HOUSE OF REPRESENTATIVES—*Friday, July 11, 1997*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 11, 1997.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful as individuals and as a people that we live without the threat of war and without the threat of conquest and we are at peace. O gracious God, as we express our gratitude for the security we enjoy, we remember those men and women of our Armed Forces who in peace or war protect the welfare of all citizens. May they see in their mission as peacemakers a ministry to the people of our land and may Your blessing, O God, that is new every morning be with them and their families now and evermore. Amen.

THE JOURNAL

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

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

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain twelve 1-minutes on each side.

TRIBUTE TO PEGGY YOUNG

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

Mr. CHAMBLISS. Mr. Speaker, I rise to pay tribute to my good friend Peggy Young, who is retiring tonight as the museum director at the Museum of Aviation in Warner Robins, GA.

When Peggy retires this evening, she will leave as her legacy an aviation museum that ranks as the second largest in the Air Force, a far cry from its humble beginnings only 15 years ago with no building, two aircraft, and only $20 in the bank.

Under Peggy's leadership, the Museum of Aviation has grown into a world-class museum complex that covers 43 acres, has over 85 aircraft on display, and hosts nearly a half million families, historians, and aviation enthusiasts each year.

As Peggy says good-bye tonight to the museum she literally helped build from the ground up, she leaves behind a living testament to her personal character and professional abilities.

Congratulations to Peggy, and her husband Bob, on a job well done. Thanks for your contribution to your community, your State, and your country.

IN OPPOSITION TO THE REPUBLICAN TAX PLAN

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

Ms. VELÁZQUEZ. Mr. Speaker, the Republican leader's newest motto is "Listen, learn and lead," and in a way the Republicans are following that motto.

They are listening to millionaires and powerful corporations who want huge tax breaks. They are learning how to provide clever tax loopholes to their rich friends, and they are leading this country down a road that will allow tax giveaways for the rich while working families struggle.

Mr. Speaker, the Democrats want to provide real tax relief for working families. Under the Republican bill, 15 million working families, working families, will get no tax relief. Democrats want to help those families. Under the Republican bill, college students will be hit with new taxes. Democrats want to make college more affordable.

Mr. Speaker, I propose today a new motto for the Republican leader: Listen, learn, and let the Democrats lead.

TRIBUTE TO TOM CLOSSER

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

Mr. NEY. Mr. Speaker, several weeks ago we lost a great individual in Tom Closser. He was a good friend of mine who served the people of eastern Ohio admirably and effectively for years, and he will be greatly missed.

Tom was born in Yorkville, OH, in 1937. He moved down the river to Marietta in 1969. Since then he worked to improve the entire Appalachian region in Ohio. He was president of the Eastern Ohio Development Alliance and a trustee of the Appalachian Development Corp.

He is survived by his wife Loretta Closser, who he married in 1965, two daughters, Cynthia and Leslie, a sister, a cousin, and a granddaughter Lauren.

My heartfelt sympathy and condolences go out to everyone who knew and loved Thomas Closser. He worked for the people every single day to improve their lives. He will be truly missed, Mr. Speaker, by all of us in eastern Ohio.

REPUBLICAN TAX BILL SHOWERS BENEFITS ON THE RICH

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

Mr. MILLER of California. Mr. Speaker, it is already starting. The Wall Street Journal this morning tells the wealthy what to do. Ready, get set, here is how to profit from your big cut in capital gains. What the Journal describes is how the rich can manipulate

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their income so they avoid paying the same tax rate that wage earning Americans pay every day of their life; how the rich can pay a 20-percent rate while those who are getting a paycheck every day pay a 28-percent rate on their income; how they can manipulate their stock dividends so as not to pay ordinary tax on their dividend income; how to avoid paying estate taxes even though the estate taxes are going to be reduced.

What the Republican bill does is shower these benefits on the wealthy of America while denying hard-working families even the right to the child tax credit. What they are saying to millions of working families who get up every morning, go to work, they work hard they just do not make a lot of money, that they are not going to share the benefits of this tax bill with those families because they have given too much to the wealthy and there is just not enough left over for wage earners in America.

CLINTON CONSIDERS TEACHERS AMONG THE RICH

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

Mr. HEFLEY. Mr. Speaker, the Clinton White House and people like the gentleman who just spoke have criticized Congress' tax cut plans as unfair because they say that the richest 20 percent of the country will get most of the tax relief. Most Americans think of the rich as people like Bill Gates and Michael Jordan. In Clinton's plan it only takes a family income of $56,000 per year to be in the top 20 percent of the earners, or the rich.

According to the 1996 census, millions of working families who would never consider themselves rich by any measure are in Clinton's top 20 percent: 2.4 million elementary and school teachers, over half; 1.7 million union members, one out of every 10; 8.1 million Federal, State and local government workers; 120,000 editors and reporters, almost half; 4.2 million mechanics, repairmen, construction workers have family incomes considered rich by the standards of the gentleman that just spoke here.

These are precisely the people who deserve the bulk of the tax cuts. Congress wants to make sure they receive those cuts. It is time for Bill Clinton and his cohorts in the Congress to stop misleading the American people.

GUILTY, GUILTY, GUILTY

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

Mr. TRAFICANT. Mr. Speaker, when the IRS takes the taxpayer into civil court, the taxpayer is considered guilty, guilty, guilty. Unbelievable in America, where you are innocent until proven guilty. Not with the IRS. You are guilty, guilty, guilty.

And the IRS says, even though 97 percent of the American people want the burden of proof changes in a civil tax case, they say "no," it will cost too much money, Congress.

Let me submit here, if we applied the IRS thinking to the Constitution, the IRS would throw out the Bill of Rights. I think it is time to tell the IRS, "Audit this." Cosponsor H.R. 367; take our government back. Taxpayers shall be innocent. If the IRS takes them to court, they should have the facts to do so.

AMERICANS SHOULD LOOK AT THE RECORD

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

Mr. ROGAN. Mr. Speaker, every single morning we are treated to a litany of speeches from the other side talking about Republican plans to cut taxes as being a tax cut for the rich, and I sometimes think that people mistake volume for sincerity because when we look at the record of what a Democrat Congress versus a Republican Congress has done, it is clear who is on the side of working families.

For 40 years they controlled this Chamber. When they took over, American families' tax rates were about 10 percent. When they left a few years ago, we had the highest taxes in the history of America. And in one Congress, this Republican Congress has repeatedly passed tax cuts for working families.

Who are the rich that they keep talking about? They are talking about teachers and truck drivers and foundry workers. When we look at the record as to who really stands for expanding the welfare state, we know it is the other side. We are the side that believes in expanding people's checkbooks, expanding their take-home money.

THE PRESIDENT'S EDUCATION TAX PROPOSAL WILL HELP WORKING FAMILIES

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

Mr. GREEN. Mr. Speaker, I am a little outnumbered on our side. We will have to get reinforcements.

Mr. Speaker, I am proud to stand up and say that I disagree with the one-minutes from the other side because you do not need to be a Harvard Law School or business graduate to know what is happening in the Republican tax bill, but let me talk about how important the educational tax cuts are in both the President's plan and also in the Democratic alternative.

There are a lot of people in this country who are middle-class, who make $30,000 a year, and yet their kids are not eligible for Pell Grants. But the President's plan and also the Democratic plan, with the educational tax cuts proposal, would help those people make sure that the next generation has the opportunity to go to college. We are not talking about wealthy folks. We are talking about average working folks who go to work every day, maybe a school teacher who makes $30,000 a year, with two children at home having to go to college. That is what we are talking about, and that is why the Republican plan is so wrong. Hopefully, the conference committee will correct this.

WHO BENEFITS FROM THE TAX RELIEF PACKAGE?

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

Mr. PAPPAS. Mr. Speaker, much of the debate over this tax relief package has been about the question of who benefits. Leaving aside the obvious point that all Americans benefit from a growing economy, I would like to draw your attention to this chart.

This chart uses official statistics from the Joint Committee on Taxation. I would ask the other side to admit that, yes, the Joint Committee on Taxation is bipartisan. This chart scores the tax relief over the next 5 years. This chart shows that 76 percent of the tax relief goes to middle-class taxpayers, those earning incomes between $20,000 a year and $75,000 a year.

I would like to repeat that fact. Scored by the official bipartisan committee in Congress to judge these questions, 76 percent of the tax relief goes to middle-class taxpayers, in this case defined as those who earn between $20,000 and $75,000 a year.

I ask liberals on the other side to show me where the Joint Committee on Taxation numbers are wrong. Show me how these numbers are in any way misleading. Who will step forward?

FAMILY ECONOMIC INCOME

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

Mr. BALLENGER. Mr. Speaker, ever wonder what the Family Economic Income of the President is? Let us see. The President's salary is about $200,000 a year. But then the Treasury Department's calculates his income is actually a lot more than that, even if it is not.

□ 0945

For example, they say we need to add something called imputed rental income to real income. Imputed rental

income is income we would get if we rented out the house that we own.

Now normally the Treasury Department would add something like $10,000 to the President's income for renting out the White House and carrying that as income, but the Treasury Department officials are not so sure what to do now since they know that the Lincoln bedroom can be rented out for over $400,000 a year, so they are really not sure how to score it.

And then they have other problems as well. They have not a clue as to how much to score the President's Whitewater property for imputed income purposes, and then there is the huge question mark about how much foreign money should go under unreported and underreported income category.

I guess the Treasury Department needs to take another look at this family income economic income.

MIDDLE-CLASS FAMILIES DESERVE THE CHILD TAX CREDIT

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

Ms. DELAURO. Mr. Speaker, the prior gentleman asked about challenging the information from the Joint Committee on Taxation. The fact of the matter is, very plainly, is that the Joint Committee on Taxation analysis only analyzes the first 5 years of a 10-year program that the Republicans have put together. Their tax cuts for the wealthy are phased in so that their analysis is only that first 5 years, and then they hide their tax cuts for the wealthy in the later years.

I rise today to respond to inaccurate claims by my Republican colleagues that Americans receiving the earned income tax credit are on welfare. Let me tell my colleagues the story of a young police officer from Georgia, just starting out, $23,000 a year.

Mr. Speaker, this is a man who protects our kids, patrols our streets, risks his life every single day to keep our communities safe, yet the Republicans say that he is not worthy of their child tax credit simply because he and his family do not make a lot of money. They actually accuse him and his family of being on welfare. Shame on them.

This is a man who goes to work every day, who pays taxes, whether it is Federal taxes or payroll taxes. All he knows is there is less money in his pocket.

Let us focus this tax proposal on working middle-class families in this country, not the wealthy.

GET RICH QUICK—CALL THE TREASURY DEPARTMENT

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, when the Democrats refer to this mythical tax cut for the rich, I wonder if they have ever thought about running infomercials. Better than the typical "get rich quick" scheme, all one has to do is dial the Treasury Department at 202-622-0120 and they too can have the Democrats declare that they are rich and undertaxed overnight.

That number, again, 202-622-0120. Treasury operators are standing by. Tell them the income, and, presto, they will double it. If someone thinks they are only making $45,000 a year, think again. The Treasury Department says it looks like $75,000 to them.

Cannot qualify for that new credit card? Cannot afford a night in the Lincoln bedroom? No problem. The secret is in an obscure Treasury Department manipulation called family economic income. That is right, family economic income. It is like being in a higher tax bracket but without all the extra income.

Do not delay, this get rich quick offer ends soon, and it is brought to us by the same people who make the currency. Act now, the Treasury Department is standing by at 202-622-0120.

DEMOCRATS WOULD TURN TAX CUTS INTO A WELFARE PROGRAM

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

Mr. GIBBONS. Mr. Speaker, I have not been listening to Rush Limbaugh this week, but I can only guess how much fun he is having making fun of the other side right now. I am not sure if we could make up anything more ridiculous than what I have been hearing from the left. Only liberal Democrats can possibly turn tax cuts into another welfare program. I guess Rush really does not have to work that hard to get new material. There is always another liberal outrage just around the corner.

Here they are complaining that people who pay no Federal income tax, big goose egg on the old 1040, Mr. Speaker, complaining that these people are somehow getting cheated because they cannot get welfare money from a tax cut.

Mr. Speaker, this is the mother of all welfare schemes, and if this is what the "New Democrat" is all about, then give me back the old ones.

Can the President be serious that he wants working people to be stuck with a couple of billion dollars more welfare payments? Well, this is truly a bizarre way of increasing welfare spending.

TAX RELIEF FOR HARD-WORKING AMERICANS

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

Mr. HOYER. Mr. Speaker, I have been listening to this and did not intend to speak on this particular subject.

Talk about class warfare, 50 percent of American workers pay more FICA than they do income tax, that big goose egg on the 1040 of which the gentleman speaks, 50 percent. But they are not Republican types because they are not making over $50,000 or $60,000 or $75,000 like all of us are. Everybody in this Chamber, are we not big deals?

But let me tell my colleagues about my three kids working and paying more FICA, and let me tell them something if they do not think these people need relief, trying to get a house and buy a car and do what we want them to do. Hard-working Americans, not our crowd, not the big bucks guys that my Republican colleagues want to give the big tax cuts to that bust the budget in the second 10 years and do exactly what they did in 1981, create $4.5 trillion dollars of new debt for working Americans to pay.

Yes, we want to give relief to hard-working Americans who pay taxes.

LET US RID THE WORLD OF LANDMINES

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

Mr. QUINN. Mr. Speaker, I am hopeful to talk about something that is not quite as partisan this morning. As chairman of the Subcommittee on Benefits I rise this morning to talk to our colleagues about the devastating effect of landmines. Throughout the world hundreds of innocent civilians are maimed and killed each week by landmines, and I wonder if our colleagues know that at the current time there are over 110 million landmines buried in the earth. We also know that landmines have wounded almost 300 UN and NATO troops in Bosnia alone. It is obvious that these weapons extract a terrible toll on all humanity.

Fortunately the United States has an opportunity to ban these menacing weapons. Later this year over 95 countries from around the world will meet in Ottawa, Canada to sign a treaty banning these landmines forever. In the United States we believe all of us have the greatest economic, military, and moral influence of any Nation on Earth, and it is imperative we make a commitment to get rid of these landmines.

That is why the gentleman from Illinois [Mr. EVANS] and I, along with over 160 of our colleagues from both sides of the aisle, have asked the President to join that Ottawa treaty. Our legislation has the backing of the Catholic church's Conference of Bishops, the

Vietnam Veterans Foundation, and Gen. Norman Schwarzkopf. We ask our colleagues to join us in this important matter.

EVERYONE IN AMERICA IS RICH ACCORDING TO THE LIBERALS

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

Mr. THUNE. Mr. Speaker, as my colleagues know, liberals have a funny way of figuring out who is wealthy. They say that 21.2 million Americans make more than $75,000 a year. But the Census Bureau says only 11 million people earn that much. So who are we going to believe?

Well, here is how liberals come up with numbers. They are not looking at take home pay, they are not looking at how much money is available at the end of the month to pay bills, they are adding all the things they take out of one's paycheck. Here is what they are adding, considering part of one's income:

First, one's adjusted gross income; the money taken out of the paycheck for IRA and Keogh deductions, the money taken out of the check for social security, the money taken out of the check for pensions, the money taken out of the check for life insurance. They are even adding the money one pays in rent every month.

Now I do not know about my colleagues, but the last time I wrote out a rent check it felt more like an expense than income.

Now add all these things up, and everyone in America is rich, and that is funny because most people in America do not feel very rich after they pay bills every month. That is why we Republicans are working to give working Americans, not rich Americans, tax cuts, their first tax cuts in 16 years.

WE SHOULD NOT CHARGE GRADUATE STUDENTS TAXES ON MONEY THEY DO NOT EARN

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

Mr. DEFAZIO. Mr. Speaker, we are hearing some creative accounting on the other side. They are saying American families who earn $25,000 a year do not pay taxes so they should not get a child tax credit.

They do pay taxes, and they should be entitled to a credit; a rookie cop, a beginning teacher.

But let us talk about real creative stuff on their side. They want to tax people who do not have earnings. Graduate students would have to pay taxes on their tuition waivers under a little provision they stuck into this bill.

Now if someone were a graduate student, they would give you a stipend of $300 or $400 a month, but they get a $5,000 relief from their tuition. The Republicans are saying, "You should pay taxes on that $5,000 you don't get." Now what kind of opportunity is that?

This is such a bad idea that the last time this provision of law expired, I sponsored legislation to fix this problem, and even Ronald Reagan agreed that we should not charge graduate students taxes on money they do not earn. But the Republicans have stuck it in this bill to help pay for tax cuts for corporations and for the wealthy. That is outrageous.

GOVERNMENT'S POWER TO TAKE AWAY OUR DREAMS HAS GROWN TOO GREAT

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

Ms. DUNN. Mr. Speaker, few issues are more closely linked to the idea of freedom than taxation. America is a land of opportunity, but it can only be so if people are free from a government that stands in the way of individuals pursuing their own dreams. Families who came to America as immigrants earlier in this century may have arrived penniless, but they knew that through hard work in our country the sky was the limit. They knew that to be true because their friends and others who had come before them had proved that America really was a country where the sky was the limit.

Mr. Speaker, people came to America to escape the limits on their freedom at home, whether religious, economic, or political, and they came to pursue their dreams, but when Government takes more and more of the fruits of one's labor it becomes more and more difficult to pursue those dreams.

Quite simply, Government's power to take away from dreams has grown too great. It is time now to cut back on Government's power, it is time to cut back on taxes, it is time to bring back the opportunity that we know in this country of ours called America.

WHY AMERICANS FAVOR THE DEMOCRATIC ALTERNATIVE

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

Mr. MENENDEZ. Mr. Speaker, the Democrats want tax cuts for working taxpaying families. A lot of smoke is being created here to say, well, who is really saying the truth? Well, let us look at the Congressional Research Service report made by the nonpartisan Library of Congress, by the specialists on the economics end of policy, that says the Office of Treasury provides a more comprehensive measure, more consistent with how economists would measure the bill's benefits to individuals in different income classes. What they conclude is that using measures that are more consistent with conventional economic analysis the permanent provisions of the bill the Office of Treasury estimates indicate that by any distributional measure; that means who gets what, the tax cuts under the Republican plan favor higher income individuals in the House and Senate bills with the effects more pronounced in the House bill.

Mr. Speaker, that is why Americans throughout the country favor the democratic alternative. They understand it is for working taxpaying families.

THE MIKE TYSON TAX BITE

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

Mr. TIAHRT. Mr. Speaker, lend me your ear.

Uncle Sam's tax bite has gotten so overbearing that not even Mike Tyson could defend himself. Taxpayers everywhere are so outraged that some are calling it the Mike Tyson tax bite. Hard-bitten taxpayers who call up the IRS to complain sure do get an earful.

Mr. Speaker, I think it is time for taxpayers to bite back. Uncle Sam's relentless drive to take an ever greater bite out of the family budget is an insult to taxpayers everywhere who want to pay their fair share but think that Mike Tyson tactics are over the line.

Uncle Sam's tax bite is more than just irritating. It is downright offensive to the spirit of fair play.

It is time to put a stop to Uncle Sam's ear-isistible urge to rip off a huge chunk from the family paycheck. Taxpayers and Congress should not allow such barbaric behavior to continue. It is time for the taxpayers to stand up and declare, "No mas." It is time for tax relief for working Americans.

□ 1000

TAX FAIRNESS FOR WORKING FAMILIES

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

Mr. WYNN. Mr. Speaker, I, too, want to talk about taxes, but I want to talk about it in a little different way. I want to talk about tax fairness, because that is what this debate is really all about.

The Republican tax plan gives 60 percent of the benefits in tax cuts to the richest 5 percent of Americans. We think that is wrong. We think working families, working Americans, ought to get the lion's share of the tax benefits.

If Members look at the Republican plan, we will find something very interesting. They are willing to give a child

tax credit of $500 per child for families making over $100,000 a year, but when we say we have a police officer who makes $25,000 a year, or perhaps a clerk that makes $30,000 a year, they say, no, they get the earned income tax credit so they should not get a child tax credit.

That does not make sense. They have tax breaks for dinners, lunches, for travel, corporate welfare for building roads, corporate welfare for attending trade shows overseas; there are lots of tax breaks for the wealthy. That is OK. But now, today, we have an opportunity to have tax fairness for working families. That is what we ought to do.

A TRIBUTE TO NASA

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

Mr. FORD. Mr. Speaker, I rise this morning to praise the men and women of NASA, and to applaud the vision and leadership of NASA Administrator Dan Golden.

The landing of the Pathfinder explorer on Mars and the subsequent exploration by the Sojourner rover, named after that great American hero, Sojourner Truth, demonstrates that the United States is the global leader in science, technology, and space exploration. It is especially fitting, Mr. Speaker, that the United States is making one of its most substantial achievements in space at the same time that President Clinton is expanding NATO, our most successful military alliance in contemporary history.

In 1960, at the height of the cold war, President Kennedy challenged the Nation to send a man to the Moon by the end of the decade. Spurred by strategic competition with the Soviet Union, we met that challenge. Today, however, Mr. Speaker, the cold war is over, but the challenge to inspire our people in the national interest still exists today.

If we expect to build on the successes of the Pathfinder mission and to make NATO a success well into the 21st century, we must recommit ourselves to educating our people, educating our young people, and educating those who are going off to college. A national commitment to education will enable us to produce the scientists, engineers, astronauts, and diplomats that will ensure our national security and make future space exploration a reality.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

□ 1003

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 10, 1997, the bill had been read through page 76, line 7.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the schedule, at least as we see it for the rest of the day, would be we will have two 15-minute votes immediately. One will be on the Klug-Miller-Foley amendment, and the second will be on the Royce amendment, and then we will go on to the balance of the bill. Our goal is to finish by 2 o'clock today, and I think if we can get some time limit agreements on the balance of the amendments, we will be able to do that and finish the bill.

Other than that, following the two 15-minute votes there will not be a Journal vote, but following the two 15-minute votes we will then move to the Ehlers amendment. I believe there is 1 hour of time for that, and then we will try to keep moving, and as I said before, get this completed by 2 o'clock today.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 181, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Wisconsin [Mr. KLUG]; and the amendment offered by the gentleman from California [Mr. ROYCE].

AMENDMENT NO. 5 OFFERED BY MR. KLUG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG:

Page 58, line 18, after the dollar amount, insert the following: "(increased by $292,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 18, as follows:

[Roll No. 264]

AYES—173

Allen
Andrews
Archer
Armey
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bilbray
Blagojevich
Blumenauer
Blunt
Brown (FL)
Brown (OH)
Bryant
Burr
Camp
Campbell
Cannon
Capps
Carson
Castle
Chabot
Christensen
Coble
Collins
Condit
Cooksey
Cox
Davis (FL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Ehlers
Ehrlich
Ensign
Eshoo
Fawell
Filner
Foley
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gordon
Goss
Granger
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hinchey
Hoekstra
Hooley
Horn
Hulshof
Inglis
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kind (WI)
Kingston
Kleczka
Klug
Lantos
Latham
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Markey
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Neumann
Nussle
Obey
Olver
Owens
Pallone
Pappas
Paul
Paxon
Peterson (MN)
Petri
Pitts
Porter
Portman
Quinn
Ramstad
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Thornberry
Thune
Tiahrt
Tierney
Towns
Upton
Velázquez
Vento
Waxman
Weldon (FL)
Wexler
Weygand
White
Woolsey

NOES—243

Abercrombie
Ackerman
Aderholt
Bachus
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brown (CA)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fazio
Flake
Foglietta
Forbes
Ford
Fox
Frost
Gallegly
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hefner

Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McHale
McHugh
McIntosh
Meek
Metcalf
Mica
Millender-McDonald
Mink
Moakley
Mollohan
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Parker
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Spratt
Stenholm
Stokes
Strickland
Stupak
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman
Torres
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—18

Berman
Boehlert
Bonior
Boucher
Brady
Chenoweth
Doolittle
Farr
Hansen
Hostettler
Minge
Molinari
Pelosi
Riggs
Schiff
Slaughter
Weldon (PA)
Young (AK)

□ 1026

Mr. MCHALE, Ms. MILLENDER-MCDONALD, and Messrs. PETERSON of Pennsylvania, MCDADE, SCOTT, and LIVINGSTON changed their vote from "aye" to "no."

Messrs. PAXON, STUMP, MORAN of Virginia, GIBBONS, MCNULTY, HINCHEY, STEARNS, Mrs. FOWLER, and Messrs. MORAN of Kansas, SAXTON, and INGLIS of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Chairman, I was unavoidably detained on rollcall No. 264. Had I been present, I would have voted "aye."

The amendment offered by Representatives KLUG, MILLER, and FOLEY to increase by $292 million the bill's rescission of $100 million from the Energy Department's Clean Coal Technology Program [CCTP] is one I agree with wholeheartedly.

This program has been plagued by a history of waste and mismanagement. A 1991 U.S. General Accounting Office [GAO] report discovered that a large portion of projects had either been terminated within a few years of being unfunded, experienced substantial schedule delays, or exceeded their budgets. In addition, the same GAO report found that "DOE selected some projects that are demonstrating technologies that might have been commercialized without federal assistance."

During an era of supposed fiscal responsibility, this program illuminates inefficiencies of the past.

AMENDMENT OFFERED BY MR. ROYCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. ROYCE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE:

Page 59, line 10, insert after the dollar amount "(reduced by $21,014,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 246, not voting 13, as follows:

[Roll No. 265]

AYES—175

Allen
Andrews
Armey
Bachus
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bilbray
Blagojevich
Blumenauer
Blunt
Boswell
Bryant
Campbell
Canady
Cannon
Carson
Castle
Chabot
Christensen
Coble
Collins
Condit
Cox
Crane
Danner
Davis (FL)
Deal
DeFazio
DeGette
Dellums
Deutsch
Dickey
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Fawell
Filner
Foley
Fowler
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Goode
Goodlatte
Goodling
Goss
Gutknecht
Harman
Hastings (FL)
Hayworth
Hefley
Hinchey
Hoekstra
Hooley
Horn
Hulshof
Hunter
Hutchinson
Inglis
Johnson (WI)
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kind (WI)
Kingston
Kleczka
Klug
LaFalce
Latham
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Manzullo
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Miller (CA)
Miller (FL)
Minge
Moran (KS)
Morella
Nadler
Neal
Neumann
Norwood
Nussle
Obey
Olver
Owens
Pallone
Paul
Paxon
Peterson (MN)
Petri
Pitts
Porter
Portman
Quinn
Radanovich
Ramstad
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Souder
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Thune
Tiahrt
Tierney
Torres
Upton
Velázquez
Vento
Waxman
Weldon (FL)
Wexler
Weygand
White
Woolsey

NOES—246

Abercrombie
Ackerman
Aderholt
Archer
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fazio
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frost
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Houghton
Hoyer
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McDermott
McHale
McInnis
McKeon
Meek
Mica
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Spratt
Stenholm
Stokes
Strickland
Stupak
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield

Wicker	Wolf	Yates
Wise	Wynn	Young (FL)

NOT VOTING—13

Berman	Hansen	Slaughter
Bonior	Hostettler	Weldon (PA)
Boucher	Molinari	Young (AK)
Doolittle	Riggs	
Farr	Schiff	

□ 1043

Mr. TORRES changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No.'s 264 and 265, I was unable to be present to vote due to a personal family commitment off of Capitol Hill. Had I been present, I would have voted "aye" on both matters.

□ 1045

The CHAIRMAN. If there are no further amendments at this point, the Clerk will read.

The Clerk read as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses of the National Endowment for the Arts, $10,000,000.

POINT OF ORDER

Mr. CRANE. Mr. Chairman, I rise for a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. CRANE. Mr. Chairman, I make a point of order that the language contained on page 76, lines 10 through 13, constitutes an unauthorized appropriation in violation of clause 2 of House rule XXI.

Mr. Chairman, the language I have specified is an appropriation of $10 million for necessary expenses of the National Endowment for the Arts. Authorization in law for the National Endowment for the Arts expired in fiscal year 1993.

Mr. Chairman, specifically, clause 2(a) of House rule XXI states, "No appropriation shall be reported in a general appropriation bill for any expenditure not previously authorized by law."

Mr. Chairman, since the National Endowment for the Arts is clearly not authorized in law, and the bill includes an appropriation of funds for this agency, I make a point of order that the language is in obvious violation of clause 2 of rule XXI.

Mr. YATES. Mr. Chairman, I request that the gentleman from Illinois [Mr. CRANE] withhold his point of order to permit me to make a statement.

