Los Alamos National Laboratory, New Mexico, the Savannah River Site, South Carolina, the Pantex Plant, Texas, Oak Ridge National Laboratory, Tennessee, and the Hanford Reservation, Washington, in order to assess the adequacy of safeguards and security with respect to nuclear weapons and materials at such facilities;

(B) evaluate the specific concerns with respect to the safeguarding and security of nuclear weapons and materials raised in the report of the Office of Safeguards and Security of the Department of Energy entitled "Status of Safeguards and Security for 1996"; and

(C) review applicable orders and other requirements governing the safeguarding and security of nuclear weapons and materials at Department facilities.

(d) REPORT.—(1) Not later than February 15, 1998, the Commission shall submit to the Secretary and to the congressional defense committees a report on the review conducted under subsection (c).

(2) The report may include—

(A) recommendations regarding any modifications of policy or procedures applicable to Department facilities that the Commission considers appropriate to provide adequate safeguards and security for nuclear weapons and materials at such facilities without impairing the mission of such facilities;

(B) recommendations for modifications in funding priorities necessary to ensure basic funding for the safeguarding and security of such weapons and materials at such facilities; and

(C) such other recommendations for additional legislation or administrative action as the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 53115 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil status or privilege.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more that $500,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A).''; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).".

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999,".

SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled

"Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVITIES IN HISPANIC OUTREACH INITIATIVE OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall take appropriate actions, including the allocation of funds, to ensure the participation of the national security activities of the Department of Energy in the Hispanic Outreach Initiative of the Department of Energy.

SEC. 3160. FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the Federal Government shall convey without consideration fee title to Government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall—

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within 10 years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a);

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States Government holds clear title;

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress; and

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title—

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the county and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than ten years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

SEC. 3161. DESIGNATING THE Y-12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y-12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

SEC. 3162. NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

SEC. 3163. TO AUTHORIZE APPROPRIATIONS FOR THE GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvements to Greenville Road in Livermore, California.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(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) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(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. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $9,222,000 by the end of fiscal year 1998;

(2) $134,840,000 by the end of fiscal year 2002; and

(3) $331,886,000 by the end of fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Copper Master Alloy	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and transferred shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 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. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration, development, or production of petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term "Oil Shale Reserves Numbered 1, 2, and 3" means the oil shale reserves identified in section 7420(2) of title 10, United States Code, as Oil Shale Reserve Numbered 1, Oil Shale Reserve Numbered 2, and Oil Shale Reserve Numbered 3.

(2) The term "petroleum" has the meaning given such term in section 7420(3) of such title.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96-137 (42 U.S.C. 7156a) is repealed.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1998".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund 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, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

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—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Panama Canal Transition Facilitation Act of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(d) For purposes of this Act:

"(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

"(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.".

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

"(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.".

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

"(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of

1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

"(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

"(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

"(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

"(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

"(A) Sections 203 and 205 of title 18, United States Code.

"(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

"(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.".

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

"(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.".

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

"(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

"(A) Retired members of the uniformed services.

"(B) Members of a reserve component of the armed forces.

"(C) Members of the Commissioned Reserve Corps of the Public Health Service.

"(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).".

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

"(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

"(1) as provided in a collective bargaining agreement;

"(2) as a result of an adverse action against the officer or employee; or

"(3) pursuant to a voluntary demotion.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out "1215" and inserting in lieu thereof "1202".

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out "1215" and "1217" and inserting in lieu thereof "1202" and "1217(a)", respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus received by the employee.

"(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Supervisory Board of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"CHAPTER 1—PROCUREMENT

"PROCUREMENT SYSTEM

"SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"PANAMA CANAL BOARD OF CONTRACT APPEALS

"SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306 (22 U.S.C. 3714b) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.
"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(a)(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

TITLE XXXVI—MISCELLANEOUS PROVISIONS

SEC. 3601. COMMENDING MEXICO ON FREE AND FAIR ELECTIONS.

(a) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican States;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote;

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) since 1994, Mexican law has permitted international observers to be a part of the process;

(7) with 84 percent of the ballots counted, PRI candidates received 38 percent of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates received 52 percent of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President; and

(9) PAN members will now serve as governors in seven of Mexico's 31 States.

(b) It is the Sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his administration; and

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

SEC. 3602. SENSE OF CONGRESS REGARDING CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) during the 1970's and 1980's Cambodia was wracked by political conflict, war and violence, including genocide perpetrated by the Khmer Rouge from 1975 to 1979;

(2) the 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict set the stage for a process of political accommodation and national reconciliation among Cambodia's warring parties;

(3) the international community engaged in a massive, more than $2,000,000,000 effort to ensure peace, democracy and prosperity in Cambodia following the Paris Accords;

(4) the Cambodian people clearly demonstrated their support for democracy when 90 percent of eligible Cambodian voters participated in United Nations-sponsored elections in 1993;

(5) since the 1993 elections, Cambodia has made economic progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

(6) tensions within the ruling Cambodian coalition have erupted into violence in recent months as both parties solicit support from former Khmer Rouge elements, which had been increasingly marginalized in Cambodian politics;

(7) in March, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on political demonstrators supportive of the Funcinpec and the Khmer Nation Party;

(8) during June fighting erupted in Phnom Penh between forces loyal to First Prime Minister Prince Ranariddh and second Prime Minister Hun Sen;

(9) on July 5, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent coup d'etat;

(10) forces loyal to Hun Sen have executed former Interior Minister Ho Sok, and targeted other political opponents loyal to Prince Ranariddh;

(11) democracy and stability in Cambodia are threatened by the continued use of violence to resolve political tensions;

(12) the Administration has suspended assistance for one month in response to the deteriorating situation in Cambodia;

(13) the Association of Southeast Asian Nations has decided to delay indefinitely Cambodian membership.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the parties should immediately cease the use of violence in Cambodia;

(2) the United States should take all necessary steps to ensure the safety of American citizens in Cambodia;

(3) the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(4) the United States and ASEAN should work together to take immediate steps to restore democracy and the rule of law in Cambodia;

(5) United States assistance to the government of Cambodia should remain suspended until violence ends, the democratically elected government is restored to power, and the necessary steps have been taken to ensure that the elections scheduled for 1998 take place;

(6) the United States should take all necessary steps to encourage other donor nations to suspend assistance as part of a multilateral effort.

SEC. 3603. CONGRATULATING GOVERNOR CHRISTOPHER PATTEN OF HONG KONG.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) during his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30 percent in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) common crime declined during his tenure, and the political climate was positive and stable;

(6) Chris Patten's legacy to Hong Kong is the expansion of democracy in Hong Kong's legislative council and a tireless devotion to the rights, freedoms and welfare of Hong Kong's people; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) he deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.