The CHAIRMAN. The gentleman from Illinois may be heard on his point of order.

Mr. YATES. Mr. Chairman, I wondered whether he would defer his point of order.

The CHAIRMAN. Will the gentleman from Illinois [Mr. CRANE] reserve the point of order only to permit the gentleman from Illinois [Mr. YATES] to strike the last word?

Mr. CRANE. Yes, I will do that, Mr. Chairman.

Mr. YATES. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE] for permitting me to discuss the amendment and to hold off the point of order.

I dare to think of offering an amendment in view of what happened on the floor yesterday, in view of the remarkable closeness of the vote, which our side thought we had won, I dare to hope that perhaps some of my colleagues on the other side may, including the gentleman from Illinois [Mr. CRANE], might want to give the Members of the House a chance to vote on NEA to see whether or not the House would again sustain his position in opposition to the point of order.

Would it be as close as the vote on the rule? I would be willing to bet that the vote on NEA itself would support NEA by at least 50 votes. If my memory serves me correctly, that was the difference the last time my colleague rose to kill NEA.

Is it possible that my colleague, the gentleman from Illinois [Mr. CRANE], might withdraw his point of order to give us this opportunity to let the Members of the House vote on the subject? What does he think?

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

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

Mr. CRANE. Mr. Chairman, I respectfully like the approach of the gentleman from Illinois [Mr. YATES] to this issue, and I know he has fought valiantly through the years. But, as I indicated, these are the rules of the House; and as a result of that, I still adhere to the point of order that I made, Mr. Chairman.

Mr. YATES. Reclaiming my time, Mr. Chairman, the gentleman from Illinois [Mr. CRANE] is absolutely correct. They are the rules of the House. I was hoping that perhaps he would overlook the strict version of the rules of the House and give us the opportunity to have our vote on NEA.

Under the circumstances, Mr. Chairman, I have no alternative except to concede the point of order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Illinois [Mr. CRANE] insist on his point of order?

Mr. CRANE. I do insist on my point of order, Mr. Chairman.

The CHAIRMAN. Is there any other Member that wishes to be heard on the point of order?

The Chair is prepared to rule. In reviewing section 11(c) of the National Foundation on the Arts and Humanities Act of 1965, codified in title 20, section 960, of the United States Code, the Chair finds that the authorization for the National Endowment for the Arts has lapsed with fiscal year 1993.

The provision contains an unauthorized appropriation, and the point of order is sustained. Accordingly, the paragraph is stricken from the bill.

AMENDMENT OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. EHLERS:

Page 76, after line 13, insert the following:

SUPPORT FOR THE ARTS

FINANCIAL ASSISTANCE TO STATES AND LOCAL EDUCATION AGENCIES TO SUPPORT THE ARTS

For the necessary expenses to carry out section 202, $80,000,000. Each amount otherwise appropriated in this Act (other than in this paragraph) is hereby reduced by 0.62 percent.

GENERAL PROVISIONS

TERMINATION OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 201. (a) REPEALERS.—Sections 5, 5A, and 6 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 954, 955) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) DECLARATION OF PURPOSE.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(A) in paragraphs (1) and (6) by striking "arts and the",

(B) in paragraphs (2) and (5) by striking "and the arts",

(C) in paragraphs (4), (5), and (9) by striking "the arts and",

(D) in paragraph (7) by striking "the practice of art and",

(E) by striking paragraph (11), and

(F) in paragraph (12) by striking "the Arts and" and redesignating such paragraph as paragraph (11).

(2) DEFINITIONS.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(A) by striking subsections (b), (c), and (f), and

(B) in subsection (d)—

(i) by striking "to foster American artistic creativity, to commission works of art,",

(ii) in paragraph (1)—

(I) by striking "the National Council on the Arts or", and

(II) by striking ", as the case may be,",

(iii) in paragraph (2)—

(I) by striking "sections 5(l) and" and inserting "section",

(II) in subparagraph (A) by striking "artistic or", and

(III) in subparagraph (B)—

(aa) by striking "the National Council on the Arts and", and

(bb) by striking ", as the case may be,", and

(iv) by striking "(d)" and inserting "(b)", and

(C) by redesignating subsections (e) and (g) as subsections (c) and (d), respectively.

(3) ESTABLISHMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES.—Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(A) in subsection (a)—

(i) by striking "the Arts and" each place it appears, and

(ii) by striking "a National Endowment for the Arts,",

(B) in subsection (b) by striking "and the arts", and

(C) in the heading of such section by striking "THE ARTS AND".

(4) FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

(A) in subsection (a) by striking "the Arts and",

(B) in subsection (b) by striking "the Chairperson of the National Endowment for the Arts,",

(C) in subsection (c)—

(i) in paragraph (1) by striking "the Chairperson of the National Endowment for the Arts and",

(ii) in paragraph (3)—

(I) by striking "the National Endowment for the Arts", and

(II) by striking "Humanities," and inserting "Humanities", and

(iii) in paragraphs (6) and (7) by striking "the arts and".

(5) ADMINISTRATIVE FUNCTIONS.—Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "in them",

(II) by striking "the Chairperson of the National Endowment for the Arts and", and

(III) by striking ", in carrying out their respective functions,",

(ii) by striking "of an Endowment" each place it appears,

(iii) in paragraph (2)—

(I) by striking "of that Endowment" the first place it appears and inserting "the National Endowment for the Humanities",

(II) by striking "sections 6(f) and" and inserting "section", and

(III) by striking "sections 5(c) and" and inserting "section", and

(iv) in paragraph (3) by striking "Chairperson's functions, define their duties, and supervise their activities" and inserting "functions, define the activities, and supervise the activities of the Chairperson",

(B) in subsection (b)—

(i) by striking paragraphs (1), (2), and (3), and

(ii) in paragraph (4)—

(I) by striking "one of its Endowments and received by the Chairperson of an Endowment" and inserting "the National Endowment for the Humanities and received by the Chairperson of that Endowment", and

(II) by striking "(4)",

(C) by striking subsection (c),

(D) in subsection (d)—

(i) by striking "Chairperson of the National Endowment for the Arts and the", and

(ii) by striking "each" the first place it appears,

(E) in subsection (e)—

(i) by striking "National Council on the Arts and the", and

(ii) by striking ", respectively,", and

(F) in subsection (f)—

(i) in paragraph (1)—

(I) by striking "Chairperson of the National Endowment for the Arts and the", and

(II) by striking "sections 5(c) and" and inserting "section",

(ii) in paragraph (2)(A)—

(I) by striking "either of the Endowments" and inserting "National Endowment for the Humanities", and

(II) by striking "involved", and

(iii) in paragraph (3)—

(I) by striking "that provided such financial assistance" each place it appears, and

(II) in subparagraph (C) by striking "the National Endowment for the Arts or".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 960) is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraphs (A) and (C), and

(ii) in subparagraph (B) by striking "(B)",

(B) in subsection (a)(2)—

(i) by striking subparagraph (A), and

(ii) in subparagraph (B)—

(I) by striking "(B)", and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively,

(C) in subsection (a)(3)—

(i) by striking subparagraph (A),

(ii) by redesignating subparagraph (B) as subparagraph (A),

(iii) by striking subparagraph (C), and

(iv) in subparagraph (D)—

(I) by striking "(D)" and inserting "(B)", and

(II) by striking "and subparagraph (B)",

(D) in subsection (a)(4)—

(i) by striking "Chairperson of the National Endowment for the Arts and the",

(ii) by striking ", as the case may be,", and

(iii) by striking "section 5(e), section 5(l)(2), section 7(f)," and inserting "section 7(f)",

(E) in subsection (c)—

(i) by striking paragraph (1), and

(ii) in paragraph (2) by striking "(2)",

(F) in subsection (d)—

(i) by striking paragraph (1), and

(ii) in paragraph (2) by striking "(2)", and

(G) by striking subsection (f).

(d) TRANSITION PROVISIONS.—

(1) TRANSFER OF PROPERTY.—On the effective date of the amendments made by this section, all property donated, bequeathed, or devised to the National Endowment for the Arts and held by such Endowment on such date is hereby transferred to the National Endowment for the Humanities.

(2) TERMINATION OF OPERATIONS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of the National Endowment for the Arts and the National Council on the Arts. Except as provided in paragraph (1), the Director shall provide for the transfer or other disposition of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with implementing the authorities terminated by the amendments made by this section.

(e) CONFORMING AMENDMENTS TO OTHER LAWS.

(1) POET LAUREATE CONSULTANT.—Section 601 of Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177) is amended by striking subsection (c).

(2) EXECUTIVE SCHEDULE PAY RATE.—Title 5 of the United States Code is amended in section 5314 by striking the item relating to the Chairman of the National Endowment for the Arts.

(3) INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking "the National Endowment for the Arts".

(4) DELTA REGION PRESERVATION COMMISSION.—Section 907(a) of National Parks and Recreation Act of 1978 (16 U.S.C. 230f(a)) is amended—

(A) by striking paragraph (7),

(B) in the first paragraph (8) by striking the period at the end and inserting "; and", and

(C) by redesignating the first paragraph (8) as paragraph (7).

(5) NATIONAL TEACHER ACADEMIES.—Section 514(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1103c(b)(4)) is amended by striking "and the National Endowment for the Humanities".

(6) JACOB K. JAVITS FELLOWSHIP PROGRAM.—Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)) is amended by striking "the National Endowment for the Arts,".

(7) GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.—Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)) is amended by striking "National Endowments for the Arts and the Humanities" and inserting "National Endowment for the Humanities".

(8) AMERICAN FOLKLIFE CENTER.—Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)) is amended—

(A) by striking paragraph (5), and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(9) JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—Section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended—

(A) in paragraph (3) by adding "and" at the end, and

(B) by redesignating paragraph (5) as paragraph (4).

(10) STANDARDS AND SYSTEMS FOR OUTDOOR ADVERTISING SIGNS.—Section 131(q)(1) of title 23, United States Code, is amended by striking "including the National Endowment for the Arts,".

(11) INTERNATIONAL CULTURE AND TRADE CENTER COMMISSION.—Section 7(c)(1) of Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(A) by striking subparagraph (I), and

(B) by redesignating subparagraph (J) as subparagraph (I).

(12) LIVABLE CITIES.—The Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.) is amended—

(A) in section 804—

(i) in paragraph (4) by inserting "and" at the end,

(ii) by striking paragraphs (5) and (7), and

(iii) in paragraph (6)—

(I) by striking "; and" at the end and inserting a period, and

(II) by redesignating such paragraph as paragraph (5), and

(B) in section 805—

(i) in subsection (a)—

(I) by striking ", in consultation with the Chairman,", and

(II) in paragraph (3) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(ii) in subsection (b) by striking "and the Chairman shall establish jointly" and inserting "shall establish",

(iii) in subsection (c) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(iv) in subsection (d)—

(I) by striking "consult with the Chairman and", and

(II) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary", and

(v) in subsection (e) by striking ", in cooperation with the Chairman,".

(13) CONVERSION OF RAILROAD PASSENGER PROVISIONS.—Title 49 of the United States Code is amended—

(A) in section 5562 by striking subsection (c),

(B) in section 5563(a)(4)—

(i) in subparagraph (A) by adding "or" at the end,

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraph (C) as subparagraph (B),

(C) in section 5564(c)(1)(C) by striking "or the Chairman of the National Endowment for the Arts", and

(D) in section 5565(c)(1)(B) by striking "or the Chairman of the National Endowment for the Arts".

(14) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION AND IMPROVEMENT ACT OF 1994.—Title IX of Public Law 103-227 (20 U.S.C. 6001 et seq.) is amended—

(A) in section 921(j)—

(i) by striking paragraph (5), and

(ii) by redesignating paragraphs (6), (7) and (8) as paragraphs (5), (6), and (7), respectively, and

(B) in section 931(h)(3)—

(i) by striking subparagraph (H), and

(ii) by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs(H), (I), (J), and (K), respectively.

(15) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Public Law 103-382), is amended—

(A) in section 2101(b) by striking "the National Endowment for the Arts,",

(B) in section 2205(c)(1)(D) by striking "the National Endowment for the Arts," and inserting "and",

(C) in section 2208(d)(1)(H)(v)—

(i) by inserting "and" after "Services," the 2nd place it appears, and

(ii) by striking ", and the National Endowment for the Arts",

(D) in section 2209(b)(1)(C)(vi) by striking "the National Endowment for the Arts,",

(E) in section 3121(c)(2) by striking "the National Endowment for the Arts,",

(F) in section 10401—

(i) in subsection (d)(6) by striking "the National Endowment for the Arts,", and

(ii) in subsection (e)(2) by striking "the National Endowment for the Arts,",

(G) in section 10411(a)—

(i) by striking paragraph (2), and

(ii) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively,

(H) in section 10412(b)—

(i) in paragraph (2) by striking "the Chairman of the National Endowment for the Arts,", and

(ii) in paragraph (7) by striking ", the Chairman of the National Endowment for the Arts",

(I) in section 10414(a)(2)(B)—

(i) in clause (i) by inserting "and" at the end,

(ii) by striking clause (ii), and

(iii) by redesignating clause (iii) as clause (ii).

(16) DELTA REGION HERITAGE; NEW ORLEANS JAZZ COMMISSION.—Public Law 103-433 (108 Stat. 4515) is amended—

(A) in section 1104(b) by striking "the Chairman of the National Endowment for the Arts,", and

(B) in section 1207(b)(6) by striking "and one member from recommendations submitted by the Chairman of the National Endowment of the Arts,".

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

FEDERAL FINANCIAL ASSISTANCE TO THE STATES AND LOCAL EDUCATION AGENCIES TO SUPPORT THE ARTS

SEC. 202. (a) SHORT TITLE.—This section may be cited as the "Art for Kids Act".

(b) GRANTS TO STATES.—From funds allotted under subsection (e)(2), the Secretary of Education may make grants to eligible States to support the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States through—

(1) projects and productions which have substantial national or international artistic and cultural significance;

(2) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit;

(3) projects and productions that will encourage and assist artists to work in residence at an educational or cultural institution;

(4) projects and productions which have substantial artistic and cultural significance;

(5) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

(6) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

(7) programs for the arts at the local level; and

(8) projects that enhance managerial and organizational skills and capabilities.

(c) GRANTS TO LOCAL EDUCATION AGENCIES.—From funds allotted under subsection (e)(1), the Secretary of Education may make grants to eligible local education agencies to carry out activities relating to the arts for the benefit of children.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year, a State or local education agency shall submit an application for such grants at such time as shall be specified by the Secretary and accompany such application with a plan that the Secretary finds—

(1) in the case of a State applicant, designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan;

(2) provides that funds paid to the State or the local education agency under this section will be expended solely on projects, productions, and activities approved by the State agency or the local education agency, as the case may be, described in subsection (b) or (c), respectively;

(3) provides that such projects, productions, and activities will be carried out—

(A) in public, private, or public charter schools;

(B) on government property;

(C) in government-owned or community art museums; or

(D) in government-owned or community theaters;

(4) provides that the State agency or the local education agency, as the case may be, will make such reports, in such form and containing such information, as the Secretary may from time to time require, including a description of the progress made toward achieving the goals of the plan involved;

(5) provides—

(A) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

(B) a summary of such recommendations and the State agency's response to such recommendations;

(6) contains—

(A) a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this section;

(B) in the case of a State applicant, for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State agency are available to all people and communities in the State; and

(C) a description of projects and productions receiving financial assistance under this section that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under subparagraph (B);

(7) an assurance that no part of a grant received under this section will be used for any project, production, or activity that is obscene or contains sexually explicit conduct;

(8) an assurance that no part of a grant received under this section will be used to provide financial assistance to any applicant who in the then preceding 5-year period had artistic control of, or contributed significant financial support for any project, production, or activity that was obscene or contained sexually explicit conduct; and

(9) an assurance that such funds will be used to supplement, and not to supplant, non-Federal funds.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(e) ALLOTMENT OF FUNDS.—

(1) 60 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among local education agencies based on the population of children who are not less than 5 years of age, and not more than 17 years of age, residing in the geographical area under the jurisdiction of such agencies.

(2) 37 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among the States as follows:

(A) If the amount appropriated for a fiscal year does not exceed $11,200,000, then the each State shall receive an equal share of such amount.

(B) If the amount appropriated for a fiscal year does exceed $11,200,000, then—

(i) the each State shall receive $200,000; and

(ii) the amount remaining after making the allotment required by clause (i) shall be allocated among the States based on population.

(f) MAINTENANCE OF EFFORT.—

(1) STATES.—If in any fiscal year the amount of non-Federal funds expended by a State to carry out activities relating to the arts is less that the amount of such funds so expended in the preceding fiscal year by such State, then the amount such State would be eligible to receive under this section but for the operation of this paragraph shall be reduced by 3 times the percentage reduction of such non-Federal funds.

(2) LOCAL EDUCATION AGENCIES.—(A) Except as provided in subparagraph (B), if in any fiscal year the amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 90 percent the amount of such funds so expended in the preceding fiscal year by such agency, then such agency shall

be ineligible to receive a grant under this section for each fiscal year in 5-year period beginning after the fiscal year in which the reduction occurs.

(B) If throughout any period of 5 consecutive fiscal years the aggregate amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 80 percent the amount of such funds so expended in the 5-year period ending immediately before such period of 5 consecutive fiscal years, then such agency shall be ineligible to receive a grant under this section for each fiscal year in 5-year period beginning immediately after such period of 5 consecutive fiscal years during which the reduction occurs.

(g) COMPLIANCE.—Whenever the Secretary, after reasonable notice and opportunity for hearing, finds that—

(1) a State agency or local education agency is not complying substantially with terms and conditions of its plan approved under this section; or

(2) any funds granted to a State agency or local education agency under this section have been diverted from the purposes for which they were allotted or paid;

the Secretary shall immediately notify the Secretary of the Treasury and the State agency or local education agency with respect to which such finding was made that no further grants will be made under this section to such agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(h) GUIDELINES.—The Secretary shall issue guidelines that facilitate compliance with this section.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this country, and the study and application of the arts to the human environment;

(2) the term "sexually explicit conduct" has the meaning given it in section 2256 of title 18, United States Code;

(3) the term "local education agency" has the meaning given it in section 14101 of the Elementary and Secondary Education Act of 1965;

(4) the term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, video tape and sound recordings, and any other activities involving the execution or rendition of the arts;

(5) the term "project" means programs organized to carry out this section, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment, and includes the renovation of facilities if (i) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000;

(6) the term "Secretary" means the Secretary of Education; and

(7) the term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands of the United States.

(i) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Education shall submit annually to the Congress a report describing the extent to which recipients of grants made under subsections (b) and (c) comply with the requirements of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for fiscal year 1998.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Michigan [Mr. EHLERS] and a Member opposed the gentleman from Illinois [Mr. YATES] each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

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

This amendment is an attempt to mediate or to end a long-standing dispute in the House of Representatives regarding funding of the arts. As my colleagues well know, every year we have a battle about the NEA and the manner in which it disburses Federal funding. This year for the first time it appears definite that the House will not approve funding for the NEA, as we just observed.

This amendment is an effort to separate the issue into two aspects. One is the funding of the arts. The second is the method of distributing the funding for the arts. The purpose of my amendment is to avoid the battles we have had in the past about the NEA and the manner in which they distributed their funds by developing a new distribution system and yet maintain the funding of the arts that we have had during the past year.

The amount of money we are arguing about is relatively small in the sense of the amount per citizen. Last year we funded the arts in this Nation to the tune of 38 cents per capita. The bill that is before us had great difficulty reaching the floor. As we all know, the rule passed by only one vote. And yet the entire debate appeared to focus on the arts and the funding for the arts.

I happen to support the arts. I also support funding for the arts. In fact, I support Federal funding for the arts when it is handled appropriately.

This amendment will provide appropriate funding for the arts. The NEA has proved to be a lightning rod. It has attracted all types of criticism because they have, upon occasion, given money for art which is profane, or obscene, or vulgar, or sacrilegious, or sometimes all four.

The amendment avoids this problem by recognizing that there are not enough votes in this body, as it is presently constituted, to support the continuation of the NEA, and simply says we will recognize the fact that the NEA cannot pass the House of Representatives but it is very important to continue the funding.

This amendment has other advantages over past methods of distributing funding. One of my goals was to achieve equity. Currently we have approximately $229,000 contributed by every Member's district toward the operation of the NEA and the funding of the arts. Of that amount, most districts do not get anywhere near that kind of money back.

In fact, 25 percent of the arts funding distributed in programs by the NEA went to one State. Let me say that again. One-fourth of all arts programs funding went to one State. That is hardly what one would consider equitable funding. I refuse to believe that one-fourth of the worthy artists in this country all reside in one State.

The amount we are advocating is $80 million, which is even less than last year. It is 31 cents per capita. So if any citizen should happen to write one of my colleagues and object to the Federal funding of the arts, they are spending more on their stamp than they spend on support of the arts. I think that helps put this in perspective.

This is not, however, a reduction from last year, even though it is almost a $20 million reduction in total funding. It simply gets rid of $20 million in overhead and internal operations of the NEA which we will not be perpetuating.

The amendment is somewhat vague about the precise guidelines to be followed in distributing the funds, and that was done deliberately because, at the request of the authorizing committee, they wish to prepare an authorization bill. And we have a gentleman's agreement that the actions of the authorizing committee will, in fact, guide the deliberations of the House members of the conference once this bill reaches the conference committee.

Now, I am concerned, because this effort emphasizes funding for the arts and equitable distribution for the funding of the arts, and I have been told that some of the Members on this body on the other side of the aisle plan to vote against this amendment because it does not continue the NEA.

I urge Members on the other side of the aisle not to listen to that argument. I happen to believe funding the arts is more important than the existence of the NEA. I think it is much preferable to send a bill from this House containing $80 million to fund the arts and provide some continuation of funding than to send a bill across to the other side of the rotunda which has

zero dollars appropriated for the funding of the arts.

So I urge my colleagues on both sides of the aisle to support this bill. This is a new approach that will provide block grants to the States. It will provide as much funding for the arts commissions for their own general distributional purposes as they had last year in every State, or, perhaps, in many cases more. Approximately 26 of the 50 States will get more money this time because we will not have one-fourth going to one State.

Furthermore, it provides additional money for arts education in the schools, and I believe that is very, very important. First of all, it is proven that arts education at an early age helps in brain development and helps students do better in other fields. But, in addition to that, I believe that proper arts education will help develop greater arts appreciation in this Nation and will ensure healthy continuation of the arts in the future.

So Mr. Chairman, I urge that this amendment be adopted, that we not get wrapped up in the details of the distribution mechanism. We can certainly work that out through the authorizing committee as we go to conference. But this, I believe, is a worthy amendment which will continue funding for the arts even though the NEA will no longer exist as the House bill passes.

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

Mr. YATES. Mr. Chairman, I yield myself 1½ minutes, and I want to request the attention of the gentleman from Michigan [Mr. EHLERS].

I asked NEA how much money is being allocated to the States; and I was told that by statute 35 percent of the program funds are being allocated to the States, but that in practice 37 percent of their program funds. I was told also that under their interpretation the amount that my colleague would make available would be less for each State than the amount they currently get.

I thought the gentleman from Michigan [Mr. EHLERS] ought to know that so that he might have the opportunity of verifying it with NEA, as well.

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

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

Mr. EHLERS. Mr. Chairman, I am aware of those figures. First of all, I think two comments must be made. They are per-State figures. They also include roughly $2 million which is designated for arts education. We are designating far more than that for arts education. I did not include that in the title.

Mr. Chairman, if the gentleman would continue to yield, the other fact that they distributed I think is very misleading. They do not include, in the total being distributed to the States, the arts funding that we are distributing, and it makes it look like every State is getting less money. That is simply not true.

Mr. YATES. Mr. Chairman, reclaiming my time, the point I was trying to make is that there is not a great discrepancy between the amount that the States are currently getting under the NEA programs and the amount that I understand the gentleman proposes to make available under his amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the Ehlers amendment because it is designed to gut the NEA.

The National Association of State Arts Agencies, which is the organization that represents the State arts agencies that would get these block grants, is strongly opposed to the Ehlers amendment because they know that it will not help them provide quality programs to young people.

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These arts agencies benefit from NEA's experience and their leadership in creating partnerships with schools and universities across the country. They cannot do that on their own and certainly not with the small amount of money they would get from the Ehlers proposal.

Think about this. Under the Ehlers proposal, each school board would get about $3,000, or $1 per child. That is not going to work. It is almost laughable. No wonder that they oppose it.

Further, this amendment requires the Department of Education to create a new bureaucracy to administer the program. DOE does not have any competitive grant programs by subject area now. NEA has the staff expertise. DOE does not.

Let us not pretend that a vote for the Ehlers amendment represents a commitment to arts in this country. These State art agencies rely upon Federal leadership and direct funding of national initiatives to attract private, corporate, and foundation support, especially from funders who can be encouraged to provide matching support. That is why the major corporations have already told us they will not fill this vacuum.

But right now we are getting about $12 in nonfederal funding for every dollar that the NEA provides. That is what is working. It is seed money. It will not be seed money under this proposal.

Mr. Chairman, I strongly urge my colleagues to defeat this amendment, because this amendment is not what the State art agencies want and it is certainly not what our country needs.

Mr. EHLERS. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for his excellent amendment and just to answer a few of the questions that have been raised. First, why have we had this incredible debate over the last number of years?

It is not whether or not we spend the money, but in essence it has been who spends the money. We have had people in the NEA here in Washington, for whatever reason, who have disbursed money in a way that has embarrassed this House. We have had the horror stories of people handing out $10 bills to illegal aliens on the international border on the basis that that is an art project that shows the contribution of illegal aliens to the U.S. economy. We have had the desecration of the crucifix, these famous cases where absolute obscenity has been funded with U.S. taxpayer dollars, and the taxpayers do not like that.

This amendment does exactly the right thing. It eliminates the NEA, and that is the problem, the people who spend the money. But it does spend some money in a way that we all agree money should be spent, and that is that it gives it to kids. It sends money, most of the money, to the art classes in our grade schools, grammar schools and high schools throughout this country.

Pictures like this one, this was a picture from the district of the gentleman from California [Mr. THOMAS] done by Christopher Suniga from North High School in his district. This represents, and we all see, the great representation and manifestation of the talent of our kids when we walk the hallway from the Cannon Building over here to the Capitol to vote. We see wonderful art. We see all these budding artists who are being taught great art in their classes.

We have had art classes in schools for hundreds of years in this country. What this money will do is go to those kids, go to those classes. If the gentleman says, "Well, a dollar a student isn't going to do any good," I say it is going to do a lot more than handing out $10 bills to illegal aliens at the international border as some kind of a fuzzy-headed art project. We are not going to give the money to aging hippies anymore to desecrate the crucifix or do other strange things. We are going to give it to our kids, our 10 and 12 and 14 and 16-year-old kids who have talent, who want to develop that talent.

Lastly, it is going to give it to the kids on a per capita basis. That means, I say to my great friends from New York who have gotten 25 percent of the money over the years, all the States are going to get an equal amount of money based on their population, based on the number of kids they have who need to develop this talent.

This is a great amendment. It eliminates the NEA, and it funds art where

we really should fund it, and that is with our children. I thank the gentleman for offering this amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES], who over the years has been such a strong defender of the National Endowment for the Arts, for yielding me this time.

Mr. Chairman, I want to say to my friends on both sides of the aisle, do not be fooled by the Ehlers amendment. The intent, as the gentleman from California just stated, is to eliminate the NEA and to try to give cover to a few Members in providing money to State arts councils and back to the schools. The State arts councils say, "We don't want the money. We think this is a mistake. Killing the Endowment, our partner, is a mistake."

I must tell Members that over the years, and I have served on this committee for 21 years and I have watched the NEA, we have made some improvements. The gentleman from Ohio [Mr. REGULA], when he was the ranking member, insisted on language. I worked with him on that language to make certain that we got quality funding by the NEA. Out of 100,000 grants, 50 have been controversial. When it comes to the arts, that is not a big deal.

I want to say to my Republican friends, many of which have joined with the gentleman from New York [Mr. LAZIO] in signing a letter to the leadership on this issue, this is our test vote. This is our opportunity to say whether we are for the Endowment or whether we are against the Endowment. I think a showing defeating the Ehlers amendment is the right thing to do. Then we can move on and deal with the National Endowment for the Humanities.

The Endowment has worked well. I can tell my colleagues from the State of Washington's perspective, in 1977 we received 3 challenge grants. It had more to do with developing the arts in Washington State and in Seattle than any other thing. The work over the years with the Endowment has been good and positive. Jane Alexander has been an outstanding leader at the National Endowment for the Arts.

Again, this is a bad amendment. It is nothing but a cover for those people who want to have it both ways. I hope the House will reject it and let us go on and move forward.

Mr. EHLERS. Mr. Chairman, first of all I would simply respond, those who know me well know I do not try to fool anyone and this amendment is not intended to fool anyone.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, as chairman of the authorizing committee with jurisdiction over NEA, I would like to make a few comments about my understanding of the future of NEA.

At the outset, I would note that over the years, nothing associated with the NEA has ever been easy. There are always competing factions with strong views. In fact, because of these strongly held views, 1993 was the last year the NEA was authorized and for the past few years it has been continued on a year-to-year basis only by virtue of the appropriations process. In 1995, my committee did vote out, with some bipartisan help, an authorization to phase it out over a 3-year period. However, the leadership did not see fit to bring that to the floor of the House.

Now we have before us a rule which would allow the Ehlers amendment, block grant amendment, which is authorizing legislation to be attached to the appropriations bill. I would have preferred that they wait before moving authorizing legislation on this bill. However, it is my understanding that the authorizing committee will be permitted to work its will, according to the majority leader and the chairman of the appropriations Subcommittee on Interior.

Here is my understanding of how it will happen. Assuming the Ehlers amendment is adopted and goes to conference, the Committee on Education and the Workforce will work its will through the normal authorizing process in developing an arts-related bill over the next several weeks. It is my hope that the bill will be promptly reported from the committee prior to the end of September before the conference is held, and we will fill in all the details as far as what the bill will do.

Thereafter, the bill would be made available to the Interior conferees as a clear statement of the authorizing committee's views on the future of NEA. My understanding is the chairman of the Subcommittee on Interior will ensure that the authorizing committee's bill becomes the official position of the House in conference.

I do want to point out that I had a letter some months ago from Ms. Alexander, concerned that one of my subcommittees was doing a witch-hunt. I assured her that would not happen. However, I asked her to do what I did. We appreciate in my area the money we get for the York Symphony Orchestra, a very small amount but we appreciate what we get. However, I asked her to do what I did. I looked at "Watermelon Woman" in its entirety, I looked at "Sex Is" in its entirety, and I asked her to do the same and then report back to me and tell me what it is I missed, because I am sure I must have missed something, there must have been some reason for tax dollars to be used for those two films. As yet, I have not had a response.

I have long believed that the normal protocol of deferring to the authorizing committee is the way to handle these matters. With the understanding I have with the subcommittee chair and with our leadership, I will support the action that is being taken today.

Mr. YATES. Mr. Chairman, I yield myself 30 seconds in order to ask the gentleman a question. Do I understand the gentleman correctly that if the Ehlers amendment passes, he will then activate his committee in order to pass an arts bill?

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

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

Mr. GOODLING. The gentleman is correct.

Mr. YATES. Suppose Ehlers does not pass. Would the gentleman nevertheless activate his committee?

Mr. GOODLING. We probably will run out of time, because it will not become an emergency.

Mr. YATES. In other words, the activating of the gentleman's committee will depend upon passage of the Ehlers amendment?

Mr. GOODLING. The gentleman is correct.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, we have the chance today to uphold a long and a proud Federal commitment to culture and to humanity in the United States. But we can only maintain strong national support for the arts by rejecting block grants and restoring funding for the National Endowment for the Arts.

NEA opponents might make my colleagues think that the NEA budget is colossal, but NEA funds are 0.01 percent of the budget, a tiny amount of money. Eliminating the NEA would not balance our budget, but it would bankrupt an essential element of our Nation's culture and artistic heritage. In fact, Mr. Chairman, it turns us back to the Dark Ages.

Providing a small amount of money for the arts through the NEA is a catalyst for local, State, and private arts support. It ensures that small communities as well as large can enjoy American treasures in literature, painting, film, and the theater.

A small amount of NEA seed money has helped Connecticut's arts thrive. We saw the results this summer and last summer with performers from around the world who came to New Haven for the Second Annual International Festival of Arts and Ideas. The nonprofit arts employed more than 17,000 people in Connecticut and generated more than $1 billion for the State's economy in 1 year.

The NEA ensures that the arts are enjoyed not only by the affluent in

large cities but by the less well off in small towns. National grants are efficient. They allow exhibits and performers to travel to places. Even a small community that cannot afford a symphony can still enjoy a traveling orchestra's music.

NEA grants have had a positive effect across this Nation. One example: 3 grants benefited 140 small communities in all parts of this country. A grant to the Spanish Repertory Theater in New York enabled the company to tour Ohio, Pennsylvania, Colorado, Illinois, Texas, New Jersey, Connecticut, Massachusetts, and Wisconsin. If funds are block granted to the States, these kinds of traveling exhibits will be much harder to fund and to coordinate. The National Assembly of State Arts Agencies opposes block grants. Let us not return to the Dark Ages.

Mr. EHLERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, as a strong supporter of the arts, I want to add my voice to the others raised in support of the Ehlers-Hunter amendment. While this amendment would eliminate the NEA, it would not eliminate Federal funding for the arts. Instead, it would block grant Federal arts funds to allow communities, not bureaucrats in Washington, DC, to decide what kinds of projects are appropriate for funding in their areas. In light of the many questionable projects funded by the NEA in recent years, I think this is a very appropriate solution.

Under this proposal, more money will be provided for arts education in schools so that students will have access to art, whether it be going to a symphony or having an artist visit their school. In many of my rural communities, they just do not have the resources to provide these kinds of opportunities for their young students. This amendment addresses that situation and will be very beneficial to the youth of America, because the arts expand the mind and heart, they stimulate creativity and they encourage creative self-expression.

Mr. Chairman, I encourage support of the Ehlers-Hunter amendment.

□ 1115

Mr. YATES. Mr. Chairman, I yield myself 30 seconds.

Again I return to the statement by the gentleman from Pennsylvania, the chairman of the Committee on Education and the Workforce. If I understand him correctly, he finds fault with the Ehlers amendment because he proposes, if the Ehlers amendment is successful and passes, he is going to call his committee in order to pass a bill that is more appropriate that he can turn over to the conferees, rather than the Ehlers amendment itself. If the Ehlers amendment fails, he said, he will not have to do that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, yesterday the Republican leadership voted to kill the National Endowment for the Arts, and today unfortunately they are dancing on its grave.

With all due respect to my colleague from Michigan, this amendment is not a compromise, it is a sham. It will not undo the damage that will be inflicted on communities across the Nation by eliminating the NEA.

We do not need a new bureaucracy at the Department of Education, a new distribution system to support the arts. The NEA, particularly under the leadership of Jane Alexander, already has the expertise and a proven record of getting the job done.

Let me remind my colleagues that out of more than 112,000 NEA-funded grants over the past 32 years, only 45 are controversial. That is less than four one-hundredths of 1 percent of all grants. Let us not throw the baby out with the bath water simply because a few grants years ago were controversial.

As I mentioned yesterday, this battle is not about defending the values of mainstream America. This is about pandering to Pat Robertson and the Christian Coalition. The assault on the arts, on cultural expression itself, is an outrage, and it must be defeated.

One of the standards by which we judge a civilized society is the support it provides for the arts. In comparison to other industrialized nations, the United States falls woefully behind in this area, even with a fully funded NEA.

But let us be honest. This is not a fight over money. The leadership wants to eliminate the NEA because they are afraid of artistic expression in a free society. Polls overwhelmingly show that the American public supports Federal funding for the arts because students, artists, musicians, teachers, orchestras, theaters, dance companies across the country benefit from the NEA support. For many Americans, whether they live in the suburbs or cities or rural areas, the NEA is critical in making the arts affordable and accessible.

Mr. Chairman, I urge my colleagues to defeat the Ehlers-Hunter amendment. Preserve the NEA.

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

Mr. Chairman, I simply point out that if we had a better distribution mechanism that was not so controversial, we would probably have much more money to distribute to the arts than we do now.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague for yielding this time. As chairman of the oversight committee that has responsibility for the National Endowment for the Arts, we have done oversight work, and the reason I am supporting my colleague's amendment today is because I believe it addresses the worst abuses that we have uncovered in the National Endowment for the Arts. It does not address them all, but it addresses the worst ones.

What are they? As this amendment does, it takes away the $20 million in administrative overhead that the National Endowment spends each and every year, $20 million to distribute an additional $80 million. That is an unreasonable cost.

Where does the money go? The National Endowment for the Arts, as an example, has spent $21,000 per employee on a computer system. Not bad. The disappointing thing is that computer system still is not up and running and does not even do e-mail.

The second abuse that this program deals with is the distribution of funds. I do not think this House would ever develop a program from scratch that would ensure that 143 congressional districts get no money directly from the program. We would never develop a program that sends 25 percent of the funds to one State. This amendment assures that we will equitably distribute funds throughout the country.

And the third thing that this amendment does is it moves decisionmaking for the local arts programs to where those decisions can be best made, where they will be supported by the local community, where they will be supported by the American public, moving decisionmaking for arts projects back to the State level, and the money, the additional funds, are moved into arts education for our kids.

This is a great program, this is a good amendment, it does not go exactly where we need to go, but it moves the program in the right direction and handles the worst abuses for an ineffective bureaucracy.

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

Mr. OBEY. Mr. Chairman, the amendment before us is not even a serious legislative effort. It is very clear what is going on here is simply "Operation Cover Your Tail." We have had a lot of people in this House who promised to vote for funding the arts, but yesterday they chose to assassinate the arts behind the cover of the Ehlers amendment.

Mr. Chairman, this is a smokescreen amendment, and I think the comments of the Chair of the Committee on Education and the Workforce indicate just how unreal this proposal is as an alternative. What he really indicated by his remarks is that this is just a time filler. It is a device by which to kill the National Endowment for the Arts, and

then they figure out later how they are going to explain it to the folks back home and come up with some other scheme to cover what they have done.

What he said in response to the comments of the gentleman from Illinois [Mr. YATES] is, "Well, if this amendment passes, then what we'll do is, we'll pull our committee together and we will really then figure out what it is we really want to do, and then we will send it on to the conferees." When he was asked would he do that same thing if the Ehlers amendment is not adopted, he said no.

That indicates that this Ehlers amendment is nothing but a device by which you accomplish the assassination of the National Endowment for the Arts. That is all it is, and it just seems to me that that is not what a majority of Members in both parties in this House want to do.

Now I have served, when I first came to the Congress I served, on this subcommittee as one of my first assignments. I remember for years the wonderful bipartisan support that we had for the Endowment. People now complain about a couple of the grants that the Endowment was involved in because they say that they produced art that is not consistent with American values. There is no question about that, and I agree with that. But they have had about a 99 or 97 percent success rate.

Mr. Chairman, I would like to meet the Member of Congress who has that high a performance by any standard, no matter who would determine that standard.

Let us be very clear about it. The arts community is against the Ehlers amendment. The State arts agencies who would receive a very large share of the funds under this amendment do not want this amendment. And the idea that we are going to turn this over as an orphan program to the Department of Education, which at least a third of my colleagues on that side of the aisle have been trying to abolish, indicates just what a slapdash operation this really is.

So it seems to me if my colleagues are serious, if they want to cast a vote that will keep continued pressure on to resurrect a meaningful arts program, they will vote this down and they will insist that the committee in conference resurrect the National Endowment.

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

Mr. Chairman, I would simply observe this amendment is definitely not a smokescreen. I have never smoked in my life.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I commend the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES]. Over the years they have done a valiant job with this budget. I happen to have a hundred percent record of arts support. I voted against the rule yesterday. I think the National Endowment was not treated fairly in the rule, and that is why I voted against this.

Now those of us who believe that the Federal Government has a role in the arts, the Ehlers proposal is the one thing we have to show that this House cares for Federal support of the arts. Let us forget about some of the administrative machinery right now. I think the gentleman from Michigan [Mr. EHLERS] is on the right track. That does not mean we have every dot dotted and every I dotted and so forth.

It is wrong to deny this House a vote, and this is the chance to vote and show our support for the arts. This is the one opportunity we will have on this bill going into negotiations with the Senate. They might well succeed in having the NEA continued, and I would support that. But I think we have to go in with support of the Federal Government for the arts.

The gentleman from Michigan [Mr. EHLERS] formerly has 30 percent of those funds going to the State arts councils. I am quite familiar with the California State Arts Council which does an outstanding job. Sixty percent would be going to public schools. Only 3 percent on administration, not 20 percent.

This proposal does not pretend to be perfect. I think universities with outreach efforts in inner cities and public schools need to be supported.

Revenue sharing that we had in this country between 1973 and 1983 worked. Who did not like it? The Washington lobbyists. Who did not like it? The staff on the Hill and people that had been here too long on the Hill.

This program will work. Give it a chance. Vote for the Ehlers proposal. Vote for Federal support of the arts.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

I have the greatest respect for my friend, the gentleman from California [Mr. HORN], but I should like to point out to him that in the years I have been in the Congress and in the number of times that I have been in conferences with the Senate, I have gone through those conferences with bills that had no appropriations on programs from the House and appropriations that came from the Senate that had to be reconciled, and I suspect that the Senate will approve an appropriation for NEA.

Mr. Chairman, I think that we would be better off going to the Senate with a vote like we had yesterday on NEA, 217 to 216, showing that the House still wanted to have NEA rather than clouding the issue with an amendment like the Ehlers amendment.

Nevertheless I respect the position the gentleman has taken.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I would be the last person in this bill to defend the obscene art that is the controversy about the funding. But to me, I am a bit troubled; I am still smarting from the vote yesterday on the rule.

The gentleman here, who I served with for 22 years, and there is not a finer man that has ever served in this body than the gentleman from Illinois, [Mr. SID YATES], a man of integrity who has had many awards from the arts community, and the Committee on Rules waived points of order. This is legislation on an appropriation; make no mistake about that. They waived the points of order to allow this amendment to come up. They denied the gentleman from Illinois [Mr. YATES] the same courtesy to offer his amendment up or down on NEA funding.

□ 1130

This is wrong. My friend, the gentleman from Ohio [Mr. REGULA], who I served with on the Subcommittee on Military Construction for many, many years, and we have saved this country a million dollars in funds for our military and quality of life, but to make a rule to where they waive the points of order to allow an amendment such as this, and they deny a man who has been in this House for many, many years, a man of integrity, it is just not right.

Let me make one other point. All the abuses that have been in the grants and what has taken place, let me just kind of draw an analogy here. I serve on the Committee on National Security. We had some scandals in our academies, in the Naval Academy, in West Point and the others. We do not close the schools down. We try to correct them, which is what we have done in this area.

We have tremendous cost overruns on weapons systems. We do not quit spending money for defense. We try to fix it. We do not try to kill it in a roundabout way and allow an unfair rule on this House floor to responsible Members that have given their lives in service to their countrymen here on this floor. That is not democracy.

Mr. Chairman, this is not right. I would like to ask the gentleman from Michigan [Mr. EHLERS], if I could, on most of these amendments that come up that call for block grants, they pass out literature that says how much each district in the country will get. Do Members have such a printout that we could have, where I will know how much these block grants we will get in the Eighth District in North Carolina, or statewide, under block grants? Or have Members gone that far in analyzing the block grants?

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

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

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding. Yes, I do have a chart here. I have not distributed it. It is not by district, because we do not know how the State agencies or how the State art commissions would distribute on a per district basis, but I do have a breakdown by State of how much would be given to each State for the use of their arts commission to distribute and how much would be given for their schools to distribute.

Mr. HEFNER. Reclaiming my time, Mr. Chairman, I would just make this final point. Living in rural North Carolina, my kids were in grade school, and nothing pleased them any more than when the symphony or a portion of the symphony from Charlotte or someplace came and performed at their school.

It was the highlight of their day and the highlight of their week when they could participate in something that they would not be able to participate in otherwise. To me this is just an absolute tragedy when we did not allow a vote, an up-and-down vote for my friend, the gentleman from Illinois [Mr. YATES].

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

Mr. Chairman, I would simply observe that under the NEA 25 percent of the funding went to one State. There was a lot of talk about the NEA, about distributing funds to the little people. Our program does a lot better job at distributing funds to the little people than the NEA has done.

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

Mr. BLUNT. Mr. Chairman, as we look for alternatives today, I want to commend the gentleman from Michigan, Mr. EHLERS, and the gentleman from California, Mr. DUNCAN HUNTER. My freshmen colleague the gentleman from Kansas, Mr. JERRY MORAN, a couple of months ago began to mention this concept to me as a concept that he thought would work.

We are looking to new and better ways to do things. Clearly Members are not going to privatize or turn back to the States the obligation to defend the country, so we have to look for different ways to solve problems, management problems in the Defense Department.

We are talking about an agency that spends 20 percent of its money just to administer its programs, and according to their own inspector general's report, as of March 31, 1996, 63 percent of the project costs were not reconcilable to the accounting records, 79 percent had inadequate documentation, 53 percent failed to engage independent auditors, even though their grant requirement absolutely required that.

We are not debating today whether or not to spend money on the arts. The key here is not about spending money on the arts. We are for the first time really significantly debating where is the better place to make this decision. Should this decision be made in Washington, or can this decision be made better in the States?

We got an opportunity to look to the States. The State art councils have done a good job distributing the State money. Thirty percent of the NEA-distributed money has gone to six cities in America. In the Seventh District of Missouri that I represent, of the money distributed by the NEA, even though our proportionate share would be a quarter of a million dollars, we get back $5,000. The State arts councils are going to do a better job in distributing this money. They are going to do a better job administratively in spending it.

I urge support of this amendment, Mr. Chairman.

Mr. YATES. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. NADLER].

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

Mr. Chairman, this amendment is nothing but a smokescreen to hide the actions taken by the House leadership to prevent the vote on the amendment offered by the gentleman from Illinois [Mr. YATES] to restore funding to the NEA. This amendment was cooked up in the middle of the night. It has not been considered by any committee nor had the benefit of any public hearing. It would effectively waste the $80 million it appropriates with virtually no benefit to the arts.

For 30 years, Mr. Chairman, the NEA has brought art and culture to those who would not otherwise have access do it. Before the NEA there were 58 orchestras in the country. Today there are more than 1,000. Before the NEA there were 37 professional dance companies. Now there are 300. Before the NEA, only 1 million people went to the theater in this country every year. Today more than 55 million do. Without the NEA, we will revert to the old situation where the arts were not accessible to most people in this country.

But this amendment eliminates the NEA. It would instead distribute $600 or $1,000 to every school district. $600 for an entire school district? What use could they make of that? The amendment is so restrictive, there is no guarantee, no assurance it would continue our support for symphonies, operas, concerts in the park, local Shakespeare festivals and touring dance and theater groups that benefit entire communities, not only schoolchildren. Even the State arts agencies that would directly receive 30 percent of the block grants strongly oppose the amendment.

The amendment does not recognize the purpose of a national arts agency, and therefore it tends to set up a distribution system that sounds fair but in reality is completely unworkable.

The amendment will eliminate funding for the traveling theater and dance groups that visit small towns and communities all across the Nation, because if States control these funds they will have no incentive to support theater or dance groups that travel to other States outside their borders.

And the amendment will distribute an equal portion of Federal money to every region. But we all know this makes no sense. Mr. Chairman, should New York City get the same amount of money for wheat subsidies as towns in Kansas and Iowa, even though we grow no wheat in New York City? Of course not. Some regions have more wheat farmers and others have more artists, and Federal funds should be distributed accordingly.

In the end, wheat subsidies help consumers nationwide, and NEA grants bring excellent art produced by the country's finest artists to people all over the country.

I hope it is very clear that the amendment is a fraud, designed only to create a political fig leaf for those whose constituents will not appreciate their votes yesterday to kill the NEA.

Do not be deceived. Vote against this amendment, and wait for the Senate and the President to rescue the arts in this country from the folly of this House.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Ehlers-Hunter amendment eliminating the NEA and block granting funding and giving control to the local school boards. I urge my colleagues to vote in opposition to the Ehlers-Hunter measure. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the Ehlers-Hunter NEA amendment. Though I support the efforts of both of my distinguished colleagues in trying to formulate a workable compromise that would fund the arts, I believe it is too little and too late.

I strongly support the vital need to continue funding for the National Endowment for the Arts, and it is distressing that this amendment terminates this important agency.

Over the past 30 years, our quality of life has been improved by the National Endowment for the Arts. Support for the arts acknowledges our Nation's commitment to freedom of expression, one of the basic principles upon which our Nation is founded. Cutting funding for the arts will deny citizens this essential freedom, and detract from the quality of life in our Nation.

The President's Committee on the Arts and Humanities released the report entitled Creative America, which makes several recommendations about the need to strengthen support for cultural in our country. It applauds our American spirit, and observes that an energetic cultural life contributes to a strong democracy. This report not only highlights our Nation's unique tradition of philanthropy, but

also mentions that the baby-boomer generation, and new American corporations, are not fulfilling this standard of giving. It saddens me that something as important as the arts, which has been so integral to our American heritage, is being cast aside by our younger generations as something of little value.

By block granting funding for the arts and fragmenting the NEA, our Nation would be the first among cultured nations to eliminate the arts from our Nation's priorities. As chairman of the International Relations Committee, I recognize the importance of the arts on an international level, in helping to foster a common appreciation of history and culture that are so essential to humanity. If we eliminate the NEA we will be erasing an essential part of our culture.

Moreover, this measure which block grants funding for the arts, places most of the authority for distribution of art funding to local school boards, virtually eliminating a significant Federal role.

Accordingly, I urge my colleagues to vote no on the Ehlers-Hunter amendment and instead work with our colleagues in the conference to provide full funding for the NEA.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to the Ehlers-Hunter amendment. I am deeply offended by the subterfuge which it represents as a backdoor way of putting money into the Department of Education, frequently the target of the majority side of the aisle.

What offends me more than that, however, is that we stand here every day preaching the rule of law, where we insist that for Americans, that there is an even application of the rule of law and that it ought to be abided by.

This House has rules that ought to be abided by, and the rule says that you cannot authorize on an appropriation bill. On that basis they have ruled out of order the ranking member's amendment to restore funding. Well, that is fine. If they are going to enforce the rule of law and apply that to the gentleman's amendment, that is fine.

But on the other hand, through a manipulation of the rules of this House, they have allowed an amendment to come forth which does not even belong in this appropriation bill. It goes to another committee on appropriations. It has to do with funding of the Department of Education.

If Members do not believe me, they should remind themselves about the words of the chairman of the Committee on Economic and Educational Opportunities, who said on the floor of this House that if the Ehlers amendment passed his committee will be put to work to write the legislation.

Mr. Chairman, if that is not back door subterfuge, I do not know what is. If we have problems in explaining what we do to our constituents, I hope Members can go back to their constituents and explain what we are doing today.

The annihilation of the National Endowment for the Arts is a very, very serious act, prompted by a few objections to maybe less than 50 art programs or projects among millions. If we are offended by these things, make the rules tougher, but do not do away with the symbol of national support for the idea of creativity, which is the essence of free expression protected by our Constitution.

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

Mr. Chairman, I would simply remark that the rules of the House provide that a waiver protecting from a point of order applies only if the chairman of the authorization committee authorizes it. That is what happened in this case. So the rules of the House were followed.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, on behalf of the rural States in mid-America, I speak in favor of the Ehlers-Hunter amendment for a number of reasons. First, the status quo funding of the NEA results not in art education, but in art arrogance. Do we really need a centralized, federalized ministry on the arts to tell the people of America what is good and what is not good art, what does and does not deserve funding?

Second, the present philosophy of the NEA does not accomplish its original mission of providing art education to underserved areas; not the big cities, but underserved areas. Rather, Washington control results in mismanagement and a lack of common sense in art funding.

The Ehlers amendment gets the money to the State art agencies, which do a good job, and it also for the first time provides funding for art programs in schools. I urge my colleagues to support a commonsense approach to arts by voting for art education and not art arrogance.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take issue with my friend, the gentleman from Michigan [Mr. EHLERS] when he said that they observed the rules of the House when the chairman of the Committee on Education and the Workforce gave his consent. I gathered the impression that the chairman of the Committee on Education and the Workforce did not give his consent. He came down in the well of the House and said that if the gentleman's amendment passes, he is going to put his committee to work to pass a bill that means something, and then turn it over to the conferees.

What happened, of course, was that the Committee on Rules waived all points of order with respect to the gentleman's amendment, which included the rule that required the approval of the chairman of the legislative committee. That is what happened in this particular case.

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

Mrs. ROUKEMA. Mr. Chairman, I do not question the good faith effort of our colleague, the gentleman from Michigan [Mr. EHLERS], but I do have to say I rise in strong opposition to this proposal. This is no way to run a railroad, and it is certainly no way to legislate. This is not the time nor is the appropriations Subcommittee on the Interior bill the place to undertake a complete overhaul of our arts funding process. This is a job for the authorization committee, the Committee on Education and the Workforce.

Mr. Chairman, I speak with some authority on this because I have been a member of that committee, and also a leader for years in reforming the NEA, so I think I have some understanding of what is involved here.

□ 1145

Regardless of my commitment to the NEA, the point here today is that we are about to establish an entirely new program that we know next to nothing about. There are a lot of questions here. I do not have time too go into all of them, but I have a list of questions here that are not answered. And some of the answers that are not in the legislation, proposed legislation, are said to be for the committee report.

Is that any way to legislate? That is ridiculous. But without going into all of the questions, aside from real serious questions about how the funding formula is distributed, I want to ask my colleagues at least two questions:

Will the bill be written in the conference if the committee of jurisdiction, as the chairman has said, does not act? Are we handing that over to a conference committee? I doubt it.

What will it mean in terms of the conference committee in the Senate having worked its will on the NEA? Will it undermine that effort? There are questions on both sides of this issue.

To my Republican colleagues, particularly those who have sworn allegiance to eliminating the U.S. Department of Education, is not anyone here concerned that this proposal creates a new bureaucracy in the Department of Education?

Those are but two of about 10 important questions that are left unanswered in this procedure.

Mr. Chairman, I include for the RECORD the list of questions to which I referred:

ADDITION TO STATEMENTS—QUESTIONS ABOUT EHLERS

Mr. Yates cannot offer his amendment because the NEA has not been reauthorized by the Education Committee since 1993. Should

we be approving here a 28-page amendment that substitutes for the Committee's authorization process?

Has anyone seen the formula for distribution? If not, when will we see it? Before conference? Before final passage? Before enactment?

Will the bill be written in conference if the committee of jurisdiction doesn't act?

Do we know how this will affect each State?

Many of my Republican colleagues have sworn allegiance to the cause of eliminating the U.S. Department of Education. Isn't anyone concerned that in this proposal we are handing a new $80 million bureaucracy to DOE?

What experience does the DOE have in operating an arts program?

There are about 16,000 local school boards across the Nation. Under Ehlers, each one would get about $3,000 each. It seems to me that the paperwork involved in this program will cost each district more than $3,000. Is it worth it?

The Ehlers amendment contains a 3 percent funding figure for administrative costs? Whose administrative costs? Will the States get any of this? If not, why is this not one of those famous "unfunded mandates" we so strongly oppose in this House?

I recommend a "no" vote on Ehlers.

Mr. EHLERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, Government support of the arts has created access to the arts for millions of Americans and has provided tremendous economic and educational benefits to our Nation.

Just as the Department of Education embodies our belief that mastering a disciplined body of knowledge is essential to exercising freedom with responsibility, so the NEA embodies our national commitment to the arts and our recognition that creativity is absolutely essential to an entrepreneurial economy in a visionary democracy.

It is no surprise that students who have 4 more years of art education have SAT scores that are significantly higher than those that do not. Further, arts moneys have been the most successful economic development program in our great cities.

I rise at this time in support of the Ehlers amendment because it significantly restores funding for the arts while the underlying bill slashes funding 90 percent. It also recognizes that there is a need for a Federal role in funding the arts.

The Ehlers amendment is therefore better than the underlying bill. However, it is dangerous to make significant changes in any Government agency without hearings and this amendment has some serious problems. It eliminates any significant Federal role in supporting unique museums, theaters, symphonies, and dance troops that are institutions of national significance and value. Also, by sending the education dollars directly to the schools, it destroys the powerful partnerships that have emerged and been developed between the great museums like Hartford's Wadsworth Atheneum and local schools. These partnerships provide a totally different and higher order of arts experience to our children than could any public school arts department.

Mr. Chairman, this amendment sends the House into conference, and this is where I disagree respectfully with my colleague, the gentleman from Illinois [Mr. YATES]. It sends the House bill into conference with far more dollars in it than the base bill and a clear message of support for a Federal role. In conference I would hope the NEA structures prevail and this bill goes to hearing as part of the reauthorization process.

Government support of the arts at the Federal, State, and local levels has created access to the arts for millions of Americans, and has provided tremendous economic and educational benefits to our Nation. Funding from the National Endowment of the Arts [NEA] directly or indirectly supports thousands of programs that bring the arts to urban and rural communities, with local decisionmakers selecting cultural activities of importance to their communities. NEA-supported arts education programs open the doors of museums and symphonies to thousands of students and bring unique arts experiences into the classrooms.

Just as the Department of Education embodies our belief that mastering a disciplined body of knowledge is essential to exercising freedom with responsibility, so the NEA embodies our national commitment to the arts, and our recognition that creativity is absolutely essential to an entrepreneurial economy and a visionary democracy.

It is no surprise that students who have 4 or more years of art education have SAT scores that are significantly higher than those who do not. Direct and indirect funding from the NEA is essential to continuing and developing quality art education that will build the skilled minds and hands needed to shape our future.

The economic impact of the arts is significant and especially dramatic in our great cities, large and small. Of all the urban economic development programs, arts funding has proven to be among the most important of our great cities. An investment equal to 38 cents per American, one one-hundredth of 1 percent of our total Federal budget, stimulates 18 times that amount from other sources. Nationally, nonprofit arts generate $37 billion in economic activity, support 1.3 million jobs, and return $3.4 billion in Federal income taxes. The arts are good business.

I rise in support of the Ehlers amendment because it restores significant funding for the arts and recognizes the Federal responsibility to fund the arts, while the underlying bill slashes funding by 90 percent. The Ehlers amendment, therefore, is better than the alternative—which provides virtually no funding at all. However, it is dangerous to make significant changes in any government agency without hearings and this amendment has some serious weaknesses. It eliminates any significant Federal role in supporting the unique museums, theaters, symphonies, and dance companies that are institutions of national significance and value. Also, by sending the education funding directly to the schools, it destroys the powerful partnerships between great museums like Hartford's Wadsworth Atheneum and local partner schools. These partnerships provide totally different and higher order arts experiences to our children than could be provided by school arts departments alone.

Public Law 89–209, the law establishing the NEA, states: "It is necessary and appropriate for the federal government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating the release of this creative talent." I take that responsibility very seriously.

The arts are an integral part of our society and our economy. The American people recognize the importance of the arts. Seventy-nine precent of them support a government role in funding the arts. This amendment sends the House bill into conference with more dollars than the base bill and clear support for a Federal role in arts funding. In conference we should retain current the NEA structures and send this thoughtful amendment to hearing as part of the reauthorization process.

Mr. YATES. Mr. Chairman, I yield myself 1 minute to repeat what I said with respect to the gentleman from California [Mr. HORN]. I think that if we went into conference with the Ehlers amendment, we would be in a very weak position because the Senate, I am sure, will put an appropriate amount of money in the bill. And it all depends on what my good friend, the gentleman from Ohio [Mr. REGULA], and I are able to come up with in our negotiations with the Senate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, we have not been able to reauthorize the NEA legislation either under Democratic leadership or Republican leadership. It is my hope that the conference committee will take the old language, and then we could go into the authorizing process this year and bring together some of the interests of conservatives who have opposed NEA but many of whom do not oppose some Federal funding of the arts in our Nation and really think through how do we get a reauthorization that meets the needs of all of us. But that is a separate issue. I think in the conference committee we could go forward.

Mr. YATES. Mr. Chairman, I respectfully suggest the vote yesterday indicated that conservatives who are opposed to it would have been outvoted, had we had a chance to vote on NEA.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to this

amendment. I rise in opposition because if something is not broken, then there is no need to mend it. There is no need to fix it. The fact of the matter is the NEA has, for a number of years, developed tremendous outreach to the arts community all over America. Everybody involved in the arts, they know. Everybody involved in the arts, they are a part of. They know where the programs are. They know where the funds need to go. They know the kind of activities that need to take place. I believe, again, if it is not broke, do not fix it. I commend my colleague from Illinois for having been a longtime guardian of these programs. I stand with him and say, if it is not broke, do not fix it.

Mr. Chairman, I rise in objection to the Ehlers amendment. Under the Ehlers amendment, the NEA would be eliminated as we know it. The Ehlers amendment would appropriate $80 million in Federal funds to be allocated as block grants. Under this proposal, 97 percent of the money is to go directly to State arts councils and local school boards for only school-based arts education programs.

Beyond monetary terms, this shift of 60 percent of the funds allocated entirely toward schools, which serve primarily k–12 needs are the funds that support institutions that promote lifelong learning, such as museums, dance companies, theaters, outreach programs, community-based programs, and folks arts are lost. These arts and humanities programs that Americans have grown to know and love over the years no longer will be funded.

This proposal means that a majority of Federal arts funding would not be available for cultural organizations and some of their programs. Important programs that enrich the lives of many across this Nation. Although the State Arts Council may receive slightly more money, they cannot possibly compensate for this loss. The 7th Congressional District of Illinois which I represent would lose over $1.8 million overall based on fiscal year 1997 appropriations. This is bad for Chicago, but more important it is bad for America. I say it is bad for America because Americans come to Chicago.

There are numerous organizations that would be hurt by this proposal in my district, fine institutions that people across this Nation enjoy—such as the Art Institute of Chicago, the Chicago Artist's Coalition, the Chicago Dance Arts Coalition, Inc., Hubbard Street Dance Chicago, Illinois Arts Council, Lyric Opera of Chicago, Museum of Contemporary Art, Urban Gateways, and the YMCA's USA Literature Special projects would no longer receive their much-needed NEA funds.

I join with my constituents, the State arts agencies and the mayors across our great Nation that reflect the view of millions in my opposition to the Ehlers amendment that greatly hinders our Nation's commitment to the arts.

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

Mr. UPTON. Mr. Chairman, most of us here in this body and citizens across the country were offended with some of the arts that were funded by the NEA in years past. We had a fellow colleague, Paul Henry, who led the successful fight to stop much of that abuse of taxpayer money several years ago. I am delighted that the gentleman from Michigan [Mr. EHLERS], his successor, has followed that same trail.

Because we did not have an authorization, money could and was struck for the NEA. That is a simple tact under the rules of the House. The Ehlers amendment is a step in the right direction for allowing the funding for the arts. No, the Ehlers amendment is not music to everyone's ears. It does not fund symphonies and a number of worthwhile organizations, museums that today are funded. I know that there are a number of things that we need to correct in the future with those things in mind.

But today we need to adopt the Ehlers amendment and we need to let the Committee on Education and the Workforce reauthorize this very valuable program for the future. The bottom line here is that we would rather have something than nothing, and the Ehlers amendment is a good step in the right direction. I would urge my colleagues to support this measure.

The CHAIRMAN. The Chair would advise that the gentleman from Michigan [Mr. EHLERS] has 6¼ minutes remaining, and the gentleman from Illinois [Mr. YATES] has 2½ minutes remaining and the right to close.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in support of the arts but in strong opposition to the Ehlers amendment which at its best is an untested way of handling arts funding. The NEA is indeed a lightening rod. It has some basic good ideas. I give them a lot of credit for that.

But this concept is less than 24 hours old at this point. It has not been tested across the country. Virtually nobody really understands what is in it. In addition, it is a travesty that we are not in this body voting on NEA funding, which every single Member knows would be reinstated to the exact amount it got last year if we were given that opportunity, because of legislative process and procedures that has been avoided. The bottom line is that most groups in this country that I have been in touch with through fax, by telephone call, whatever, are in opposition to this amendment. That goes all the way from the Conference of Mayors to arts groups in general to business leaders to State arts agencies, all of whom are saying this is not the way to proceed.

So it is a dilemma for those of us who support the arts. I oppose the Ehlers amendment. I believe that we must move ahead with good arts funding by the Senate and by the White House.

Mr. EHLERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I was not going to speak but I am sitting in my office choking on the rhetoric that I am hearing on what a great contribution the NEA is to the arts. I have been in the arts for 30 years. That has been my occupation. I know of no one in 30 years in the arts that has been assisted by the NEA. I do not see where the NEA is this amazing contribution to mankind and has brought all these artists forward.

Furthermore, there is no equity as far as how artists are selected or chosen. There is no system. There is no equity. And I would not qualify and many of my colleagues that are artists, successful artists, would not qualify today. So finally we have a system, the Ehlers amendment, that would at least have a fairness as far as qualifying or as far as assisting artists, and we are denying that and we are giving it to a group. I wish Congress would stop thinking that they are experts on everything. They certainly are not experts on art and they do not know what they are talking about when they talk about the NEA.

Mr. YATES. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, despite a few mistakes, the National Endowment for the Arts has worked and continues to work remarkably well. It provides funds on the basis of excellence, not merely population. That is not an elitism, that is the time-honored conservative principle of giving money where it will be used most effectively. Under the Ehlers plan, the distribution of funds on population, every single State except one, every single State except one loses money.

The discretionary grants are gone and the 37 percent distribution formula means every State loses money. The only place that came out on the plus side of the ledger is when you distribute money for students and then you give them 90 cents apiece to buy crayons and construction paper. Support the NEA.

Mr. EHLERS. Mr. Chairman, I yield myself 15 seconds for a brief response.

My good friend, the gentleman from New York, just made a statement that every State loses. He is undoubtedly basing that on the NEA flier that I mentioned earlier on, which was distributed and simply gave inaccurate information. States do not lose. They in fact do gain.

PARLIAMENTARY INQUIRY

Mr. BOEHLERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHLERT. Mr. Chairman, the gentleman has suggested I gave inaccurate information to the House. The

gentleman has suggested that the gentleman in the well has given inaccurate information to the House. I would like the opportunity to correct that statement. How do I get time to do that?

The CHAIRMAN. The gentleman from Michigan may yield time as he sees fit.

Mr. EHLERS. Mr. Chairman, I yield 15 seconds for a response to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, under the population aid formula, 37 percent distribution of funds, every State except Florida loses money because we eliminate all discretionary spending.

Where you gain money, and it is marginal, is under the student aid distribution formula, and that is about 90 cents a student, which will allow them to buy crayons and construction paper.

Mr. EHLERS. Mr. Chairman, rather than continue that mini-debate, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in support of the Ehlers amendment. We have had problems with the NEA because a few artists want to extend beyond what is acceptable with public funds.

We have had great success with the State arts councils. I want to give them the funds they need to continue. There is a legitimate matter of debate about the use of public funds for art, but I believe that in a great civilization there has always been the use of public funds to support the arts. America is such a great civilization.

I ask my colleagues to set aside their concerns and to help us move to a substantial situation of providing assistance to our State arts councils. Perhaps too much is allocated to the schools at the expense of the State arts councils, but this Ehlers amendment is a valid effort. I think it is important that we move in this direction. It is the solution in the long term.

The national level will always be contentious. It is time to get the money to the State arts councils. They have done an extraordinary job in deciding how to spend their funds. I urge Members to support the Ehlers amendment to expedite this process to the final solution.

The Ehlers amendments would replace the National Endowment for the Arts (NEA) with a block grant program to the State art councils and public school districts.

This Member has always been in favor of public funding for the arts. Every great civilization has always had public support of the arts. America is a great civilization and we should continue small but reasonable Federal funding in this area.

This Member has great confidence in the State arts councils. For example, there is no doubt that the Nebraska Arts Council will make the right decisions regarding use of Federal funds.

As we all know, the controversy surrounding the NEA is largely the result of inappropriate funding decisions regarding pornographic or obscene projects which have been the subject of strenuous objections by many Members of Congress, including this Member. Because of the strong public opposition to the NEA, the best way to ensure continued Federal support of the arts is to send the money to the State art councils and public schools for distribution. A vote for the Ehlers amendment is a vote to support the arts.

In closing Mr. Chairman, this Member urges his colleagues to support the arts by voting "aye" on the Ehlers amendment.

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

I would simply reiterate the choice before us is very clear at this point. This amendment, in spite of the accusations made against it, is not a smoke screen, it is not trying to fool anyone. It is a simple attempt at providing continued Federal funding for the arts, given the fact that the House at this moment in time is not prepared to continue the NEA.

So the issue is clear. Do we want to send a bill to the Senate that has no NEA and no arts funding, or do we want to send a bill to the Senate that has no NEA but does have continued arts funding?

The choice to me is very clear. Let us continue the Federal support for the arts. Let us continue to provide funding for the arts through the various State agencies that are available, through the arts education programs at various States and that school districts have. I believe it will be a more equitable distribution than we have had. It certainly will be far less controversial, and I believe it will be beneficial for the arts, for the people of this Nation who are interested in the arts, and it will be beneficial for the students who will be learning about the arts. I think it is a win-win situation.

I urge all Members of this body to forget partisan differences, to forget the arguments about the NEA and say at this point in time the best thing we can do is pass this amendment and send this bill to the Senate with continued funding for the arts, and we will there, in conference, resolve the issues about the future of the NEA. So I urge all Members of this body, regardless of partisan differences, to vote for this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House of Representatives.

Mr. GINGRICH. Mr. Chairman, I thank my friend for yielding me this time.

Let me just say I think the direction that the Ehlers amendment is taking us is the right direction. Clearly, this is a new approach and a new way of funding the arts at the Federal level. It indicates our commitment to making sure that at local levels, local communities and the States have resources for funding.

I wanted to say to my good friend from New York that I would certainly urge, in conference, the chairman, the gentleman from Ohio [Mr. REGULA], who has been working in this direction for several years, to work with him and anyone else to make sure that States actually do have full funds. There is no question about whose list is right, whose list is wrong. Our goal is to get funding to the States to have a mechanism for the States to be able to help fund the arts in an appropriate way under local leadership.

This is the only point I would make to our friends who are arguing so passionately for the endowment to the arts: If one talks to the gentleman from Pennsylvania [Mr. GOODLING], who I think is a very reasonable and a very responsible person, he will advise that as recently as this year he tried to get information out of the NEA, defending certain films that they had granted, that he could not defend. He could not defend why taxpayers were paying for them. He could not understand what was the point of certain types of gratuitous pornography and gratuitous violence in a way that made no sense. Yet we want to find a way, with local communities, with local input, with local involvement, to fund the arts.

So I think for those who care about the arts as opposed to the National Endowment, this is actually going to take most of the argument, most of the controversy, most of the irritation out of the system and allow us to focus, instead, on how do we help the local symphony, how do we help the local ballet, how do we help the local art museum, and to do it in a way which allows us to build support for the arts rather than engage in arguments over controversy.

I think it is an important step in the right direction. I commend the gentleman from Michigan for his leadership and the gentleman from Ohio for having organized it, and I believe this is the best way to have funding for the arts at the local level, where it matters, so that local communities can have the kinds of involvement and input they should have.

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

Ms. PELOSI. Mr. Chairman, I thank the most distinguished gentleman for yielding me this time, and I rise in opposition to the Republican assault on

creativity in America and urge my colleagues to vote against the Ehlers amendment.

Mr. Chairman, I rise in opposition to the Ehlers amendment. The past 24 hours have been sad and disappointing ones for the House of Representatives, because the Republican leadership has refused to allow the Ehlers amendment of our distinguished ranking member, Representative SIDNEY YATES. The regular order of the House will call for the ranking member to have an amendment made in order on a subject on which he has standing. No one in the country has more standing on the arts than SID YATES—a champion indeed. We are all privileged to call him colleague.

Yesterday, Mr. ARMEY said that the Ehlers amendment would put Crayolas in the hands of our children. Yes Crayolas and that's about all. The Ehlers amendment would translate into less than $1 per child. That's for a small box of crayons with no burnt siena and azure blue.

The Rep leadership has shown its true colors on this Ehlers amendment. In the debate on the NEA they claim they need to reduce the deficit. Today they are spending that money on the Ehlers amendment. This is about content restruction not deficit reduction. The Ehlers amendment is a transparent figleaf to give cover to those Representatives who voted against arts in America.

I urge my colleagues to reject this hoax and reject the Ehlers amendment.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Ehlers amendment.

Mr. YATES. Mr. Chairman, again I find myself differing from my friend, the gentleman from Michigan [Mr. EHLERS]. He made the statement that the House did not propose to approve NEA. Now, that was never made clear, I suggest to the gentleman. The vote on the rule yesterday was certainly not an open and shut and clean vote on NEA.

I suggested to the House today that if they gave the opportunity to this House for me to offer my amendment to reinstate NEA and give it some money to operate, I would be willing to bet, a substantial sum, in view of yesterday's very, very close vote, that the House would have supported NEA. We never had that opportunity to pass upon that question.

I want to close by saying that even the chairman of the Committee on Education and the Workforce [Mr. GOODLING], refused to accept the Ehlers amendment. He said clearly, in response to the question that I asked him, that if the Ehlers amendment passed, he would unite his committee and pass legislation to correct the defects that are in the legislation so he could have a bill that he could give the conferees between the House and the Senate as representing the House side.

So, obviously, this Ehlers amendment is in the nature of a figleaf. It does make available some of the money for art, but not in a way that is effective and certainly not in the way that art has been distributed over the years so effectively by the National Endowment for the Arts.

Mr. Chairman, I urge my colleagues to vote down the Ehlers amendment.

Mr. FARR of California. Mr. Chairman, I rise in support of the arts and against the Ehlers amendment which would abolish the NEA and provide insufficient and ineffective block grants to the States.

The Ehlers amendment would eliminate the National Endowment for the Arts. This is a move that even State arts agencies oppose. Why adopt an amendment that even the very organizations purported to benefit think it is a bad idea?

NEA funding, on the other hand, allows artists and presenters to bring the arts directly to students and the community at large.

I did some math on Mr. EHLERS' amendment. Assuming all States get an equal share of this funding, and each school district gets an equal share within the State, each California school district will receive $961 per school district.

Even if a school district consisted of only one elementary, middle, and high school, $961 would barely purchase a set of colored pencils for each student.

Thankfully, common sense prevailed and the Ehlers amendment failed.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the Ehlers amendment. This amendment would eliminate the National Endowment for the Arts and is opposed by the very State art councils it purports to help.

In all candor, the Ehlers amendment is something of a smoke screen. We should be having a straight, up-or-down vote on the NEA, and we would have had one if the leadership of the House had not blocked the Yates amendment from even being debated by a procedural slight of hand. Whatever you think about the NEA—whether or not you support Federal funding for the arts—everyone should agree that we should have a fair, up-or-down vote on the issue. The Yates amendment would have given Members the option of restoring funding for the National Endowment for the Arts. It is unfortunate that the House won't have the opportunity to debate it.

The spending priorities of this Congress continue to amaze me. Just the other week, this House of Representatives voted to purchase nine additional B–2 bombers that the Secretary of Defense and the Joint Chiefs of Staff have told Congress repeatedly that they do not want or need. These planes will cost $13.6 billion dollars to build and an additional $13.2 billion to operate and maintain.

What a difference 2 weeks make. Today the House is considering legislation that eliminates funding for the National Endowment for the Arts. Apparently, the House leadership has determined that, after spending billions of dollars for B–2 bombers the Pentagon says it doesn't need, there isn't any money left to support the arts in the United States. For all the extreme and inaccurate rhetoric coming from the other side about the expense and utility of the Arts Endowment, the truth is that the NEA represents just one-hundredth of 1 percent of the Federal budget. Put another way, the NEA costs each American less than 38 cents a year: That's three dimes, one nickel and three pennies.

So what are our constituents getting for their 38 cents? Since the NEA was created 32 years ago, the number of arts organizations has dramatically increased. When the NEA was established, there were only 56 nonprofit theaters in America; today there are over 400. The number of orchestras have quadruped in number to over 200. Opera companies have grown from 27 to nearly 100. Our country's modest investment in the NEA helps support folk festivals, community theater, free lawn concerts, arts exhibitions in public libraries, and chamber music in rural areas. The NEA helps to bring the arts to millions of school children. Just last week, millions of Americans saw the broadcast of the Fourth of July concert on the Mail by the National Symphony. The NEA helped make that possible.

The Endowment also serves as a catalyst for private investment in the arts. Every dollar awarded by the NEA attracts $12 from State and local art agencies, corporations and other private sources. Indeed, the non-for-profit arts generate $37 billion in economic activity and support more than a million jobs. On the community level, the art activities supported by the NEA simulate local economies, promote tourism, and make our communities better places to live.

Elimination of the NEA would not mean the elimination of the arts in America. What it would mean is that the arts could become inaccessible to many Americans. The arts should not be just for the well-to-do.

Opponents of the Arts endowment insist on rehashing old arguments against a few controversial grants awarded by the NEA over the last three decades. The fact of the matter is that only a handful of the more than 112,000 grants awarded since the NEA's founding have proven to be controversial, and most of these grants were awarded years ago before Congress and the NEA took steps to curb funding to objectionable projects. Yet the opponents of the NEA would throw the baby out with the bath water.

Had the leadership permitted us to debate it, the Yates amendment would have given Members the choice of restoring the NEA's funding at last year's level. I would point out that the Yates amendment was deficit-neutral since it contained offsetting spending reductions in other programs.

Mr. Chairman, the NEA is the country's largest single supporter of the arts in America. Other nations, far less wealthy than the United States, do much more to support the arts in their countries. Let's not eliminate the little the Federal Government does do to make the arts accessible to every American.

I urge my colleagues to reject the Ehlers amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Ehlers amendment and ask unanimous consent to revise and extend my remarks.

Much of the controversy over the National endowment for the Arts [NEA] stems from a

very small number of artistic projects funded by the NEA which some people find in poor taste or morally objectionable. In fact, only 45 out of the 112,000 NEA grants awarded over more than 32 years have been controversial. Further, "taste" and "moral objection" are highly subjective yardsticks by which to measure the arts, and I certainly do not take issue with those subjective judgments.

I do, however, take issue with the conclusions such people draw that, because they object to the work a few artists have produced with NEA funding, the whole program should be terminated. Make no mistake—that is what will happen if the Ehlers amendment is adopted. This proposal for a block grant to States will diminish the national stature of the arts; it will substitute the judgment of one level of government for another; it is no guarantee the States' judgment will be any better than that of the NEA; and, in the long run, it will mean diminished funding and the ultimate termination of support for public funding for the arts.

In my congressional district, over my entire service in the Congress, I have never heard an objection to a local arts initiative supported by the NEA. Quite the contrary, those funds are highly prized and put to very good use to stimulate initiatives in small communities, which would not have been possible without those very modest Federal NEA funds. A few examples from this past year will suffice to make the point: Little Falls received $7,500 for the St. Francis Music Center; Pequot Lakes Children's Theater Company received $22,000 for the production of a new work, "A Mark Twain Storybook," scheduled for an extended tour during the 1996–97 season; the public television station in Duluth received a $40,000 grant to broadcast "Headwaters," an acclaimed public TV series; and the College of St. Scholastica's Arts Midwest group received a grant for $131,000 for a performing arts tour by the college's arts group.

In the Middle Ages and the Renaissance Era, it was the doges of Italy, the archdukes of Austria, the kings and queens and other nobility throughout Europe, and a few individual wealthy patrons who supported the arts. In our post-monarchy world of democracy and egalitarian governments, it has been the Fortune 500 corporations and wealthy philanthropic industrialists who supported the arts, until the election of President John F. Kennedy. He recognized that a nation that rightly invests in the infrastructure, military readiness, education, and adventure in space should also invest in the enrichment of the human spirit by supporting the arts, and he launched the National Endowment for the Arts and its companion program, the National Endowment for the Humanities.

If your community happens to be fortunate enough to have Fortune 500 mega-corporations in its midst, or a philanthropic foundation with a commitment to the arts, children's theater, community music centers, the local symphony orchestra, and other similar expressions of the spirit, the arts may well be adequately nurtured. But if your community happens to be rural, remote, and devoid of multimillionaire philanthropies, then the arts and artists will either perish, if they exist, or never take root at all for lack of funding.

President Kennedy said: "A nation devoid of the arts has nothing to look backward at with pride, nor to look forward to with hope." The NEA has, for people in many small communities and their artists, been a source of both pride and hope. Do not vote to extinguish either hope or the NEA.

Ms. HARMAN. Mr. Chairman, I would like to express my strong disappointment that the rule for debate of the Interior appropriations bill blocked an open and fair vote on funding for the National Endowment for the Arts.

I support the NEA, as do a majority of my constituents and, according to poll after poll, a majority of Americans. NEA-funded activities have permitted public school students in San Pedro, Venice, and Torrance the opportunity to participate in improvisational theater sponsored by a touring performing arts and musical company. They have enjoyed special education operatic performances. They city of Venice has hosted numerous performing arts events, arts displays, and multi-media activities. And, a grant to the LA Theater Works Program in my district enabled a set of five American stage plays taped for radio to be donated to 500 underserved libraries throughout the country. Events, programs, and gifts such as these foster creativity and an appreciation of our rich and diverse cultural and artistic heritage.

Mr. Chairman, private funds alone will not permit the continuation of activities like these should Congress eliminate the National Endowment for the Arts. And, while I certainly understand the necessity of restructuring and reforming the NEA, elimination is not reform. As mandated in past Congresses, the NEA has worked tirelessly to ensure that local decision makers are given the ability to fund the programs needed and requested by their communities. The proposal to transfer arts funding to State agencies will only waste precious dollars in creating 50 new bureaucracies to administer a program effectively run now by the NEA. States and cities tell us they are concerned that other funding sources they currently enjoy in support of their arts programs will dry up.

The House should be allowed to debate the future of this agency openly and fully and to vote. Regrettably, it won't. I oppose this rule which sanctions tyranny of the minority, and the ideologically driven policy it seeks to implement.

Mr. FAWELL. Mr. Chairman, I rise in support of the Ehlers amendment. I have long been a supporter of the arts in America. Although I did vote in favor of the rule yesterday, which allowed for arts block grants as a substitute for NEA funds, I did so in strong recognition of the importance of arts and as a method of continuing dialog between arts supporters and opponents.

I do however, have concerns that the Ehlers compromise does not adequately recognize the importance of the Federal arts presence, and that it does not adequately fund or allow States to fund traveling art projects and other activities which had been funded by NEA program grants.

Many of these grants, such as the Glen Ellen Children's Chorus, the Chicago Youth Symphony Orchestra, and the American Western Composers Midwest Chapter have done an excellent job of providing arts education and enrichment throughout the State of Illinois, and I ask unanimous consent to include in the RECORD a complete list of the outstanding arts organizations funded by NEA program grants in Illinois.

The amendment, although not a perfect compromise does continue arts funding in America. I support its affirmation of the State and local arts agencies funded by State arts councils. Indeed, its recognition of the importance of arts education is also well intended. I therefore urge support of the amendment.

While saying this, I also urge the House and Senate conferees to strongly consider the importance of the Federal arts programs ongoing in the United States as they evaluate arts programs either within or outside of the National Endowment for the Arts structure.

I appreciate the effort that has gone into this proposal and this bill, and I urge support of the Ehlers amendment, and the importance of arts in America.

NEA DOLLARS FUND ILLINOIS ARTS

In addition to the block grant made to the Illinois Arts Council, the NEA directly funded the following groups in Illinois this year.

American Library Association (for the "Writers Live at the Library" Program)

American Women Composers Midwest Chapter (to support American Women Composer 15th Anniversary Gala Opening Concert)

Art Institute of Chicago (to support "Cinema in a Chinese Sphere: Before and After 1997" & to support the traveling exhibition "Art and Archaeology of Ancient West Mexico")

Arts Matter (for production of support materials for Gallery 37)

Chicago Children's Choir (to support increase in programming for children)

Chicago Children's Theatre, Inc. (to support production of "A Woman of Truth," a one-act play celebrating the life of Sojourner Truth)

Chicago New Art Association (to support the exhibition review section of the New Art Examiner)

Chicago Public Art Group (to establish a cash reserve)

Chicago Theatre Group, Inc. (to support Goodman Theatre's Student Subscription Series)

Chicago Youth Symphony Orchestra (to support in-school outreach project called "Music Pathways")

Chinese Music Society (to support a series of lectures and educational concerts of Chinese music)

City Lit Theatre Company (to support collaborative program with high school students & to develop and present an original theatre/jazz performance piece based on John Clellon Holmes's novel, "The Horn")

City of Chicago, Illinois (to support collaborations between the Chicago Coalition of Community Cultural Centers and the Chicago Department of Cultural Affairs)

Columbia College (to support Dance Center presentations, including "Celebrate Africa/Celebrate Chicago," the Festival of Solo Artists, and the Festival of European Premieres)

Court Theatre Fund (for presentation of "The Iphigenia Cycle")

ETA Creative Arts Foundation (to support "The Voice: Celebrating Divas of the African World")

Facets-Multimedia, Incorporated (to support 1997 Chicago International Children's Film Festival)

Free Street Theatre (to support "TeenStreet," a jobs program offered to low-

income, inner city teenagers, involving creative writing and theater performance)

Glen Ellyn Children's Chorus (for educational outreach programs)

Guild Complex (to support "Poets Across the Generations," a series of 6 readings)

Hubbard Street Dance Chicago (to create new works)

Illinois Alliance for Arts Education (to support expansion of the ARTSMART program into Quad Cities, Springfield, Rockford, Peoria, Champagne/Urbana, and Decatur)

Illinois State University (to support development of website for the independent literary presses and writers' conferences)

Jazz Institute of Chicago, Inc. (to support musician fees for 1997 Chicago Jazz Festival)

Little City Foundation (for exhibition of artwork created by people with developmental disabilities)

Lookingglass Theatre Company (to support world premiere of the play, "My Life in Pop: A Theatrical Essay on Popular Music in Context")

Lyric Opera Center for American Artists (to support world premier of "Between Two Worlds")

Lyric Opera of Chicago (to support world premier of the opera, "Amistad")

Merit Music Program, Inc. (for augmentation of existing endowment)

Mostly Music, Inc. (to support the beginning of 3 year retrospective of 20th Century American Chamber Music)

Muntu Dance Theater (for commissioning of Jawole Jo Zoller to choreograph "Roots n Blues")

National Council of Young Men's Christian Associations of the USA (to support expansion of the National Readings Tour of the National Writer's Voice Project)

Orchestral Association (for scholarships for members of Civic Orchestra of Chicago & to support a month-long residency devoted exclusively to the performance of new, modern, and contemporary music, directed by Principal Guest Conductor Pierre Boulez)

Quad City Arts, Inc. (to support Visiting Artist Series)

Randolph Street Gallery, Inc. (to support "Trance," a multi-disciplinary project exploring the role of race and ethnicity in America)

Ravinia (to support student artist jazz camp scholarships and Jazz in the Schools Mentor Program with Chicago Public Schools)

Renaissance Society at the University of Chicago (to support exhibition of African-American artist Kerry James Marshall)

Review of Contemporary Fiction, Inc. (for recovery and publication of out of print works of fiction by Dalkey Archive Press)

Shakespeare Repertory (to support live musicians for Shakespeare productions)

Sutherland Community Arts Initiative (for 1997 JAAZ Festival)

University of Illinois at Urbana-Champaign (to support the 1997–1998 New Visions series performances)

Victory Gardens Theater (to support development of new plays)

Remember in your letter to specifically mention any of the above programs that you attended and enjoyed.

In addition to state and local programs, NEA funds support public radio and television programs which reach millions of listeners and viewers nationally. In your letter, please refer to any such programs that you listen to or watch.

Mr. SCHUMER. Mr. Chairman. I rise in support of full funding for the National Endowment for the Arts.

The NEA is a precious gift to all Americans, and we should be lauding, not killing it.

The NEA is responsible for teaching art and music to children in our schools. It brings exhibits to small towns and cities in America—places which cannot afford, or do not have the market to support a touring dance group or play.

And it is partly responsible for allowing some of America's greatest artists to get their start. Who knows where the next Stephen Spielberg, Maya Angelou, or Leonard Bernstein will come from?

As a New Yorker, I am proud that the NEA helps make our museums and galleries among the greatest in the world. I am proud that people from across the country and around the globe come to New York City to hear our operas, see our plays, listen to our symphonies, and enjoy the creativity that abounds.

The NEA is an integral part of what makes New York great. And it gives those who otherwise would not receive funding a chance to succeed—a chance to be great.

And NEA is an important economic tool for New York. Some areas of the country depend upon soy beans—and they get generous farm subsidies. Other areas depend upon the defense industry—and they get huge contracts. New York depends upon creativity. We get a very small stipend from the NEA to help struggling artists, struggling galleries, and struggling art schools.

There are those on the right who seek to stifle the creativity of artists—those who fear freedom of expression. I would argue that Government censorship is a greater fear.

When police start coming into the homes of Oklahoma families to confiscate copies of The "Tin Drum", all Americans should be alarmed. When political leaders demand that "Schindler's List" be barred from television, we should take pause.

That is why I rise in support of NEA, and in support of painters, sculptors, playwrights, musicians, authors, teachers, lithographers, photographers, and all those who make this world a more beautiful and interesting place.

Let's make this tiny investment to help others achieve greatness.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in fervent opposition to the amendment offered by Representative EHLERS and Representative HUNTER to H.R. 2107—the Interior appropriations for fiscal year 1998. I oppose this amendment because it summarily terminates the National Endowment for the Arts [NEA].

Under the Ehlers amendment, only $80 million will be granted to the States for arts funding. This will be done in block grants to the States. Thirty-seven percent, or $29.6 million, will be granted directly to State art commission; 60 percent, or $48 million, will be granted directly to local school boards to fund school-based art activities in the form of arts education block grants; and 3 percent, or $2.4 million, will be allocated for administrative costs.

The 3 percent allocation to the States will amount to nothing more than a burden on the States to administer another Federal Program. There are many questions that must be answered regarding this new plan. Will this 3 percent allocation be sufficient to administer a brand new program to all of the 50 States. This amounts to $2.4 million allocated to administer arts funding to each of the 50 States for distribution of moneys to the numerous school districts in the United States as well as the many art commissions of the 50 States. Is this really possible?

Government bureaucrats, whether State, Federal or local, should not be involved in deciding what art is worthy of funding. Under the NEA, panels of private citizens make decisions in a three-step process.

First, panels comprised of citizens from every geographic, ethnic and minority, and artistic and cultural background representing views of the general public make the initial decisions of accepting applications. This allows for those who are best qualified to make artistic decisions to do so.

Second, the chosen applications are then reviewed by the National Council on the Arts. This Council consists of 26 private citizens who are nominated by the President. They are each confirmed by the Senate to 6-year terms.

Third, the applications are then forwarded to the Chairman of the Council for a final review and decision. Mr. Speaker this is the way that decisions for the arts should be done; by the people. The citizens of the NEA are experts in their fields of art and culture.

There is no doubt that an investment in the NEA is an exemplary investment in the culture of American people. The NEA costs each American a grand total of 38 cents per year. With this incredible investment, the NEA enhances the quality of life for Americans through a diverse and breathtaking array of cultural activities from the best in theater, touring dance companies, folk festivals, music concerts, museums and orchestras. This vast array of arts entertainment is extended to our Nation's schools where millions of students and children benefit each year.

That is why this amendment offered by Representative EHLERS is unnecessary and duplicitous. It seeks to do what the NEA is already doing. Representative EHLERS' amendment allocates 60 percent of the block grants proposed for the States, or $48 million to be targeted for school-based arts activities. However, the NEA already funds arts projects where students greatly benefit.

Representative EHLERS' amendment seeks to allocate 37 percent or $29.6 million of his proposed block grants to the States, to be targeted for State art commissions. However, this is already being done. In Houston, for 1997, no less than 13 reputable arts organizations received much needed NEA funding. These organizations are: Houston Grand Opera Association; Menil Foundation; Museum of Fine Arts, Houston; Contemporary Arts Association of Houston; Cultural Arts Council of Houston; Da Camera Society of Texas; The Ensemble Theater; Project Row Houses; University of Houston-University Park Location; Rice University; and Writers in the Schools.

These grants to the organizations and schools are vital for creation and presentation, planning and stabilization, as well as education and access.

The beauty of these grants from the NEA is that they cover a myriad of cultural and ethnic representations of art. From The Ensemble

Theater which showcases African-American artists to the University of Houston and Rice University which each train young artists, the NEA is making a marked difference in the quality of life for all different cultures represented in America.

Mr. CASTLE. Mr. Chairman, I believe the arts and humanities are important to the cultural life and diversity of our country—to people of all ages, to people in our inner cities, in our suburbs, and in our rural communities—and support efforts to promote the arts and humanities because of what they make possible in Delaware.

For example, funding for the NEA and the National Endowment for the Humanities [NEH] helps the Delaware Division of the Arts and the Delaware Humanities Forum provide grants for many community and school activities, productions, and initiatives. In addition, the NEA provides direct funding to the Delaware Symphony Orchestra, the Delaware Theatre Company, and OperaDelaware. Americans of all ages, race, and income levels can benefit from the educational and cultural opportunities of the arts and humanities, fostered through the NEA and the NEH. Our State agency does tremendous work in enabling the arts to flourish in our State—in the schools and throughout our rural communities.

I would have liked Members of the House to have had the opportunity to cast an up-or-down vote on funding for the NEA. Unfortunately, the rule crafted did not permit a fair and open debate on this important issue. And the only amendment permitted was one that would eliminate the NEA and instead provide $80 million in funding to States and schools for arts programs.

While I do think the block grant concept is one that deserves consideration and further review, I am opposing the amendment offered by Representative EHLERS of Michigan because I think it is a late and harried attempt to partially address the situation while still killing the NEA. I would support holding congressional hearings on his proposal and learning more about how it would work. At this point, we have no idea what the impact would be on States' arts agencies; how specifically the funding formulas for distributing grants to both the States and the schools would work; whether it would warrant a new bureaucracy within the Department of Education to administer these grants to both the States and the schools; whether or not underserved communities would benefit from these grants; whether lifelong learning programs and programs benefiting older Americans would continue; and a variety of other questions and concerns.

Because this amendment, while offered with good intentions by VERN EHLERS, is poorly understood, should not have been the only alternative, was offered as a quick fix to a spending bill, and was terribly manipulated from a procedural point of view, I opposed the rule to bring this bill forward and must at this time oppose the Ehlers amendment.

Ms. STABENOW. Mr. Chairman, I rise today to express my strong support for continued funding for the National Endowment for the Arts. The NEA broadens public access to the arts for all Americans.

The latest Lou Harris poll indicates that 79 percent of the American public favors a governmental role in funding the arts. Furthermore, 86 percent of adult Americans participated in the arts last year. Federal funding for the arts is a good investment because the arts contribute to our society both financially and educationally.

Financially, the NEA is a great investment in the economic growth of communities. The nonprofit arts community generates $36.8 billion annually in economic activity, supports 1.3 million jobs and returns $3.4 billion to the Federal Government in income taxes.

Federal funding for the arts is critical to leveraging private funding. NEA requires grant recipients to match all Federal grants up to 4 to 1. It is also important to note that the NEA's budget represents less than one one-hundredth of 1 percent of the Federal budget. In fiscal year 1997, we spent $99.4 million on the NEA, and almost twice that, $176.2 million, on military bands.

Society benefits from this small investment particularly when art is part of a comprehensive educational program. Recognizing this, NEA Chairwoman Jane Alexander has made arts education her top priority. Each year, the Arts Endowment opens creative doors to millions of school children, including at-risk youth. Participation in the arts improves overall student learning, instills self-esteem and discipline, and provides creative outlets for self-expression. The arts also help prepare America's future high-technology workforce by helping students develop problem-solving and reasoning skills, hone communication ability, and expand creativity—all important career skills for the 21st century.

Students who study the arts outperform nonarts students on the SAT, according to reports by the College Entrance Examination Board. In 1995, SAT takers with course work in music performance scored 51 points higher on the math portion than students with no course work or experience in the arts. Scores for those with course work in music appreciation were 61 points higher on verbal and 46 points higher on the math portion. And longer arts study means even higher SAT scores: in 1995, those who had studied the arts 4 or more years scored 59 points higher and 44 points higher on the verbal and math portions respectively than students with no course work.

Exposing children to the arts is more important now that we know how crucial the first 3 years of a child's life are to full mental and emotional development. Even at the very beginning of life, children respond to music and visual stimuli. The NEA increases opportunities for parents and teachers to share art with children who may not otherwise have such opportunities.

In Michigan, the NEA supports apprenticeships, mentoring programs, and in-school performances. These programs enrich the cultural fabric of our community. Mr. Speaker, I urge my colleagues to support the continuation of the National Endowment for the Arts.

Mr. DINGELL. Mr. Chairman, for less than 38 cents a year, each American supports a program which benefits our country culturally, educationally, and economically. Since its creation over 30 years ago by President Johnson, the National Endowment for the Arts has more than proven its value. Today, I would like to stress the importance of the NEA, and urge that my colleagues vote to save it.

Balancing the budget is a goal that we all share, and we are on the right road to achieving that goal. We have all worked hard, as has President Clinton, to bring more fiscal order to our house by eliminating unnecessary programs and wasteful bureaucracy. Earlier this week, the Washington Post reported, as did newspapers across the country, that even without cutting additional governmental programs, our budget could well be balanced by 1998.

Mr. Chairman, at a time when we struggle to balance the Federal budget many of my colleagues have targeted the NEA as a program which could, and should, be eliminated. However, even if the NEA was eliminated, it would do little to balance our budget, as the NEA accounts for less than one-hundredth of 1 percent of the budget. We spend more on military bands each year than on the NEA. Furthermore, a $99 million Federal investment in the NEA yielded a $3.4 billion return to the Treasury in taxes from the arts.

Another oft-mentioned misperception is that NEA funds are used to sponsor controversial programs that Americans find distasteful. The majority of these claims are distorted, overblown, or misunderstood. While it is true that some clearly distasteful projects were funded in the past, it is also true that the rules as to which programs can be funded have been changed to eliminate funding for controversial projects.

The NEA was created to enrich cultural lives in all corners of America. The arts have always flourished in our Nation's biggest cities, but not so in may of our rural areas, less affluent areas, and smaller communities; the NEA has changed this. Without the NEA, Michigan communities such as Muskegon, Ada, Tecumseh, Flint, Ypsilanti, Dearborn, Temperance, and Monroe would not be able to offer the quality arts programs that they can today; these programs make a difference. In Michigan's 16th District, the Henry Ford Museum and Greenfield Village, the University of Michigan-Dearborn, numerous youth and community programs could lose all Federal funding.

Mr. Chairman, arts exposure and education is of great importance to our children and our future. Statistics don't lie. Students with 4 years of arts education score, on the average, 35 points higher on the Scholastic Aptitude Test. Arts help students excel in math, science, reading, and all areas requiring critical thinking.

Finally, Americans enjoy the arts and support the NEA; 79 percent support funding for arts programs.

When looking at the NEA, I urge my fellow colleagues to think about the budget, think about the importance of our culture, think about our children, think about our future, and reject narrow thinking. Join with me today to save the NEA.

Mr. SANDERS. Mr. Chairman, I rise today in adamant support of continued funding of the National Endowment for the Arts. As we work through the budget process, deciding to build weapons of destruction, and spend unknown billions on the intelligence community, we must maintain spending for the arts and humanities.

Arts and humanities are a critical part of what civilized life is about, and I have very serious disagreements with those who want to increase funding for B–2 bombers and cut back on cultural programs for all Americans at the same time. Each B–2 bomber costs at least $1.5 billion, 15 times more than the entire funding for the NEA. This Congress must decide whether we will continue to increase the destructive capability of this Nation without regard to creative and artistic expression.

The NEA helps enhance the lives of the children and adults by supporting organizations which encourage individuals to cultivate their creative energies. Further, public funding of the arts allows many more people the chance to attend exhibits and performances, not just those who can afford expensive theater tickets. NEA is not pork for the rich and elite. It is crucial funding that brings art to people, schools, and communities that otherwise would not be able to afford them.

Arts teach our children understanding, self-expression, cooperation and self-discipline, and tell the story of a nation. Today's children should be inspired by music and theater and creative art, rather than desensitized to violence on television by a Congress that sends a message to the young people of this country that bombs and bullets are a higher priority than painting and singing.

In my State of Vermont, NEA funding has supported symphony concerts in rural underserved communities. NEA dollars have assisted in community-based artist-in-residence programs and a collection of the work and biographies and self-taught artists in northern rural Vermont. The NEA is a major funder of the Vermont Council on the Arts, an organization that brings the arts and festivals to communities across the State. NEA moneys have funded many other projects in Vermont that otherwise would not have been possible.

The elimination of the NEA would decimate funding for the arts across the country. We would likely witness a domino effect wherein local and State governments redirect their spending priorities in reaction to changes in Federal spending. private support cannot possibly replace the role of Federal dollars in arts funding. From 1992 to 1995, there was a $270 million decline in real dollars in private giving to the arts. Small and rural communities are even more at risk, since they receive far fewer private dollars toward the arts. The elimination of the NEA is contrary to the public will. Recent polls show that 79 percent of the American public favors a governmental role in funding the arts.

Every year the nonprofit arts community creates nearly $37 billion in economic activity in this country and 1.3 million American jobs. For every dollar the NEA invests in communities, there is a twenty-fold return in jobs, services, and contracts.

The arts are an important part of the foundation of every healthy democracy. The NEA brings the arts to communities all across the country regardless of geographic location or level of income.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. EHLERS].

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

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 271, not voting 9, as follows:

[Roll No. 266]

AYES—155

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Boyd
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Cook
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hill
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Jenkins
Johnson (CT)
Kim
Klug
Knollenberg
LaHood
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
McCollum
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Sanford
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Sununu
Tanner
Taylor (NC)
Thomas
Thune
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bono
Borski
Boswell
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Sherman
Shuster
Sisisky
Skaggs
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tauscher
Tauzin
Taylor (MS)
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Berman
Bonior
Boucher
Doolittle
Farr
Hansen
Molinari
Schiff
Slaughter

□ 1225

Messrs. PAYNE, CANNON, and COX of California, and Mrs. EMERSON and Mrs. KENNELLY of Connecticut changed their vote from "aye" to "no."

Mr. CRAPO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $96,100,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Beginning on page 76, strike line 14 and all that follows through line 10 on page 77.

The CHAIRMAN. Is there objection to the consideration of the Chabot amendment en bloc?

Mr. YATES. Mr. Chairman, if I understand correctly, there is only one amendment. What is the en bloc?

The CHAIRMAN. The amendment by the gentleman from Ohio addresses two consecutive paragraphs, which would require unanimous consent for consideration simultaneously.

Mr. YATES. Mr. Chairman, I have no objection.

The CHAIRMAN. Hearing no objection, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes in support of his amendment.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

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

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

□ 1230

Mr. CHABOT. Mr. Chairman, my amendment is simple and straightforward. It strikes all funding to the National Endowment for the Humanities, and it saves the American taxpayers $110 million.

Members will recall that it was a former chairman of the National Endowment for the Humanities, the NEH, Lynn Cheney, who was head of that organization for about 7 years, from 1986 to 1993, who concluded that the NEH indeed does more harm than good and should be closed down once and for all.

My amendment does just that. There are many problems with the NEH. First, it is an agency that historically has squandered millions of tax dollars on silly projects that benefit few, if any, hardworking taxpayers. Second, it has come to breed a form of arrogance that only a true culture bureaucrat, as George Will would call them, could concoct. We have debated this issue before, so I will not recite the laundry list of questionable projects funded for the benefit of the cultural and academic elite at the expense of the average taxpayers. I will not dwell on Sheldon Hackney's national conversation kit, which ostensibly would teach us all how to talk to one another, all for the mere $1.7 million to teach Americans how to talk.

I will not dwell too much on the NEH's highly controversial national standards for teaching history in our school systems or any of the other questionable projects deemed worthy of our tax dollars by a handful of Washington bureaucrats. The NEH record is there for all to see. That is why when I offered a similar amendment to the fiscal year 1996 Interior appropriations bill, it was endorsed by groups like the National Taxpayers Union, Citizens Against Government Waste, Citizens for a Sound Economy, Americans for Tax Reform, and those same organizations, as well as the National Tax Limitation Committee, Capital Watch, Frontiers of Freedom, the Competitive Enterprise Institute and others, are supporting it again this year.

Mr. Chairman, whenever I am called on to discuss the National Endowment for the Humanities, I cannot help but recall a letter that I once received from the top NEH bureaucrat in my State of Ohio. He told me, and it was a letter, so I cannot tell Members whether he had a straight face at the time he sent it or not. He said, "if there were no NEH, the public intellectual life of Ohio would shrink considerably." He really said that.

I can tell Members I spend quite a lot of time with the people of Ohio, and I have a little bit more faith in their intellectual abilities than do the NEH bureaucrats. I am pretty certain that without the NEH the people of Ohio would do quite well. In fact, I know they would do just fine. I am reasonably sure that very few of those taxpayers, save a handful of NEH functionaries and beneficiaries, would even notice the difference. Mr. Chairman, I think that most of us know that the NEH benefits the very few at the expense of all working Americans.

It is unfair that those taxpayers should shoulder the burden. A yes for this particular amendment I believe is a vote for the taxpayer. A no vote signifies support for the status quo, and another $110 million tax for the culture bureaucrats to do with basically what they want.

I know there are many, many things that one can point out that the NEH arguably has done a good job at, some programs that have benefited some people. On the other hand, there have been an awful lot of abuses. More importantly, it basically is a matter of one's philosophy.

I happen to think that these things which are funded by the NEH, where some of them may be worthy, they should be privately funded, they should be locally funded, but they should not be funded by the Federal Government. These dollars should not be taken out of the pockets of hardworking taxpayers in this country and given basically to academic elites to do with what they want.

They have programs where we have summer institutes and seminars, where they junket elite academics in places such as Hawaii, which I am sure is a very nice place, and Germany and all around the world to essentially take a vacation, pay them thousands of dollars to do that. I think these dollars ought to stay in the pockets of the hardworking American citizens. I do not think that we ought to give these dollars to academic elites.

Again, I am sure there are many Members who will say they do this, they preserve books, they do other things. All those things are fine. It is a matter of should Federal tax dollars go for these things. I would argue no, they should be funded privately, locally, and not with the money of the hardworking taxpayers of this country.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thought that after the effort of the gentleman from Ohio [Mr. CHABOT] last year that perhaps we were not going to encounter the same kind of opposition from him that we now experience. I cannot understand how a nice person such as the gentleman from Ohio can offer a destructive amendment of this kind. How can a Member of the House be against an organization whose primary purpose is preserving and protecting the history of the United States and in teaching that history to our children? Is there any reason in our budget for the reduction of this very essential part of our culture?

The House has just signed and approved a $268 billion authorization for our war machine. The money that is in this bill for the humanities is part of our peace machine. We have wars, we have people who have to be trained to try to stop wars and to make agreements before wars or after wars, and humanities makes a major contribution in that respect.

It has special projects to preserve history. It has a project to preserve the Nation's major newspapers so that they do not crumble into bits. They have projects to save the Nation's most important books which are burning up because they are being destroyed. It is helping to finance the leading universities in the country and their libraries in order to protect 20 million books which are now threatened with utter destruction by the fragmentation and yellowing of their pages.

What do we gain with this amendment? Yes, we will gain $110 million for the taxpayer, but the losses will be enormous. The losses of the opportunities to teachers to improve their methods of teaching history, the opportunities of learning to teach philosophy, the opportunities of learning all of the social sciences that are so essential to the well-being of a democracy. Those will be lost.

I hope that the Members of the House will look at this amendment very carefully and that they will conclude with me that the work of the National Endowment for the Humanities is necessary to preserve and to foster the social fabric of our country and vote down this amendment.

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

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

Mr. VENTO. I want to concur with the view of the gentleman from Illinois.

Mr. Chairman, I was unable to speak on the last amendment that failed, and I am pleased that it did fail. I think that the National Endowment for the Arts and the National Endowment for the Humanities really represent a symbol of the preservation of the creative genius of us as Americans, as a part of our culture, as a part of the fostering of creativity. It is enormously important as an export product. Look at what we are doing in terms of the flourishing of ideas and free thought. I suppose that some of it becomes controversial, but if I look at John Stuart Mill or I look at others that have written in philosophy and religion, I am certain at times that their views were controversial, but that is the nature of this particular endeavor in the humanities and in the arts. It is coming to grips with issues that very often are not popular or may even be unpopular. This is an enormous reservoir in protection of the creativity which is the genius of this country, the pluralism of this country, one of our great strengths, the fact that these two entities at the Federal level have been so successful. Yes, there have been issues that are controversial.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. VENTO. I think that if we look at the programs like the Poet in Residence in Olivia, MN, that goes to the grade schools, these are not the Robert Frosts of the world but they are people that are endeavoring in the arts and have basically given their life in terms of teaching, of helping and in fostering this creativity which is a great economic and I say a great strength in terms of who we are as an American people. To bring these amendments to the floor and to treat them and to point out the criticisms, yes, there will be criticisms wherever that occurs, but I think we have a great opportunity here to keep these programs in place. They are good programs, they are supported by the public, and they are really touching the quintessential fabric of what our Nation and what our people are about. I thank the gentleman for yielding and for his opposition.

Mr. YATES. I thank the gentleman for his very substantial contribution in opposition to the amendment.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Chabot amendment. The National Endowment for the Humanities funds programs promoting history, English, literature, foreign languages, sociology, anthropology and comparative literature. The NEH provides grants to colleges and universities, to museums and libraries in all 50 States, and the State humanities councils reach out to increase our citizens' understanding of history and culture.

Mr. Chairman, the humanities are critical to our society. They teach us who we were, who we are, and what we might become for a cost of only 42 cents per American. NEH is the largest single source of support for research and scholarships in the humanities in the United States. It also funds preservation of millions of historically and culturally important books that are in need of being preserved.

Despite our low funding allocation in Florida, my State has reaped a substantial benefit from NEH grants, which have been used for projects as diverse as helping to restore libraries that were ruined during Hurricane Andrew to leveraging over $2 million in local and State contributions just this year.

□ 1245

As the past president of the Florida Humanities Council, I am keenly aware of the importance of NEH funds and the negative impact of eliminating such funding. I urge my fellow Members to vote against this amendment and maintain the Committee on Appropriations' funding level.

Mr. BOSWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against this amendment and to second the things I have just heard from the last couple of speakers. It seems like that we forget in this time and age, when we are working so hard, to be sure and bring up equal opportunity to everybody, the electronic age and fiber optic networks and all these things, and then we decide to take a program that enhances and reaches out to everybody and start picking it apart. And I am a little bit appalled that this would take place.

So I rise opposed to my colleague's amendment to eliminate the funding for the National Endowment for the Humanities. This, modest by most government standards, program over the past 20 years has been able to provide literally opportunities for thousands of teachers through its training seminars and other programs, and these teachers have in turn been able to touch the lives of millions of our children.

The NEH supports scholarly research, education, public programs in the humanities through grants to individuals, institutions, and organizations for projects and programs. NEH provides many small grants for speakers and purchasing books for reading discussion groups. It reaches across the land in sparse and low-populated areas, poor areas, provides opportunities for people to have an equal opportunity to have part of those things being discussed so well. In Iowa many of these small grants are barely over $1,000 each, but it touches a lot of lives.

A vote for this amendment is a vote to remain in the past. Our country depends on our teachers' ability to train our young people to continually look forward. So let us move to the light, not to the darkness. Do not support this amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CHABOT] to eliminate funding for the National Endowment for the Humanities, NEH. I had hoped that all of our Members might have had an opportunity earlier this year to attend a gathering here on Capitol Hill when all the citizen and staff leadership of the humanities councils, the State humanities councils from around the country, had their meeting here. Their guest speaker was Stephen Ambrose, the author of the recently acclaimed book "Undaunted Courage."

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

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

Mr. OBEY. Mr. Chairman, also a distinguished former alumni of the University of Wisconsin.

Mr. BEREUTER. Reclaiming my time, Mr. Chairman, I am aware of that, and he is an exceptional graduate and has claims, I think, down in Tulane as well.

This Member is most familiar with the National Endowment for the Humanities through the activities of the Nebraska Humanities Council which consistently provides high quality humanities programming at very little cost to citizens of all walks of life in my State. It is not a program for the elite. Since 1973 they have funded programs in more than 200 different communities in all of Nebraska's 93 counties, reaching more communities each year. Some of those counties have fewer than 500 residents and are especially appreciative of this assistance. Surely the same type of examples that I am going to use could be cited for every State.

Now this is in direct contrast to what the gentleman from Ohio has indicated. That is to say, for example, in Nebraska, and I believe in most States, or maybe all, many, many of our taxpayers are beneficiaries of NEH funding. This is absolutely not an elitist program.

The Nebraska Humanities Council has been especially effective at reaching residents in the First Congressional

District of Nebraska. This Member's district encompasses Lincoln with its colleges and museums as well as the small cities and villages whose primary formal educational assets are their libraries and their consolidated public and religious schools.

For example, the council has developed a humanities resource center with a large speakers bureau, exhibits, films and videos that enable the smallest communities to benefit from the cultural resources of Nebraska's metropolitan areas and metropolitan areas from elsewhere in the Great Plains. The speakers bureau has been particularly helpful to Nebraska schools as they comply with the new requirement for multicultural education. Of course, the Humanities Council does not charge the schools for this valuable educational service.

In closing, Mr. Chairman, for these and many other reasons this Member urges the defeat of the Chabot amendment. The National Endowment for the Humanities is a highly appropriate use of a modest amount of public funds in a great and diverse country like the United States of America.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the Chabot amendment, and here is why.

As my colleagues know, we are kind of getting involved in what policy should be or, I guess, what is good and what makes sense and so forth. But we should remember that just because something is a good program does not mean that it should not be recognized and supported locally as a good program, as opposed to Washington has to do everything because if we do not do it, it means we do not love humanity or people or little children or sex and gender studies or some of the other valuable projects the NEH gets involved in. But just imagine this, Mr. Chairman:

If a person were on a diet, if they were on a 6-month diet to lose 30 pounds, and they got to the fourth month and they had lost 28 pounds, would they stop dieting? As my colleagues know, this person is ahead of their time schedule, they had not reached their goal yet. Would they quit exercising and start eating ice cream again and say, "Hey, look"?

The situation that we are in right now is similar to that fiscally, Mr. Chairman. We have reduced the deficit greatly. The Wall Street Journal said yesterday we may have the deficit projection as low as $45 billion, and I want Members of the House to think about this: If we can get within $45 billion of balancing the budget, is it not incumbent on us as Members of Congress to do everything we can to go ahead and push toward that zero, to reach the goal? If we were on the diet, reach it in 4 months instead of 6 months?

As my colleagues know, this money, this appropriation for NEH, it is within the budget. But that does not mean it is good. That does not mean that everything about the budget is perfect.

What is in here that is so necessary? I think we should look at this question: Are our projects necessary for the Federal Government? Not just are they nice and are they pleasant, and does it make us feel intellectual or cultural or whatever.

And I know there are Members who do feel cultural when they see that $400,000 went to Doran Ross at UCLA for, quote, "The Art of Being Kuna: The Expressive Culture of the San Blas Islands, Panama," $400,000. Not many constituents in my district make that kind of money.

Or how about this one: $108,000 to Howard Kushner of San Diego State University for "The History of Tourette's Syndrome."

How about this? A grant of $135,000 to Edward English of the University of Notre Dame for "Sex and Gender in the Middle Ages." Boy, a burning issue in my district. This is from the year 1150 to 1450, for those of my colleagues who are interested in getting a copy of it. I do not know if it will apply, but it was a good old 5-week summer junket for 24 college students.

How about this one? A grant of $201,000 to Laurie Kahn-Leavitt of Filmmakers Collaborative for "A Midwife's Tale: Discovering the World of Martha Ballard." Now has anybody read that? I mean all those defenders of NEH, tell me, was Martha Ballard's story a good one? I missed it.

As my colleagues know, my kids are dying to see "Jurassic Park" or the sequel, "Lost World", but we have not seen Martha Ballard. A grant of $201,000; again, not many people in my district are making money like that.

Or how about this: $34,500 to Carol Maier of Kent State for "Delirium and Destiny." Well, that is a good one.

What happened to private initiatives? What happened to spending State or local money if it is so important?

As my colleagues know, we are not really arguing here if NEH is good or bad. What we are really saying: Is it necessary, is it necessary to borrow children's money to pay for such projects? I submit, Mr. Chairman, it is not necessary to have this program, and as long as we are $5.4 trillion in debt we should be able to ask ourselves this question:

If this was coming out of my pocketbook, if it was coming out of my wallet, would I spend the money this way, or am I just doing it because it is taxpayers' money?

I would say to the Members of the House, If you can say yes, this is how I would, in fact, spend my money, than certainly they want to vote against the Chabot amendment. But if they are doing it just because somebody else is paying for it, think about the $5 trillion debt, think about the children who will be inheriting so much of this debt and vote for the Chabot amendment. And join, in doing that, the National Taxpayer's Union, the Citizens Against Government Waste, Citizens for A Sound Economy, Americans for Tax Reform, the Competitive Enterprise Institute, Frontiers of Freedom, National Tax Limitation Committee and Capitol Watch.

Below are a few examples of how the NEH is wasting tax dollars. When the average salary in America is approximately $20,000 a year, does it really make sense that the taxpayers are giving:

$150,000 to Jacquelynn Baas at UC Berkely for "Interpretive Programs for 'Face of the Gods: Art and Altars of the African Diaspora'";

$400,000 to Doral H. Ross at UCLA for "The Art of Being Kuna: The Expressive Culture of the San Blas Islands, Panama";

$108,000 to Howard I. Kushner of San Diego State University for "History of Tourette's Syndrome";

$140,000 to Devon G. Pena of Colorado College for "Upper Rio Grande Hispano Farms: A Cultural and Natural History of Land Ethics in Transition, 1850–1994";

$135,000 to Edward D. English of the University of Notre Dame for "Sex and Gender in the Middle Ages, 1150–1450," supporting a five-week summer institute for 24 college teachers;

$201,000 to Laurie Kahn-Leavitt of Filmmakers Collaborative for "A Midwife's Tale: Discovering the World of Martha Ballard" to support production of a test reel for a feature length documentary film on the life and world of 18th-century midwife Martha Ballard;

$34,000 to Mary Ann Smart of SUNY research Foundation/Stony Brook Main Campus for "Representations of Gender and Sexuality in Opera," "to support a conference to examine new ways to understand the cultural context of opera texts and music, focusing on how new musicological work on gender can be applied to the study of opera";

$210,742 to Charles V. Blatz of the University of Toledo for "Humanities 2000: A Multi-Year Collaboration to Strengthen the Humanities Foundations";

$34,500 to Carol Maier of Kent State University for "Delirium and Destiny"; and

$114,000 to Catholic University to support the preparation of a database of indices for the Gregorian chants found in ten major manuscripts, to be disseminated on diskettes and on the Internet?

Among many, many other such projects, remember, too, that:

The American history standards released by the NEH have been widely criticized as very flawed. Former NEH chairman Lynne Cheney has publicly disavowed the project. Indeed, she recently called for an end to federal funding for the NEH altogether.

Current NEH head Sheldon Hackney is spending $1.7 million to promote a "national conversation." Over the objections of his own National Council, Hackney pushed through a "national conversation" television program.

"Do you really think voters in your home state will understand why these programs were killed?" the NEH lobby asks in its most recent ad. A better question might be, why were the programs funded by the federal government in the first place? They are worthy programs, surely, but why do they need federal tax dollars at this time of massive deficits?

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not help but rise, having attended "Midwife's Tale" with Martha Ballard, and it was done in Maine, and it was done through a grant through the National Endowment for the Humanities. It was a story about a midwife working in rural Maine in the early 1800's. It was a story of women working and women's roles in a part of Maine and a part of this country that had never been told before, and without that grant and without that research would never have been known. I attended that film to a packed hall, and it was in northern Maine.

My district is the most rural district east of the Mississippi. There are 32 rural health clinics in my district. My district borders Canada, New Hampshire, and the rock-bound coast, and without the support from the National Endowment for the Humanities we would not have been able to see performances like this. We would not be able to get the arts and humanities involved and we would not have been able to have that involvement.

One of the greatest studies that has been accomplished has shown us that students involved in arts and humanities programs, and this is through testing, have been able to improve their SAT scores by 50 and 60 points. Arts and humanities is not an appetizer, it is part of the main course. The more that we understand, like in a diet that was referred to earlier as balanced nutrition, nothing in excess and everything in moderation, it is how we ought to look at arts and humanities. It is a lot more important.

This weekend is the birthday of Andrew Wyeth. He is going to be 80. It is going to be celebrated at the Farnsworth Museum in Maine, and how fitting to have a discussion here in the national Congress as to how unimportant arts and humanities are, and being able to pick on particular projects that are being done in particular areas without really knowing what those projects did.

The arts and humanities are going to allow a hundred small towns in Maine under the century project to do oral history projects. Some of the great histories in minds over time have told us that if we can take the culture of a previous generation and be able to mix it with the next generation, that that is the product of success.

So I think our strength comes from our culture. It is our glue that holds our communities together, and if the National Endowment for the Arts and the National Endowment for the Humanities are going to provide the glue that is going to hold our families, communities and counties and States together and help to do that, then those are the things that we ought to be encouraging.

It seems to me that the money that is being spent in proportion to the national Federal budget is very minuscule for the impact that it is making because these are matching grants. They require contributions at the local, private, State level to be matched. Those are the kinds of the things that we want to nurture.

Mr. Chairman, I would think that a party that is interested in family values and community values and in bringing people together and in breaking down those barriers would be very much supportive of these kinds of efforts. So this is a program that has a proven track record, one we ought to support.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in opposition to the Chabot amendment. I would point out initially that the amount of money that we are talking about here in the funding, the $110 million, is a reduction from a substantially higher amount, closer to $200 million, which has been done as a reasonable step in conserving the taxpayers' money.

□ 1300

I am a strong supporter of what we have been able to do with the National Endowment for the Humanities. The Delaware Humanities Forum is an organization which funds the humanities in Delaware. It receives nearly 90 percent of its money from the NEH.

I was in Bridgeville, DE. Let me explain where Bridgeville, DE, is. If anyone has their senses about them, they are going to go through it on the way to Rehoboth, DE. That is how you get there, you go right through, on your way there. It is a lovely farming community in Sussex County, DE.

I was there on October 18 of last year with most of the elected officials locally and in the State of Delaware. It might have had something to do with the fact that the election was a couple weeks later, too. It was for the world premier of this movie, "If You Lived Here You Would Be Home Now," which is a slogan they use and which other towns use.

It is a film about the life and work of a painter whose name is Jack Lewis. Jack Lewis came to Bridgeville, DE, as part of a work project many, many years ago, in the thirties. He is 82 years old now. This is an incredible film. It was shown in the high school gymnasium; 700 people showed up to see this film because of their pride in Jack Lewis. They had to have a second showing, and I understand that was almost sold out as well later in that particular evening.

Mr. Chairman, the movie is interesting. I will read what it says on the back of the container for it. It says:

In Bridgeville, Delaware, a town known mostly for the amount of scrapple, apples, and chickens it produces, New Deal artist Jack Lewis has integrated his art and murals into the lives of its citizens, and empowered these working people to express themselves on their own. By following how this artist has touched the lives of people who would not normally be exposed to art, the film explores larger issues about the role of the artist in society, public funding for culture, and cultural elitism, all from the perspective of a small town.

I can tell the Members that the people of that town, to a man or woman in that audience, embraced that movie as they have embraced this artist who has taught the children, has taught the disabled, has taught the disenfranchised young people that had no place to go, has been in our prisons, has done so much for Delaware. It has been shown all over the State of Delaware. We have tried to get it, and may still do it, on public television.

A review in the Washington Post said that perhaps there is a lesson in that story there about learning to love what is all around you, which is how Bridgeville has come to love art; it is everywhere you look. Because of Lewis, it has seeped into the lives of the barbers, dry cleaners, firefighters, undertakers.

This was $50,000 that was put in by the Delaware Humanities Forum, which they say gets its money from the National Endowment for the Humanities to help make this film which has pleased so many people in my State, and in my judgment could please people around the country if they had a chance to see it.

In short, Mr. Chairman, like everything else there is some risk, and there are some things that perhaps should not be funded, but the bottom line is so many wonderful things have happened through the National Endowment for the Humanities.

I would strongly urge every single person on the Republican and Democratic side of the aisle to reject this amendment, to realize that we have already made sufficient cuts, and to realize that if we manage the National Endowment for the Humanities well, it can do a wonderful job in teaching us so much about our history and all the other things that other speakers have spoken to.

I strongly embrace the National Endowment for the Humanities funding as put forward by the committee, and I would urge everybody to oppose the Chabot amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to rise today in opposition to the amendment. I do so from a background in the humanities. In fact, as I mentioned yesterday, my first exposure to Congress was when I chaired the California Council for the Humanities and was national president of the Federation of

State Humanities Councils, and I had the privilege at that time to meet the committee that was chaired at that time by my congressman, the gentleman from Illinois, Mr. SIDNEY YATES.

I think I am here because of the background that I have had with the humanities. I have profound respect for the work that has gone on under the sponsorship of the National Endowment for the Humanities. I have to say that I resent the accusation that the work of NEH is conducted primarily by and for the benefit of academic elites and bureaucrats.

My own background is in the University of California, and I have sometimes been described as an academic elite, but the situation with NEH is that they stand as the one clear agency in the country that is dedicated to overcoming that kind of gap.

Most of the programs that NEH sponsors have a very definite and required public dimension. I am thinking of all the programs we have watched on public television. I think of the programs for young scholars, some of whom are academically certified, some of whom are not yet but have shown unusual promise. Scholars all over the country have had their careers boosted, and energized by support from the National Endowment for the Humanities.

I would like to call attention to two specific projects that NEH has funded and supports that have had profound ramifications around the country. I think first of all of the State programs. The gentleman from Nebraska [Mr. BEREUTER] mentioned the great work of the Nebraska Council on the Humanities. The same is true for the one in California, and all of the States have these public programs that bring people together.

The NEH lifelong education. Education does not end at the age of 22, at the end of a college career, but should be lifelong, and it is the NEH that has been chiefly responsible for energizing lifelong education in this country.

Second, I would like to point out that 50,000 schoolteachers, have participated in the summer seminar program that has been sponsored by the National Endowment for the Humanities. Think of the reverberations from that. Fifty thousand schoolteachers, hard-working men and women, not making any money on this, giving up their summertime to come and work with a scholar in order to perfect their skills and to perfect their teaching ability. Then they go back home. Think of the ramifications of that in the classroom and how many students are touched by the work that has happened in those seminars.

Mr. Chairman, I want to say that I think that a nation should be judged on how it relates to its intellectual heritage. That is really what is at stake here. I stand in very strong opposition to the amendment, because I am a full-scale believer in the work of the National Endowment for the Humanities.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Chabot amendment and in very strong support of the National Endowment for the Humanities. The National Endowment for the Humanities supports long-term collaborative projects of national significance that could not be funded by any single State or single institution.

For instance, the NEA funded the Ken Burns series, "The Civil War," "Roots," "Baseball." Think of the number of Americans whose understanding of our history was enlarged by those series, but in addition, they also increased tourism at our national battlefields and other Civil War sites by one-third. The Civil War series created real dollars to real communities, because Americans were more knowledgeable about their own history. The NEH funds projects like the Brittle Books project, to preserve the manuscripts that record our early history but were printed on paper that is disintegrating. Those national treasures must be preserved with national dollars. That is not a project that any State or any institution could undertake.

In addition, the NEH leverages millions and millions of dollars to enable local and State organizations to better educate their people and better preserve their history. In Connecticut alone, challenge grants from the NEH have leveraged $1 billion. Many, many have benefited: little towns, small cities, children, schools, adults, and town libraries.

In Bristol, CT, the American Clock and Watch Museum was able to put on a presentation of the Origins of the American Industrial Revolution in Connecticut. Clock-making, enriched our understanding of that small city's role in a very important industry. The New England Carousel Museum is another Bristol beneficiary along with all who tour that gem of a museum. Falls Village and Canaan got money to help plan the Depot Museum in Heritage Park.

This will go not only to help those small towns in Connecticut bring their history into focus and display it in a way that others can understand, but also to create a tourist attraction that will broaden their economic base and better support their people, thus enriching the knowledge and understanding of the people of that corner and all who pass through it, while strengthening its economy.

In Farmington, CT, NEH money has helped us uncover the history of the Farmington Canal, preserve that canal, and educate people about it. Those are the kinds of projects that no individual small town can support and be responsible for entirely, but that are of not only local and State significance, but also of national significance.

In Litchfield, preservation of the Nation's first law school is something that we all should care about, we all should be interested in. Certainly the local community is interested and the State has been as well, but critical NEH dollars have helped us succeed with that project. I could go on and on with projects, and examples of educational series that our art museums have been able to offer because of the NEH grants, but my point is clear NEH affects the lives of every one of us in small towns and very rural communities and throughout America.

It also does things like sponsoring seminars for teachers, enabling them in the summer to work with outstanding scholars, and deepen their understanding of the subject matter they are responsible for teaching to our young people.

Recently the Carnegie Foundation completed a study that showed that there was a direct correlation between children's achievement in our public schools and the depth of subject matter expertise of their teachers. So this kind of effort to give teachers the opportunity to work with outstanding scholars in their area has a direct effect on the achievement of our children in our public schools.

Over 3 million Americans have taken part in NEA-sponsored reading and discussion programs in libraries in all 50 States over the last 16 years. Lifelong learning makes a nation strong, creates understanding and spirit that not only enriches individuals but whole communities and the fabric of our society.

Mr. Chairman, I urge opposition to the amendment and support of the National Endowment for the Humanities.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have gone through a number of pieces of legislation here today, and the sum total of what we are doing seems to say, bring on the darkness; that if we came out of the dark ages and went into the renaissance, if we put this Congress in charge, they would try to shut down thinking.

The idea that a great country can be sustained while there is no central government playing a critical role in thinking and in education, in preservation, that is an idea that other countries have tried. If Members go to them, they would not want to stay there.

Everybody understands there ought to be some balance in what we do in government. If we can give the head of Microsoft a $6 billion or $9 billion tax savings, driven by the Members on the

other side of the aisle, it seems we can take a few of those pennies back to make sure that the intellectual matter that has built this country is preserved.

Mr. Chairman, this book is now preserved. It is by Melville. Without the preservation funds, when you turn or crease the page, it comes apart. So our choice is simple. This country has prospered because we tried to make sure that the broadest base of our citizenry had access to information, to knowledge, to science. The question is, Are we going to cut one activity that is critical in many aspects to get at the small communities?

It is almost like the Post Office; if you live in New York City or Boston, you do not need us. What you produce helps the rest of us, often, but the critical mass, to have an arts program or what have you, saving books, that will occur at the great institutions in the large cities. But for those of us who represent average people in smaller communities, what these programs provide is the enlightenment. It is an opportunity to build a society with a broad recognition of what is out there in the world.

I would venture to say when we talk about trade balance, when we talk about a competitive country, there is nothing more important than what we are fighting about here today.

Reject this amendment. Members should understand their responsibility as national legislators, building a future for this country. Do not turn back to the darkness and end the enlightenment.

□ 1315

(Mr. REGULA asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE SCHEDULE

Mr. REGULA. Mr. Chairman, I rise to advise the Members what we plan to do is have a vote on the Chabot amendment. That will be all we will do for the rest of the day. We will rise immediately after the completion of that vote. So this will enable those that are planning for airplanes and so on, there will be one more vote and then we will rise.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment that is being brought to the House is an example of Members who understand the cost of everything and the value of nothing.

I just heard a prior speaker, a few speeches ago, lecture us about the $100 million-plus a year that this endowment costs the taxpayer. It is true. It does. But the same gentleman who spoke voted last week to require this country to buy nine B-2 bombers that the Pentagon did not want. Each one of those B-2 bombers cost $1.2 billion. This Congress chose, over the advice of the Pentagon, to buy nine of those. The cost of those nine B-2 bombers would fund this account for the next 99 years. So who is kidding whom?

This is not about whether taxpayers' money is going to be saved or not. This issue is whether or not we are going to make a small investment to preserve the best of American heritage and to help us to the best of our ability to rise above the lesser aspects of our natures.

That is what the humanities are all about. Let me explain what the National Endowment for the Humanities does. It provides exhibits. It helps libraries all over the country to preserve some of their prize possessions. If you ask any historian what is the greatest historical loss to mankind's base of knowledge in the history of the world, they will say it was the loss of the Egyptian library at Alexandria. We lost all of the treasures, all of the institutional memory of that ancient age. And it took humanity literally hundreds of years to begin to reaccumulate that knowledge and that understanding.

This endowment helps to preserve books. It helps to preserve documents. It helps to preserve archival material. It helps to preserve historical newspapers. It has produced films which have won Peabody awards, Emmys, you name it. It does not serve the cultural elite of this country. The cultural and economic elite of this country, any time it wants, has access to this kind of material. They have got the bucks to pay for it. They have the leisure time to experience it. And they have the family history that makes children sensitive to it.

It is the average family in this country that does not live in a city which has a great university, it does not live in a city with one of the outstanding libraries in the country. Members of Congress take for granted the fact we can go down to the National Archives, see the great documents of our history. We think nothing of that. Most Americans would give their eyeteeth to have that opportunity.

It is the small towns, it is the people of average means, it is the people of average life experience who most need the benefits that this appropriation produces.

Yet we are told we cannot afford that. We are told that by one of the same Members who stood on the floor or stood on the floor of the Committee on Appropriations just 3 days ago and argued that we ought to continue subsidizing tobacco.

I ask my colleagues, what is a better investment in American tax dollars? There is very little doubt in my mind. Has the Endowment occasionally been embarrassed by an idiotic use of one of their grants? Yes, they have. Have you ever been embarrassed? Has any Member of Congress ever been embarrassed by an idiotic act that we ourselves have committed or an act of our staff? Of course we have.

I wish any Member of this House had a batting average as good as the National Endowment for the Arts or the Humanities. We make as many mistakes in a day as they make in a year. Members can vote any way they want.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, those of you who know me know that I often quote my favorite poet, Archie the Cockroach. It is not my religious bible, but it is my philosophical bible.

I want to read my colleagues something that Archie wrote a long time ago: He wrote it about the movies, but you can just as easily say it in reference to the arts or the humanities. He said this:

> They are instinctively trying to preserve for the public some kind of stuff that wins an audience away from the often sordid surface of existence. They may do it badly. They may do it obviously. They may do it crudely. But they do have a hunch that what the millions want is to be shown that there is something possible to the human race besides the dull repetition of the triviality which is often the routine of common existence. And every now and then they blunder into doing something with just a touch of the universal.

Now, to me that is what the Endowment for the Arts and the Endowment for the Humanities is all about. I would just suggest that if Members want to save money, I can show them 50 line items in appropriation bills that I will serve the American public. This is a tiny little amount, but it is crucial to seeing to it that we can spread the basic foundations of our society and western values as broadly as possible in this society. Is it done error free? Of course not, because everyone is human. But I say that the routine of common existence would be just a little less rich without the services that this appropriation provides, and this Congress would be out of its head to pass this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many colleagues on both sides have stood up and said that maybe it is just a little bit of money. National Endowment for the Arts, which I did not get a chance to speak on in the last amendment, it is only a little bit of money, $100 million a year. I swore that if I ever spoke that a million dollars was a little bit of money, that I would leave this body, because it is a lot of money and I think we need to take that into account.

There are Members here and they have the right to that opinion that government can do things better. I think Charlie the Cockroach, whatever his name, would feel better if he had

the right to control his own destiny instead of other people controlling it. That $110 million a year for the NEA and $100 million for the NEH adds up to a lot of dollars. Let us take a 10-year period.

When the gentleman from Wisconsin talked about the real future and the light of the future, I think the real light of this great country was born on individualism, from people creating their own destiny, not Federal Government. If we look at what the NEH does, have they done some good things? Sure, I am sure they do. And the NEA, have they done good things? Yes.

But when we take a look at what the real light is, is it giving back taxpaying Americans dollars instead of sending it to Washington? You have to borrow the money. That $200 million a year, you have to borrow that money to be able to spend it and then make people think that you are giving them a good deal.

I submit that it is not a good deal, Mr. Chairman. We have people in San Diego, in my area like U.S.S. Grant Sharp, Adm. Grant Sharp, four-star admiral, we have Wally Schirra, an astronaut. I would love the humanities to come in and talk about their history. But we do that with PBS and private funds. The Government does not have to do that.

The gentleman from Maine that talked about this great program in Maine that they have. If it is so important to Maine, I have never seen it. Joe Sixpack in my State or county has never seen it. Let people from Maine, if it is so important, support it. Why should Joe Sixpack from all the other districts fund this?

There are some great individual programs. The gentleman talked about the B–2, a controversial issue. I would submit to take a look, is there a need for the B–2? Is there a mission in the future for it? I say yes. And if not, what would you do, spend another $12 billion just on the R&D that goes on with what the new B–2 is or whatever replaces it? That is going to cost more in those dollars.

I would submit that the gentleman from Wisconsin has not sat over the top of Hanoi like I have and watched two B–52's go down in flames, with the horror of watching those men die because they were flying in 40-year-old airplanes. Yes, there is an issue. I think the perspective is different.

But the perspective of the American people is not to have the Federal Government do it. It is awful hard to outspend a liberal. We will give a figure to balance the budget and you will give a higher figure. Then you will say we are cutting, whether it is Medicare, Medicaid, education and the environment or these programs, and look how wonderful they are.

The President wants a $3 billion literacy program. Mr. Chairman, we have 14 literacy programs in the Federal Government. What is wrong with paying for one and fully funding it and getting rid of the bureaucracies and getting rid of the bureaucracy of the NEA and funding down the arts where parents and children and schools can make those decisions? No, they want the Federal Government.

If you take a look at whether it is health care controlled by the Federal Government, whether it is education controlled by the Federal Government, or history standards controlled by the Federal Government in which they had more study about Madonna and McCarthyism than they did the Magna Carta, or whether it is private control of private property. No, I am not talking about the Federal Government. I am talking about the Communist Manifesto written by Karl Marx and Engels about control of everything that goes on in River City, in Washington, DC, and by Government.

I think it is time, Mr. Chairman, that we change those things. Yes, the cockroach would be much happier if he had the destiny of his own life to live instead of people that borrow money here that do not have to pay it back, they do not, even the people they spend it on do not have to pay it back. Americans have to pay it back.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment to abolish the National Endowment for the Humanities. This House seems intent on doing an interesting day's work. First let us destroy our support for the arts, that is in the morning; and in the afternoon let us destroy the humanities.

That is a good day's work. The humanities are critical to any free and democratic society. The study of history, the study of philosophy, literature, religion, how are people supposed to make intelligent decisions and govern ourselves if we do not support the study of history and philosophy and literature and religion? The purpose of the National Endowment for the Humanities is to promote this, to promote research in education and the preservation of knowledge, to promote the preservation of our cultural heritage. This House is willing to spend, we are this year appropriating somewhere in the neighborhood of $270 billion to the Department of Defense for our physical defense.

One can think, as I do, that that is a little too much, but no one will quibble that we should spend a lot of money for our physical defense.

□ 1330

But the NEH, the National Endowment for the Humanities, and the National Endowment for the Arts, that is money spent for our cultural and civil defense, for our cultural heritage, so that we have a country that is worth in every sense defending.

The NEH funds professional development for teachers to preserve our heritage for the next generation. Fifty thousand teachers have benefited from its summer seminars, and they have reached in turn 7½ million students.

NEH grants are being used to fund multimedia database programs on the Supreme Court, the Civil War and the philosophies and civilizations of ancient Greece and Rome, from which we learn so much.

The endowment provides national leadership for efforts to digitize and make more accessible such important texts and documents as the Dead Sea Scrolls, ancient Egyptian papyrus fragments and the works of Shakespeare. The endowment has preserved 750,000 brittle books and 55 million pages of American newspapers.

It is crucial to our efforts to preserve the writings and ideas of American culture. In fact, the NEH is crucial to efforts to preserve the writings of American Presidents, including those of George Washington, Thomas Jefferson, and Dwight Eisenhower.

I hear the gentleman from California saying we do not need the NEH to do this; let people spend their own money to do it. Who would preserve our cultural heritage? Who would spend the money to physically treat books, physically and chemically treat books so that their pages do not fall apart with age, books that are 50, 100, and 200 years old? The private sector will not do it. Government has to do it because it is essential that it be done to preserve our heritage. But the private sector will not do that.

Do we want to eliminate funding for a program whose primary purpose is to preserve American history and culture? We have cut funding for this substantially. Two years ago the funding was $172 million, about .01 percent of the budget. The current fiscal year it is being slashed to $110 million, but that is not enough. They argue it must be eliminated.

To argue that this is too large an investment to preserve our cultural heritage is absurd. As was mentioned before, we voted for nine B–2 bombers in the current budget that the Pentagon says it does not need to defend us. One B–2 bomber, the cost of it, could fund the NEH for a dozen years.

The NEA has made mistakes on grants, the NEH has made mistakes on grants. Sure. But that is the real motive for eliminating them. But that makes about as much sense as saying that people have cheated on Medicare, some insurance companies have overbilled the Government, some doctors have overbilled the Government, so let us eliminate Medicare. No, let us have better protections.

The decisions that we make on spending are reflective of what kind of

a country it is we want. Do we want a Nation that values learning, that rewards curiosity, that devotes resources to learning about the past so that we know how to seek a better future? If that is the kind of Nation we want, it is crucial we continue our commitment to the National Endowment for the Humanities.

Mr. Chairman, I urge my colleagues not to compound the damage we did this morning on the NEA. Reject this amendment to eliminate the NEH. Let us not be totally shameful today.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am from Ohio, and I think Ohio has a stake in this debate because it is my colleague from Ohio who would like to eliminate the National Endowment for the Humanities.

The charge has been made that this is an endowment which supports the cultural elite. Now, it is true that the city of Cincinnati, OH, is one of the great cities in this country. It is a city where the arts are valued and the humanities are valued and where many wealthy people contribute to both.

However, I represent a different part of Ohio. My part of Ohio is a part of Ohio where the largest city is only 25,000 in number. In my part of Ohio the median family income is $22,000 a year. My part of Ohio needs the National Endowment for the Humanities. I can say that in my district alone, since 1970, the National Endowment for the Humanities has contributed nearly $80,000, but that has been used to leverage almost $350,000.

In my small counties numerous worthy projects depend upon funding from the National Endowment for the Humanities. In Athens County, WOUB radio, Ohio University; the telecommunications center at Ohio University; in Clinton County, Wilmington College benefits, as well as does the local library; in Gallia County, the University of Rio Grande and the French Art Colony; in Jackson County, the local library; in Meigs County, the Pioneer and Historical Society benefits from the National Endowment for the Humanities; in Ross County, the Ross County Public Library and the Ross County Historical Society; in Scioto County, my home county, the Southern Ohio Museum and Cultural Center benefits; Shawnee State University, which is Ohio's newest and smallest State university, benefits from the National Endowment for the Humanities; in Vinton County, which is Ohio's smallest and poorest county, the local library benefits; in Warren County, the county library; in Washington County, Marietta College and the local library. On and on and on.

These are not cultural elites. These are citizens in small communities in one of the most historic and beautiful parts of our Nation who need the National Endowment for the Humanities in order to continue very worthy programs.

Mr. Chairman, I would ask my colleague from Ohio to reconsider, to reconsider this misguided attempt to eliminate the National Endowment for the Humanities.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the National Endowment for the Humanities was established more than three decades ago because, in the words of the Columbus, OH, Dispatch, democracy demands wisdom and vision in its citizens.

Now, the more responsible amendment that we should be debating today would be one that would restore the $40 million to this budget that was cut in this bill from the President's request or the $14 million cut from last year's funding level. That is what we should be doing, and we could have compelling arguments to do that and, I would think, win on that debate. But, instead, here we have to defend a program that has justified itself for 30 years, that has made a difference in almost every community across the country.

In Alexandria, VA, right across the Potomac River, 150 years ago Alexandria was part of Washington, DC, but there was a vote to retrocede. Because the African-American citizens could not vote, that vote won, and Alexandria went on to become one of the principal slave capitals of the South. For the next 150 years there was a struggle that required the highest levels of courage and character and leadership on the part of our African-American citizens to transform our community and that of northern Virginia and the Washington metropolitan area. They had to risk beatings, they had to risk persecution and oppression when they would go in and integrate libraries, integrate the school system, the stores, the drugstores; and over a long history, they succeeded.

Now, why is that relevant to this discussion? Because it is the National Endowment for the Humanities that is bringing that history alive to the children of our school system, black and white alike, and throughout the Washington metropolitan area.

Now, it took years for the citizens of our community to meet the exacting standards of the National Endowment for the Humanities. But once they met them, then we were able to draw upon substantial sums of other money to make history come alive, to enable our schoolchildren to realize the strong shoulders on which they stand today. That is what inspires leadership, that is what keeps our country a great country, that understanding of history, that understanding of the kind of character and courage that gave us the foundation upon which we progress.

NEH has proven itself in the same way that the principles of this country have proven themselves. But it is integral to sustaining our principles as a democratic free country that believes in free speech, that believes in education, that believes in inclusiveness of all of our citizens.

NEH needs to be expanded, not cut back, but certainly the least we can do for our country and its people is to defeat this amendment today.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the full 5 minutes but I do rise in opposition to the Chabot amendment. I urge our colleagues to defeat it and to defeat it resoundingly.

In the earlier debate we talked about the importance of the arts, of music to our country. If the arts and music touch the heart of our country, certainly the humanities enhance the soul of our great country.

The National Endowment for the Humanities supports scholarly research, education and public programs in the humanities. The NEH preserves our national heritage by helping to keep our historical record intact. It builds citizenship by providing a way for citizens to study and understand principles and practices of American democracy. It strengthens our communities through State councils and local grants.

"No, the marketplace," as Ken Burns said in his recent article, "will not produce the good works of the endowments." He said further, "It is my sincere belief that anything that threatens these institutions weakens our country."

I hope that my colleagues, when they vote, will vote to strengthen our country. In his article, Ken Burns, and I want to quote because I think it would be interesting to Members, also said, "Without a doubt, my film series on the Civil War or Baseball could not have been made without the endowment. It not only provided one of the largest grants, thereby attracting other donators, but some of its grants to archival institutions made possible the restoration of historical photographs we used," he said, "to tell our story."

He further said, and I will close with these remarks, "Early on, Thomas Jefferson and the other founding fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace but an active involvement of the mind in the higher aspects of human endeavor; namely, education, music, the arts and history."

I urge my colleagues, Mr. Chairman, in the spirit of our Founding Father Thomas Jefferson, to support the humanities and vote no on the very destructive Chabot amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague, and in so doing I would like to applaud the comments of the two previous speakers, the gentleman from northern Virginia and the gentlewoman from California, for their eloquent remarks in defense of their position opposing this amendment.

Mr. Chairman, I would make a few observations. First of all, while I stand in vehement opposition to the amendment offered by my distinguished colleague, I think in one sense he has done this body a great service, and that is to provide an opportunity for many of my colleagues to march into the well of this House and to inform other Members of Congress and the American people of all of the vital services provided by the Endowment for the Humanities, and to do so with great eloquence and great precision.

Second, I would like to make this observation. A couple of weeks ago the Committee on National Security brought the military budget for this fiscal year to the floor of the U.S. Congress. In my capacity as ranking member of that committee I tried to point out, on more than one occasion, that one of our significant vital national security interests, Mr. Chairman, is a well trained, well educated, well informed citizenry that is capable of engaging the economic, cultural, and civic affairs of our Nation.

I would argue with my distinguished colleague that this amendment striking all of the funds for the National Endowment for the Humanities strikes at the heart of a vital national security interest of this Nation, and that is to have an informed, vitalized, intelligent, capable citizenry in this country.

□ 1345

One of the previous speakers, arguing in defense of this amendment, challenged some of the activities of the National Endowment of the Humanities because it opened us up to ideas. Only an ignorant society, Mr. Chairman, would run from ideas.

What makes us brilliant, what makes us capable is that we expose our youth and our children to the magnificence and wonder of great ideas. The day that we begin to censure ideas and to censure thought is the day that we go back into the 19th century and do not walk into the 21st century.

Mr. Chairman, one of the greatest things that we have is our children; and one of our greatest contributions to our children is a contribution to their education, allowing them to function and to cope in a society, in a world that is rapidly changing, growing with increasing complexity and increasing challenges.

I would suggest, with those observations, Mr. Chairman, that all of my colleagues on both sides of the aisle reject this amendment and say to our people, young and old alike, across the myriad of perspectives in this country, that we would not strike at a very important, vital national security interest of this country, and that is the education and the information that needs to flow to the people of this country.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I strongly oppose the amendment of my colleague, the gentleman from Ohio [Mr. CHABOT], and I want to tell this Congress why we should focus our attention on doing just the opposite. We should focus our attention on trying to centralize the amount of moneys we are going to give to the humanities.

I have heard many arguments this morning, Mr. Chairman. Many of them seek to sort of disperse the power and the money for the humanities. That is a wrong approach, Mr. Chairman. What it does is it proliferates weakness.

My colleagues say they want to give it in block grants to the States? That is one proposal, to give States a block grant. It does not make sense, in that there would be no centralized entity to focus, to leverage, to try to get the most of the small amount of Federal money that they are now dispensing.

First of all, if someone in this House is against an idea, it does not make sense to try and kill that idea through appropriations, because through appropriations we have never looked into the rationale of this program. We really do not know exactly what they do.

We do know that many of the things that they do are very, very good and some of the things that the National Endowment purports to help this country with are not good. That is so with all of our programs.

Our beloved leader and ranking member has tried very hard for about 25 or 30 years to build the arts and humanities in this country; and, with one fell swoop, we are going to wipe out both of these efforts. It does not make sense. What they are doing is dissipating the amount of moneys we have already put into this area, and now they are going to say they are not good, they are not good enough for our scrutiny, so we are going to wipe them out.

First of all, how is any school system or any other entity in this country going to be able to leverage the moneys that the Federal Government has put into the humanities or that it purports to put in there? There is no one agency in this country that can leverage that money as much as they have done it.

So they strengthen our communities and, most of all, they seek to maintain a historical perspective, Mr. Chairman. And we must, we must maintain that historical perspective. If we do not, we cannot keep the legacy of this country going, and it must be kept going. We must continue to remember what has been done in this country.

Mr. Chairman, I would just like to ask a question: Whether or not when we disburse this money to every different entity or agency that we can find, just to get it away from the National Endowment for the Humanities, they are going to leverage in different ways, they are going to have a diverse kind of programming. We do not really know what we are going to get, a mishmash.

So, in closing, Mr. Chairman, we can stimulate local economies through the National Endowment. It forces the people who are teaching. Are we going to have 59 or 60 ways of teaching? The National Endowment for the Humanities has brought in all of these people who are offering or trying to do something in the area of the humanities and giving them a series of forums and workshops to teach them ways to do this.

I beg of this House, Mr. Chairman, to defeat this amendment, because it is one that will kill the humanities movement in this country.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment. I was back in my office listening to the debate, and I really felt that I would not forgive myself if I did not come to the floor and add my voice to those who were saying that this is not an amendment that this House should vote for.

I think this is a basic philosophical difference. Some of my colleagues, well-intentioned, have the attitude that any government is bad, that the Federal Government is bad, that somehow or other government and programs of government are inherently evil.

I do not come from that perspective. We are one great Nation. We are 50 States, but we are one great Nation. And, certainly, the National Endowment for the Humanities teaches us that we are one great Nation, we have so much in common, that there is so much to preserve, that there is so much that we need as a Nation to bring us closer together.

The National Endowment for the Humanities does that. It is the largest source of support for the humanities nationwide. Federal support is vital in order for the infrastructure of humanities to continue to exist.

The next largest source of giving for humanities is the Mellon Foundation, which gives about $30 million annually, compared to $110 million for the NEH.

Government is important when the private sector cannot do the kinds of things that we need it to do. The NEH, to me, is public and private partnership working at its best. It gives grants that stimulate various humanities projects. Without these grants, without the seed money, these projects would never come to fruition.

We are one great Nation. We are a great country. We have a Federal Government. The Federal Government

should be doing the kinds of things, in my opinion, that the National Endowment for the Humanities does.

Now projects like collecting and editing the papers of the Nation's Presidents, Washington, Jefferson, Grant, Eisenhower, would more than likely stop production, many would close down all together if the NEH was abolished.

NEH funding is often the lifeblood of support for such large, complex research undertakings. A half million American school children would be deprived of the benefits of being taught by the thousands of humanities teachers who each year refresh their knowledge and understanding of humanities in our great Nation by attending NEH-sponsored summer seminars and institutes.

The NEH, as my colleagues have said, is a good buy. The cost to each American is only 42 cents a year, which is one one-hundredth of 1 percent of the Federal budget. The activities of the State humanities councils all across America would probably close, most would go out of business, if this amendment were to pass.

Some of my colleagues might say, "Well, so what? If it cannot be sustained by the private sector, let it close." But I think this is a very, very shortsighted attitude. If things can be sustained by the private sector, then they well ought to be. But, again, if we can have this public-private partnership that works, why would we not want to reward success?

This is a program that has been working. It has not been a failure. Where there are Government programs that have been failures, we should eliminate them. When there is too much fat in the budget, we should cut the fat. But when there is a program that is working, like the National Endowment for the Humanities, we ought to be strengthening these programs, not cutting their legs out from under them.

Access to humanities programming would be closed off to millions of Americans in rural areas who are less well off. I represent an urban area, and we would probably have these things continuing, but people in rural areas would not be able to do that. Without NEH, who else would have provided the vital seed money to nurture a landmark event in our Nation's cultural life like the Library of America series? Those of us who are familiar with that series know how important and vital it is and what a vital role the NEH played in that.

So let me just say, in summation, that I think that this amendment is a very, very shortsighted amendment. Again, where there is fat in the budget, we ought to cut it out. Where the private sector can fill in, then Government ought not to do it. But when we have a public-private partnership that works, this kind of funding works, this Congress ought to be saying thank you and we ought to be strengthening it and nurturing it and, yes, even adding additional dollars to it, rather than trying to cut it out.

I do not come from the philosophy that Government is inherently bad or evil. I think we need Government. We do not need too much Government, but we do not need too little Government either. And where Government provides vital resources such as the NEH, those resources should be supported by this Congress, not have the legs cut out from under them.

(Mr. REGULA asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. REGULA. Mr. Chairman, I rise to advise the Members that we will conclude debate on this today but will roll the vote until next Tuesday, so that those Members that have airplanes to catch, there will be no more votes today. We will just go on until the debate is concluded, and at that point we will roll the vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Texas must yield to the gentleman from Illinois for the parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, did I understand the chairman to say that there would be speaking as long as Members wanted to speak? Is that only on this amendment or on other amendments?

Mr. REGULA. Mr. Chairman, if the gentlewoman will yield, this amendment only. When the debate on this amendment is concluded, we will roll the vote and rise.

Mr. YATES. I thank the gentleman.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to ask one question. I have just been told that one Member of the leadership of the gentleman from Ohio [Mr. REGULA] has indicated that if this bill goes down on final passage, that all Democratic projects are going to be stripped out of the bill. I would like to know if that kind of blackmail is going on on the part of his leadership or not.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I know absolutely nothing about that, and I think that is misinformation. There has been nothing of that type by way of information or discussion transmitted to me. It is totally news to me.

Mr. OBEY. I would certainly take the gentleman at his word. I would simply ask that he check with his own Whip's office to make certain that that is not the case. If the majority party wants to really blow up this place, that is a good way to do it; and I do not think it would be very smart to try it.

□ 1400

Mr. REGULA. If the gentlewoman will continue to yield, I think that the gentleman knows me well enough to know that that is not the way we approach things. He can see that in the way the bill is constructed. It is very bipartisan.

Mr. OBEY. If the gentlewoman will continue to yield, I know that is the way the gentleman approaches things, but as he knows sometimes things are decided above our pay grade, and I think we need to know whether we are operating in the atmosphere of reasonableness or of sharks.

Ms. JACKSON-LEE of Texas. Would the Chair please provide me the amount of time I have remaining?

The CHAIRMAN. The gentlewoman from Texas has 4 minutes remaining of her 5 minutes.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for an additional 1 minute.)

The CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect my colleagues who have had a great deal of concern with both the National Endowment for the Arts and with the National Endowment for the Humanities. I know that many have done it out of an earnestness of what they believe the values of this Nation should be. But even though with respect for their position, I cannot accept it.

Just as I thought the amendments dealing with the elimination of the National Endowment for the Arts were foolish and foolhardy, both the amendment to eliminate and the amendment that did not pass that would have in essence eliminated under the Ehlers amendment the NEA, this amendment, the National Endowment for the Humanities, to eliminate it is similarly foolish and foolhardy.

Might I share with Members as a youngster growing up in America how important it was as the learning process unfolded before me to understand that I was not alone with respect to my history. I was not alone as an African-American in this Nation without history or roots. Although the educational system as I was growing up was not as detailed and as clear about the richness of African-American history, I am very proud today to say that many research projects that have been funded by the National Endowment for the Humanities have given depth to the rich and diverse culture of this Nation.

It has given depth to the very rich Indian American culture, the culture of the original natives of this great land. It has funded projects so that our schoolchildren could understand the value of American Indian history. It also has responded to the emerging Hispanic culture and in its research funding grants has seen the value of training teachers who understand multi-culturalism.

Tears came to my eyes in 1977 when an account by Alex Haley that was then fictionalized into a movie called "Roots" began to unfold for all of America what the slave history was about and the subsequent history of the 1800's, and then the entrenchment of this divide in this Nation, but yet the joys that came about.

I, too, celebrated in that fiction, fiction as it was put to story in a movie, but yet as it was told in truth in Alex Haley's book "Roots." It was exciting for those of us who had finished most of our education because, sad to say, in the 1950's and 1960's, there was little diverse history taught in our schools. But the National Endowment for the Humanities, independent and free as it is, with public dollars, when this country began to accept the multiplicity of its very diverse culture, began to train teachers to teach those of us who wanted to learn about the richness of this history.

He is now telling us that he would cut off the opportunity for my children and grandchildren to be able to believe in a Nation that is so diverse. How many of us fully understood, even as it was told, the Civil War story? But yet the NEH had enough courage to support the Burns' effort in this Civil War story that so many of us looked at on PBS, the Public Broadcasting System.

Likewise, the NEH supported a documentary history of the emancipation from 1861 to 1867. It included the fact that we in Texas only knew of that emancipation in 1865, two years after the emancipation in 1863. But it had to be an independent body that helped all of the Nation understand what emancipation meant.

And so I am saddened that we have this divide and that we would use the issue of arts and the issue of the humanities as a wedge issue and a budget-cutting issue when in fact, as I have said before, a people who continue to trample on its arts, its culture and its history are doomed to perish.

I believe that this amendment will bring about a perishing of the rich cultural diversity and the long and rich history that this Nation is developing. Vote down this amendment and support the National Endowment for the Humanities.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words in order to engage in a colloquy on an unrelated matter with the gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee.

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

There was no objection.

Mr. BEREUTER. Mr. Chairman, I appreciate this opportunity to engage the gentleman from Ohio in a colloquy to receive his views and to receive and understand the subcommittee's views on the nature of the matching requirements that will apply to the completion of the Lewis and Clark Trail Interpretive Center in Nebraska. It is my understanding that the matching requirements for the additional fiscal year 1998 appropriations for the center, plus the previously appropriated $391,000 in total can be matched by cash, materials, and services. While it is my understanding that a substantial cash contribution will be required, it is further my understanding that such materials, services and activities in non-cash contributions could include contributed architectural and engineering plans or planning activities, construction materials, landscape planning and plant materials, survey activities, utilities installation and/or relevant new artwork creations.

Mr. Chairman, is my understanding of the nature and the anticipated matching contributions for the center correct?

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

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

Mr. REGULA. As the gentleman knows, I have held all these types of interpretive centers to strict cost-share requirements including substantial cash. That is because we have so many requests and we try to stretch our dollars. However, the other services the gentleman detailed are also acceptable as a portion of the matching contribution necessary to meet the subcommittee's requirements.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished chairman of the subcommittee for his statement, patience, assistance and good will, and I also thank his staff for similar reasons.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to prolong this discussion nor this debate. But I think one of the reasons that so many people have spoken on this particular issue is because of the depth of their feelings with reference to how effective the National Endowment for the Humanities has been. In my own city, the city of Chicago, a city that is the essence of diversity, a city that has ethnic enclaves all over its landscape, through this kind of programming people have been able to come together to interact, to explore, to take hard, good looks, to be involved in things like Imagine Chicago, to be involved in programs at the Newberry Library or to be involved in finding out how other groups actually live and function in this great Nation that we call the United States of America.

I would think that any diminution of these activities would go against the grain, because one of the things I have learned is that in order to make democracy real, there is a need to understand how the other fellow thinks, how the other person feels, even the opportunity to walk in his or her footsteps and shoes. I would stand with all of those who have suggested that this program, and for the money that is expended on it, is worth its weight in gold, because it provides the golden opportunity for Americans to truly learn about each other and the contributions that we have all made. I join with those who are in opposition and say let us keep America interacting rather than shutting Americans away from each other.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have always understood that the most important obligation that each of us as a private citizen in America has is to somehow translate the history of this country and to make sure that the children that come in the future have a full and knowledgeable understanding of the history of this Nation and what makes it great, what makes it operate, and who the people are in the length and breadth of this land.

In order for the people of this House who represent this Nation to fulfill that solemn obligation, to extend who we are to the future, this Congress 30 years ago decided that we had to have a National Foundation for the Humanities in order to make sure that the history of this Nation and our understanding of it as it began and as it grew and as it is today and as we would like it to be in the future has the awesome support and foundation in a national kind of responsibility, and that is why the Endowment was created.

Each of us represents about 600,000 or 700,000 persons. We cannot begin to really express each and every person within our constituency, though that is our obligation. And so as we come to the House to meet our challenges, to extend the security of this Nation through education, we look to the National Endowment for the Humanities to help us in this endeavor.

And so at this moment in our debate, to kill this national organization seems to me to not understand why it was created in the first place. It is to take each of us, 435 Members of Congress, each from diverse backgrounds, each from very different districts. Most of us cannot comprehend the districts that some Members represent. But

surely we are the product of our district, our education, our cultural experience, our academic training and so forth and we come here with the responsibility to represent that constituency. But in this House, we know that we have far greater responsibilities than our own district. We have to represent the Nation. This Nation has a huge responsibility, and, that is, to unite this diverse entity called America and to understand it and to make sure that those things that are important, that began it continue on, to motivate our young people, to carry forth the noble traditions and principles of this democracy. If we simply let the States and the school systems and the private entities decide what is important for us as a Nation on an individual basis in our cities and in our school systems and in our States, we will lose that very important influence of the national unity of this country.

This is America, the United States of 50 States and territories. It is our obligation as the Federal Congress to understand our responsibility. That is exactly what the National Endowment for the Humanities is, to bring forth that rich history of our country, to understand the diversity of this Nation, to pull all these diverse people together, and to let us march down into history as one people with the fundamental principles of Americanism and freedom and liberty and all the things that are important for the future of this world into the essence and spirit of America. That is what the National Endowment for the Humanities stands for. To destruct it and to say, well, private sectors and the individual States can carry this forward, they cannot. Because no individual private foundation, no individual State can represent the spirit of America in the way that it must be represented if we are to be one country and one nation.

□ 1415

So I plead with those who seek to destruct this organization to understand what they are doing. It is not just to save money, it is not to try to express some conservative belief that less government is better government. It is a failure to understand our individual citizen responsibility that we represent the United States and that we have a fundamental responsibility to carry forward to the future the history, the understanding, the diversity, the culture, what makes us a special people in this universe.

I ask my colleagues not to support this amendment.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank my colleague from Ohio for the work that has gone into this bill; I thank my colleague from Cincinnati for his effort that has gone into this amendment. I do not agree with it, but I must say that there have been few amendments brought in recent weeks that have provoked a more constructive dialog on this floor than this one. It has invoked the deepest sense of what it means to be an American.

As my colleagues know, 4 months ago this body in its common judgment decided to abandon this Capitol to go away to a small place in Hershey, PA to talk about those things that bind us together. We talked about the things that were important to us as Americans representing 260 million Americans in all of our diversity. We came together and listened to David McCullough, the noted historian, who in his moving keynote address invoked the words of Daniel Boorstin, another noted historian and a former Librarian of Congress, when he suggested that one cannot grow a garden by planting cut flowers. His point was that we need to understand the genesis of where we come from in order to have a flourishing garden. He was suggesting that we need to know where we have been in order to have a sense of where we are going.

We have been in this place before. We have been in a time when this body and this Nation, locked in a time of change, has been at intellectual war with itself. And yet we have known that we can grow beyond that and to conduct this conflict of ideas in a way that is civil and it makes some sense to the Nation.

A hundred years ago in 1892, Benjamin Harrison and Grover Cleveland conducted a campaign one of the most lackluster campaigns in the Nation's history at a time when it may have been more important to understand what the causes of history were at that time. They, like many of us, found themselves in a time when political leaders knew more than they dared to say and who worried more than they dared to show. It was a time when the illustrious Committee of Ten came forward to make recommendations to this Nation to bring about healing in a time of change, and the Subcommittee on History, which included even Woodrow Wilson relatively early in his career, argued that the importance of history, just as Boorstin and McCullough suggested, was at the heart of what it took to be Americans.

Today, we face the same kind of demands. The Bradley Commission on History, a decade ago, articulated the same kinds of things when they suggested, as we need to derive from the National Endowment for the Humanities, the importance of developing a shared sense of humanity, to understand ourselves and others, to understand how we resemble and differ from one another, to question stereotypes of ourselves and others, to discern the difference between fact and conjecture, to grasp the complexity of historical cause, to distrust the simple answer and the dismissive explanation, to respect particularity and avoid false analogy, to recognize the abuse of historical lessons, and to understand that ignorance of the past may make us prisoners of it, to recognize that not all problems have solutions, to be prepared for the irrational, the accidental, in human affairs, and to grasp the power of ideas and character in history.

Perhaps no one said it better than did Justice Oliver Wendell Holmes who in addressing the graduating class of the Harvard Law School in the 1880s suggested that perhaps the greatest service that one can do in a democracy is to see the future as far as one may, to feel the force behind every detail, to try to hammer out products that are sound and come back to seek to make them first rate, and to let the results speak for themselves. No more cogent articulation of the importance of understanding where we have been and where we are going has been put before the Nation.

The work that has gone into this bill is enormously important. I look at the kind of effort that has gone into the national heritage corridors, living examples of our history, understanding the forces that bound us together a century and a century and a half ago and that are every bit as important to us today. In concrete terms they represent what the National Endowment for the Humanities represents in conceptual terms, our living history embodied in the work that we do today.

I thank the chairman for the work that has led to this bill. I thank my colleague, the gentleman from Ohio, for provoking this debate, and I thank all my colleagues for listening to it.

Mr. BLUMENAUER. Mr. Chairman, if we eliminate the Federal commitment to the arts by eliminating or severely reducing the National Endowment for the Arts, I believe we do a great disservice to the American people. Likewise, if we eliminate our commitment to the Humanities, we do a great disservice to our entire democracy.

Investments in our cultural institutions, like the NEA and NEH, are investments in the livability of our communities. For just 38 cents per year per American, NEA-supported programs help enhance the quality of life for Americans in every community in this country. For just 68 cents per year per American, NEH-supported programs to preserve our heritage by keeping our historical records intact and building citizenship by providing citizens to study and understand principles and practices of American democracy. In fact, Congress established the NEH because "Democracy demands wisdom and vision in its citizens."

But the NEA and NEH do not perform this important function alone—the Nation's cultural support system is a complex structure pieced together from many different sources, including earned income, private donations, corporate donations, and government grants. The cultural heritage of our communities rely upon all those sources to remain whole—including

the Federal commitment. It's the partnership formed by all these entities, from private investors, to cities, States, and the Federal Government, that makes the system work.

Adequately funding the National Endowment for the Arts, in particular, is absolutely critical to the State of Oregon, which has suffered in recent years from cutbacks at the State and local levels. Portland and other cities in Oregon have managed to make this work by using public funds to leverage as much private investment as possible. Portland arts groups manage to attain about 68 percent of their financial resources from the box office, which is higher than the national average of 50 percent. Portland companies have stepped up to the plate—doubling their investment between 1990 and 1995. The public investment, particularly the investment from the NEA, is absolutely critical to preserving these opportunities.

Why is it important to preserve these cultural investments? A commitment to culture pays many dividends—dividends that promote our economic development and our understanding of the world around us. Economically, an investment in culture as helped promotes tourism. People flock to cities that support the arts and humanities, benefiting hotels, convention centers, restaurants, and countless other businesses related to entertainment and tourism. In fact, the nonprofit arts industry generates $36.8 billion annually in economic activity, supports 1.3 million jobs, and returns $3.4 billion to the Federal Government in income taxes and an additional $1.2 billion in State and local tax revenue.

An investment in culture also helps previously disenfranchised groups gain access to new cultural experiences. The NEA, for example, provides fun and educational arts programs for children that help students and teachers develop arts, environment, and urban planning curricula. Public funds, like those from the NEA, are also critical to keeping ticket prices low, giving lower income individuals and seniors the opportunity to attend cultural events. If ticket prices reflected the entire cost of the event, cultural events would by necessity be denied many of our citizens, especially the young and elderly.

We won't be able to balance the budget by eliminating spending on our Nation's cultural heritage—and if we do so, we will lose much more as a society and a nation than we would ever gain in deficit reduction. This approach is shortsighted and doesn't recognize the long-term economic and social benefits an investment in culture convey to our communities and the Nation as a whole.

The President's Committee on the Arts and Humanities recently rleased a report that could help focus our priorities for American cultural resources, if we listen to their recommendations—restoring Federal funding for cultural activities; enhancing the ability of the Endowments to attract and accept gifts; and ensuring that our Tax Code helps encourage charitable contributions.

We have the tools, infrastructure and innovative spirit in place to make communities across the Nation more livable through cultural opportunities. What we need to promote is a national commitment to improving the livability of our communities by investing in culture. We can develop and promote that national commitment through the NEA and the NEH.

Ms. DELAURO. Mr. Chairman, if a civilization is judged by its culture, Republicans have gone a long way toward destroying America with their actions in the past 2 days. Yesterday the GOP voted to eliminate the National Endowment for the Arts, which makes theater, symphonies, and art programs available to Americans across the Nation.

Today, Republicans are trying to eliminate the National Endowment for the Humanities, which plays a vital role in advancing the educational and cultural health of our Nation, and in preserving the landmarks of our history. The NEH has made possible a wide range of activities to improve the quality of education and indeed, the very quality of life in communities throughout the country.

Let me tell you about just one of the projects that could not have happened without the help of the NEH. The Yale-New Haven Teacher's Institute brings public school teachers from New Haven together with faculty from Yale University and gives them the opportunity for in-depth study of a variety of subjects. It gives teachers the opportunity to bring new materials back to their students in the public schools of New Haven and add to their curriculum.

This project is seen as a model for collaborative efforts of universities and public schools to improve education throughout the United States. Yet it may not have happened without a $750,000 challenge grant from the NEH—which spurred a fundraising drive of $3 million in private funds to permanently endow this development program.

The NEH and NEA make up just a tiny portion of our budget—and that investment pays off in so many ways, spurring jobs and private investment and preserving our heritage for generations to come. Who knows how many children have had their interest sparked in a whole new subject thanks to an NEH sponsored program. Don't put out that spark. Don't destroy our heritage. Vote against destroying the NEH.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

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

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Ohio [Mr. CHABOT] will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2107), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, July 11, 1997, to file a privileged report on a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development for the fiscal year ending September 30, 1998, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT MONDAY, JULY 14, 1997, FILE REPORT ON DEPARTMENT OF AGRICULTURE, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Monday, July 14, 1997 to file a privileged report on a bill making appropriations for the Department of Agriculture, Food and Drug Administration and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT MONDAY, JULY 14, 1997 TO FILE REPORT ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Monday, July, 14, 1997 to file a privileged report on the bill making appropriations for Foreign Operations, Export Financing and related

programs for the fiscal year ending September 30, 1998, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

COMMUNICATION FROM HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, July 11, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 40003 of Public Law 105–18, I hereby appoint the following individuals to the National Commission on the Cost of Higher Education:

Dr. Blanche Touhill, St. Louis, Missouri.
Dr. Walter Massey, Atlanta, Georgia.

Yours very truly,
RICHARD A. GEPHARDT.

ADJOURNMENT TO MONDAY, JULY 14, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, JULY 15, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 14, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, July 15, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

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.*

COUNCIL OF THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1998 BUDGET REQUEST ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

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.*

□ 1430

STUDY ON OPERATION AND EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

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 American 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.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

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

Mr. HERGER. Mr. Speaker, this week marks a monumental breakthrough for resolving conflict over forest management in our national forests. By passing the Quincy Library Group Forest Recovery and Economic Stability Act of 1997, we sent a message to America that local compromise and community consensus is the new way of doing business on environmental issues. For more than 15 years environmentalists and members of the forest products industry have waged war over managing western forests.

In 1993, Bill Coates, Plumas County supervisor from Quincy, CA, took up the challenge of breaking the gridlock over forest management. He did so by arranging a meeting with environmental attorney Michael Jackson and Sierra Pacific Industries forester Tom Nelson. They met in the library because they knew they wouldn't yell at each other. QLG is now a coalition of 41 local environmentalists, forest products industry representatives, public officials, and concerned citizens who meet each month at the Quincy Library to discuss ways to improve local forest health. This program has been endorsed by local environmental organizations including the Plumas Audubon Society, the Friends of the Plumas Wilderness, the Sierra Nevada Alliance, and the Shasta-Tehama Bioregional Council. At the heart of their discussions is the overriding threat that fire will destroy the forests before any action can be taken. Nationwide, last year more than 5.8 million acres burned with total fire suppression costs close to $1 billion. The group turned to the best science available, including the recently released Sierra Nevada ecosystem project [SNEP] report which defines, among other things, the elements of a healthy forest. H.R. 858 takes the first vital step toward conflict resolution of environmental issues across the Nation by implementing the QLG proposal as a 5-year pilot project on three of northern California's national forests.

This legislation passed with a recorded vote of 429 to 1. It is fitting that a plan born from consensus would, in the end, pass the House of Representatives with a strong consensus vote. The QLG plan represents an entirely new approach to managing our Federal forests. We now have a local group bringing local solutions to Washington instead of Washington forcing solutions on local communities. I want to thank everyone who played a part in making this happen. This could never have happened without all 41 members of the Quincy Library Group; especially Bill Coates, Tom Nelson, Michael B. Jackson, and Linda Blum. This is truly their legislation. I want to salute them and their efforts. This is the way government should function. I also want to thank DON YOUNG, HELEN CHENOWETH, DAVID DREIER, BOB SMITH, Speaker GINGRICH, TOM DELAY and the entire leadership, JIM SAXTON, WAYNE GILCHREST, TOM CAMPBELL, SHERRY BOEHLERT, VIC FAZIO, PETER DEFAZIO, GEORGE MILLER, and every one of the 429 Members of Congress who supported this legislation. I would also like to thank the committee staff whose understanding and dedication brought this legislation to fruition.

Particularly I would like to thank Duane Gibson, Bill Simmons, Anne Heissenbuttle, Lloyd Jones, Liz Megginson, Dave Tenny and from my own staff John Magill, Fran Peace, Rich Nolan, Steve Thompson, Dallas Scholes, Dave Meurer, Dave Oleander, Mike Digiordano, Patsy Atkins, Kathy Summers, Donna Burton, Lemoine Sharpe, Ron Shinn, Katy-Duke Chamberlin, Annette Gatten, Lisa Strohman, and George Morris. This is a great victory. We have finally shown that compromise and bipartisan effort does pay off. Again, thank you for your support and for helping us save the environment in northern California. I hope this bill will move expeditiously through the Senate and eventually be signed into law. I would also encourage that we take the momentum from this bill and use our new-found ability to compromise in a way that makes this Congress a success for America.

THE AGENDA OF THE REPUBLICAN PARTY

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

Mr. SAXTON. Mr. Speaker, I took out this 5-minute special order to hopefully bring some perspective to some of the things that were said here in the House this week.

Mr. Speaker, it has been said over and over again that the agenda for the majority party, at least, in the House over the past several weeks has been threefold; one, to move toward a balanced budget; two, to reduce the tax burden on the American people; and three, to save Medicare.

I would like to talk about the first two of those three issues for just a couple of minutes, as I said, to try to bring some perspective to this week's debate. I recently read an article that was written, an op ed piece, by an individual that I know who is quite famous in the economic world. His name is Milton Friedman. He is a fellow at the Hoover Institute. He wrote about the economy of this country and, because of what has happened, is in the process of happening in Hong Kong, compared our economy with the economy and the historical perspective of Hong Kong.

He noted in his article that the economy of the United States on a per capita basis used to be seven times larger than the economy of Hong Kong. In other words, for every man, woman, and child in this country, we had seven times more economic power than an individual in Hong Kong.

Over the years since as we have moved through history the two countries have actually come much closer together, because today on a per capita basis we are no longer seven times bigger than the Hong Kong economy. As a matter of fact, we are almost the same; a difference of just 7 percent. In other words, our total economy on a per capita basis is just 7 percent larger than Hong Kong's. In other words, we have come from a situation like this to a situation on a per capita basis where we are almost the same.

The majority party here recognizes that the kind of growth that we would like to see economically is, in a sense, demonstrated by Milton Friedman's remarks in his article, because we would like to see our economy continue to

grow, and for individuals to prosper as they once did. That is exactly why we think it is very important to balance the budget and to reduce taxes.

Mr. Speaker, a lot was said around here this week about reducing taxes. We believe that it should be done in an extremely fair way. That is why, as this chart to my left shows, 76 percent of the tax relief that the Republican party has presented to the American people and in fact passed goes to people who make less than $75,000 a year. They are the workhorses in our economy. They are the families who sit around the dinner table each night and talk about the day's activities. They are the families that also plan for their tomorrows.

We wanted those people to have the benefit of the tax cuts. That is why we did it in a very balanced way, as the next chart also demonstrates. This shows American taxpayers from the lowest income 20 percent, through the highest income 20 percent. We tried to balance our tax cuts so we would not change the distribution of who pays how much in terms of the total tax load that is sent here to Washington, DC.

Mr. Speaker, under the current tax plan as it exists today, 63 percent of the total dollars that are sent here are paid by the highest 20 percent. That is way over on the other end there, demonstrated by the red bar. The yellow bar shows that under the Republican tax plan, 63 percent will still continue to be paid by the highest 20 percent.

The same is true of the next percent, the percentage between 60 percent and 80 percent. Under the current tax plan passed in 1993 by the Democrats and Bill Clinton, 21 percent of the total tax load is paid by that quintile, as we call it, and under the Republican tax plan, 21 percent will be paid by that same quintile. The same is true of people who are in the third quintile, in the second quintile, and in the very lowest quintile, which does not change either.

So as we move toward a smaller Government, as we move toward a less expensive Government, as we move toward an economy that is what it used to be, we believe it should be done in a balanced and fair way. That is what my friends on the other side of the aisle have been disagreeing with throughout this week.

EXPRESSING APPRECIATION TO NORM THOMPSON, ITS EMPLOYEES AND ASSOCIATES, FOR THEIR CONTRIBUTION AND EFFORTS TO HELP WEST VIRGINIA FLOOD VICTIMS

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

Mr. WISE. Mr. Speaker, during today's long and sometimes contentious debate we often look for good news. I am happy to say that as the legislative day draws to a close, I have good news to report to the House of Representatives, good news and also some thanks to offer; thanks to the company Norm Thompson, a well-known national mail order business whose corporate distribution center is in Kearneysville, WV, relatively close to Washington, DC, about an hour and a half's drive from here in Jefferson County, because week after next Norm Thompson is going to make an $800,000 donation to a West Virginia charity to assist flood victims.

That $800,000 donation is going to take the form of 44,000 units of men and women's clothing and footwear to be distributed to flood victims throughout our State of West Virginia. Norm Thompson will partner in this endeavor with Roadway Express, and they will transport the merchandise free of charge from the Norm Thompson distribution center in Kearneysville to Charleston, WV, on the other side of the State, for distribution by the West Virginia Commission for National and Community Services.

Mr. Speaker, this is an extremely important gift and effort by Norm Thompson. Five times within the last year and a half West Virginia has been torn by major floods. I have one county in my congressional district, Randolph County, that has four times in the last year and a half been declared a Federal disaster area. We had four floods in 1996, and then again in February of 1997 a flood that tore through 16 counties, including many of our most populous areas.

So this effort by Norm Thompson and the hundreds of men and women who work for this corporation, headquartered in Oregon, but with its major warehouse distribution center in West Virginia, this effort will assist thousands of West Virginians as they recover and begin to rebuild their lives.

I think it is important to note that the chairman, John Emrick of Norm Thompson, said the donation is the first of many planned, noting the number of floods that West Virginia had had, and also saying, it is important to match our donation to the immediate needs of helping flood victims get back on their feet again. They are donating this to the West Virginia Commission for National and Community Services, a nonprofit corporation. They will in turn distribute this across the State.

Norm Thompson is a relatively new member of our corporate community in West Virginia, a very valued one, but already employing hundreds of West Virginians. I know, having met personally with the CEO and the other top management, as well as many of the employees, I know how excited we are in West Virginia to have them as a corporate citizen.

I want to thank Norm Thompson and its many employees and associates for making this gift possible, and for their obvious commitment to West Virginia; not only for doing good business, but for being a good citizen, corporate and otherwise. I know that thousands of West Virginians as well thank Norm Thompson for this extremely generous gesture. We look forward to working with them in the future.

We thank them for recognizing needs that are present and we are excited about the opportunities that Norm Thompson offers, not only, as I say, in business, but also in being a member of our corporate community.

DEMOCRATS AND REPUBLICANS SHOULD USE THE SAME NUMBERS TO COMPUTE THE BENEFITS OF THEIR RESPECTIVE TAX RELIEF PLANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about tax relief, tax relief which, in my opinion, and I think in the opinion and view of the vast majority of American families, is long overdue.

We were talking earlier with some of my colleagues about college commencement addresses. Some of us are asked to give a commencement address during the late spring and early summer of the year, and most of us do not remember who the commencement speaker was at our own commencement, particularly our college commencement.

I am one of the few who probably does remember, because the director of the United States Census was there to give our commencement address when I was in college. It was interesting to look back about what it was like growing up then, and the difference then. I was a baby boomer. I was born in 1951.

The Speaker that spoke at our commencement address, the director of the United States Census, told us on that day that there were more kids born in 1951 than in any other year. I represent the peak of the baby boomers. I remember, we were talking about what it was like to grow up in the 1950s.

One of the important things when we talk about taxes is to remind ourselves of how much has changed since I was growing up and since the baby boomers were growing up, because when I was a child I was fortunate enough, my father worked in a factory, I am a blue collar guy, and my folks were able to raise three boys on one paycheck. Part of the reason they could do that, Mr. Speaker, was because the largest single payment they made was their house payment.

Today, unfortunately, the average family pays more in taxes than they do for food, clothing, and shelter combined. Let me say that again, because I do not know if most people really, I think they know that down in their bones, but I do not know if they have really internalized what that all means. But the average family in America today spends more for taxes than they do for food, clothing, and shelter combined. So this Congress has been working very hard to balance the budget, to save Medicare, and to provide tax relief to working families.

We are having a rather interesting debate here the last several weeks over who would really benefit from these tax cuts. Frankly, I think we need to spend some time talking about how relatively intelligent people can reach entirely different conclusions about who benefits most from this tax relief.

I would like to talk a little bit today about our tax plan, our method of coming to these conclusions, how we actually do the arithmetic to come to some of these conclusions, and compare it to exactly how our friends on the left are doing the calculations. We are talking about real income for real families and real tax relief.

What some of our friends on the left are using is imputed income, potential taxes, and potential tax relief. I think if we could all use the same set of numbers, whether we are going to use one set or the other, if we use just the same set; if we want to use their set of numbers let us go ahead and do the calculations that way, and then let us do the calculations our way, and let the public decide for themselves who is right, who is telling the truth, and whose tax relief will benefit them the most.

Let us go through what the tax relief package that the House has passed and sent to conference is. First of all, the centerpiece of our tax relief package is a $500 per child tax credit. A lot of people get confused between the tax credit and a tax deduction. A credit is money that you get to keep. If you pay taxes you get a credit. That is money that will be yours at the end of the process. So this is a credit. It starts out at $400 next year, and it would go to $500 ever year thereafter. Generally now the President agrees with this formula.

There is also nearly $35 billion in post-secondary education incentives. Again, as a baby boomer, and I have one who just graduated from high school, I have one in college and one who is just starting into high school, and I can understand more than anybody the high cost of higher education. I think a lot of families that have children my age understand how difficult and how expensive it is to send kids on to post-secondary education. I think that is a great benefit to working families.

There is broad-based capital gains tax relief. Again, what we want to do is make it easier for families to save and invest for themselves. This is where sometimes our friends on the left get a little upset, because they say, well, this is tax cuts for the rich.

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The truth of the matter is there would be some wealthy people who would benefit from it. I will get down in a later chart to show you just how much benefit the Congressional Budget Office and the Joint Committee on Taxation say there really is for that group of people. Cutting capital gains is not about helping the wealthy. It is about helping middle-class families become wealthy because the only way that you can save and invest for your future is if you in fact put some of that money away. What we want to do is make it easier for people to do that. Unfortunately, what Washington has done for the last number of years is they have operated under a sort of an unwritten rule that no good deed goes unpunished.

If you work you get punished. If you save you get punished. If you invest you get punished. What we are trying to do is reverse some of those perverse incentives.

We also want to make it easier for people to use IRA's and to withdraw from those IRA's for educational expenses. There is also a significant reduction in the death tax. This is a tax that is particularly onerous to people who own a farm, who own a small business. They would like to leave that farm or that small business to their families.

So those are the cornerstones of the tax relief package that passed the House and is currently in conference committee. I would like to talk a little bit about what this tax relief package means and how the various points actually are scored and who benefits.

According to the Committee on Ways and Means, and I think these numbers have been scored both by the Congressional Budget Office as well as the Joint Committee on Taxation, which are the official scorekeepers on matters like this, this package is aimed directly at Americans in the middle-income brackets.

In fact, we say, and I think we can prove that over 75 percent of the benefit in this tax plan goes to families earning less than $75,000. I want to talk about real earnings because that is also one of the problems we have in this debate because we are talking about real earnings, real taxes, real tax relief for real families. We will get into that in just a few minutes.

The way this thing has been scored and, if you break it out, those families under $20,000 a year will benefit to the tune of about $5.5 billion in this tax relief package. Those between $20,000 and $75,000 will get about $83.5 billion worth of tax relief in this package. Families earning between $75,000 and $100,000 will get about $19 billion worth of the benefits, and those earning between $100,000 and $200,000 would benefit to the tune of $6.7 billion, and those earning over $200,000 would only get $1.4 billion worth of savings under this plan.

As I said earlier, over 75 percent of the tax relief in this package goes to families earning less than $75,000. I am not saying that. That is what the Joint Committee on Taxation has said. So why do we hear so often from our friends on the left that this tax package is designed to benefit those that they call rich?

Part of the reason I think is they use something that is called imputed income or family economic income. Let me try to explain how that works. This all started a number of years ago; I think the Treasury Department even under the Bush administration was trying to figure out a way to calculate family income in a different way. Why they do this, I have no idea. I want to read a quote from someone most of you who are watching and most of my colleagues that are here, watching back in their offices will recognize. I will do this first. I will read the quote, and then I will tell you who it is from.

"Finally, a few words about Federal taxes and what some of the great minds at the U.S. Treasury are thinking about. The Treasury likes to calculate the American people's ability to pay taxes based not on how much money we have but on how much we might have or could have had. For example, a family that owns a house and lives in it, the Treasury figures if the family didn't own the house and rented it from somebody else, the rent would be $500 a month. So they would add that amount, $6,000 a year, to the family's so-called imputed income. Imputed income is income you might have had but do not. They don't tax you on that amount. The IRS doesn't play this silly game. Instead, the Treasury calculates how much they could take away from us if they decided to. If that were the system, consider the possibilities. How about being taxed on Ed McMahon's $10 million magazine lottery? You didn't win it, you say, but you could have. The Treasury Department must have something better to do. If not, there is a good place for Clinton to do some spending cuts."

Now, that is what David Brinkley said on "This Week With David Brinkley" on February 28, 1993. And as our friend Ronald Reagan would say, former President Ronald Reagan, there they go again. We are starting to use imputed income or family economic income to calculate how many people are wealthy. That is why the difference between what the Census says and what the Treasury Department says are so is so different. The Census Department says there are about 11 million American families that are above $100,000 in

income. The Treasury Department says that number is 22 million. Americans sitting at home wonder how in the world could two Federal agencies come to such incredibly different answers.

The reason is, and the answer is, family economic income or imputed income that David Brinkley talked about.

Now, some of the people have said, again you have probably heard it on the House floor, again, tax cuts for the rich. But as the chairman of the Joint Economic Committee, the Joint Committee on Taxation has said, currently if you divide the population of the United States, all of the taxpayers into five groups of 20 percent each, the lowest 20 percent right now of the economic group in the United States pay 1 percent of all the taxes paid in America. After this tax relief is calculated, they will still pay only 1 percent of all the taxes paid.

The second quintile currently pay 4 percent of all the taxes paid in the United States and after this tax relief goes into effect, they will still pay 4 percent.

The third quintile, it is 11 percent. It remains 11 percent. The fourth quintile, 21 and 21, and finally that top 20 percent of income earners, the top 20 percent of taxpayers in the United States currently pay 63 percent of all the taxes paid in America.

The interesting thing is, according to these calculations done by the Joint Committee on Taxation, if this tax cut plan that passed the House were to go into effect signed by the President, there would be no change. The top 20 percent would still pay 63 percent of all the taxes paid in America.

I think it is important, and I will come back to this chart in a minute, I want to talk about this whole notion of imputed income. If you take that calculation, if you take a family, in fact we did a quick calculation of a family in my district. If you put that all together, and you can take a typical family and let us call them the Joneses who live in my district that earn approximately $32,500 per year. The Jones' mom works, dad works. They have a youngster that is in high school and they have one who is just entering college. They make $32,500 a year. That is what they really make. But if you use this imputed income, you literally can take that family from $32,500 a year and you can easily get that over $50,000 a year. That is not money that they have. That is money that they might have if they sold all their interest in their IRA's, if they converted their pension funds to cash, if they rented their house, if they had a sale lease back on their house and could get the rent on their house somehow back to them; it is a convoluted way to go.

The interesting thing is, if you take that to its logical conclusion, you literally could raise that family into a much higher tax bracket. So if our friends on the left want to use imputed income to calculate people's income and push more people into the wealthy brackets, we are doing some calculations to find out what would they pay in terms of taxes under their tax plan with imputed income.

The answer is, over half of the families in America, if you used their calculations and their imputed income statistics, over half the families in the United States of America would actually see a tax increase under the Democrat tax plan.

That is interesting, is it not? That is a side of the story that has not been told.

The other side of the story is, and we have tried to mention this, but if you use imputed income to do those calculations, the only people in the United States of America who may be guaranteed under their plan to get a tax cut are people who pay no taxes.

Mr. Speaker, I submit that that is not my definition of fairness. I doubt if it is the definition of fairness that most Americans have.

Mr. Speaker, I know that there is a lot in this business, there is a lot of using statistics and so forth to justify a particular point of view. I do not expect the American people necessarily to believe me. In fact I think the American people are cynical and they should be cynical because politicians down through the years have not always told the truth, the whole truth and nothing but the truth. But I would encourage people to calculate the tax cut for themselves.

Any of you who would like to get a copy of this worksheet, there is one on a Worldwide Web page so that people can actually, through their computer, do their calculations themselves. If you do not have access to a Worldwide Web page, if you do not have access to the computer and the Web, we will actually mail one out to you. If people call us or write we will send them a worksheet so they can calculate it for themselves. They can decide for themselves how much the tax relief is worth to their family.

It is a fairly simple calculation. First of all, how many children do you have in your family that are under the age of 17? You fill in the blank. In 1998, you multiply that times $400. In every year thereafter you multiply it times $500. That is how much you will get to keep of your tax money.

Line 2, amount of capital gains. If you have a capital gains, if you have a gain, if you have sold a stock or a bond, if you have income, if your family income is more than $41,200, you multiply that times 8 percent because that is going to be your savings under the plan that passed the House.

If your family income is less than $41,200 per year, you multiply that times 5 percent. That is the capital gains tax relief and that is how much you will get to keep with this plan.

Finally, how many children do you have in their first 2 years of either college or vocational school? Those children are worth $1,500 in tax credits to you.

We have done some calculations for different families in our district and the differences range anywhere from obviously, one child that is under 17, it is worth $400 next year, but for the average family in my district, this calculation works out to over $1,000 a year that that family will get to keep and spend on their family to invest and save for their future.

That is what this tax relief is about. That is why I think it is important for America. In the end, one of the goals is to make certain that we have a strong economy on into the next century.

We have been very fortunate; 2 years ago this Congress when we passed our budget resolution, we said that in fiscal year 1997, I am going back 2 years, in 1995, this Congress said that we would spend no more than $1,624 billion dollars in the fiscal year 1997.

The good news is, we are actually going to spend this year $1,622 billion. So for the first time in my memory, the Congress is actually going to end up spending less than it said it was going to spend just 2 years ago.

The news gets even better because in that same time frame, because the economy has been stronger, there is more consumer confidence, there is more confidence in the business community, the economy has been much stronger than anyone would have predicted just 2 years ago; as a result of that, we have produced an additional over $100 billion in revenue to the Federal Treasury. We have spent less. We have taken in more and as a result, we projected just 2 years ago the Federal Government would have a deficit this year of over $174 billion. The truth is, according to our estimates, it would be about $70 billion. There was a published report earlier this week that shows that the deficit could be as low as $50 billion or even less. That is good news. We want to make certain that that keeps going in that direction and by offering some tax relief, by allowing families to keep more, to spend more, to save more of their money, we in fact can keep this strong economy, we think, long into the future. One of the other benefits of a strong economy is that we are moving families off welfare rolls and onto payrolls.

I think one of the greatest accomplishments of the 104th Congress was the welfare reform that we passed that requires work, that requires personal responsibility and gives the States an awful lot more latitude in how they can work to encourage people getting off the welfare rolls and onto payrolls. The good news is since that welfare reform plan passed, and the President

talked about this a couple of weeks ago in his Saturday radio broadcast, the good news is there are 1,023,000 fewer families who are trapped in the welfare cycle, that have moved off welfare and onto payrolls; 1,023,000 fewer families are on welfare today than just 1 year ago.

□ 1500

That is a huge benefit to all of us. And I have said before that the real goal of welfare reform was not about saving money, even though we will save money to the Federal Government, to the State governments and everyone else, but the real goal was not about saving money. The real goal was about saving people. It was about saving families. And most importantly it was about saving children from one more generation of dependency and despair. And that is really what the welfare system was about.

But if we are to keep the strong economy growing, we are going to have to encourage more investment, we are going to have to encourage more saving, and we are going to have to allow families to keep and save and spend and invest more of their own money.

I just want to talk briefly, too, about the progress we are making, because sometimes it is easy to forget in the heat of the battle. If we look at all of the red bars here, that is how much we said that the budget would be out of balance in each of the next 7 years. When we passed our original 7-year budget plan in 1995, we said that the deficit, for example, this year, would be $174 billion. Right now it looks like it will be less than $70 billion; it could be less than $50 billion.

Now, when we update this, we will probably change these numbers slightly. But the good news is if we look at the blue bars in each of the years, we are clearly now running well ahead of schedule and, frankly, I think if we can keep the economy going at anywhere near the economic growth rate that we have today, we will balance the budget not by the year 2002, but, in fact, we will balance the budget probably by the year 2000 or maybe even earlier.

And when we get to that point, what we have to really talk about, in fact we need to begin that debate today, and I congratulate my colleague, the gentleman from Wisconsin Mr. MARK NEUMANN, who has offered the National Debt Repayment Act, because I think that should be our next goal. It is not just about balancing the budget. It has to be about paying off that $5.3 trillion worth of debt we have accrued and will fall on the shoulders of our children and our grandchildren.

Frankly, if we are willing to exercise the fiscal discipline that this Congress has been willing to discipline itself to over the last several years, not only could we balance the budget ahead of schedule, but I think we can begin the process of actually paying off the national debt. I think that that is a goal that is worth fighting for, I think it is a goal that the American people can understand, and I think they will recognize we can ultimately set a goal and stay on that course of actually paying off that debt so that we do not have to pay over $200 billion a year in just interest on that debt.

And I tell an awful lot of people back in my district when I give speeches that if we actually do all the calculations, we find that all of the personal income taxes, all of the personal income taxes, collected west of the Mississippi River, now goes to pay the interest on the national debt. That is a very scary statistic. The tragedy is, before we got to Congress in 1994, the elections of 1994, that line was moving further west every single year. Now we are at least beginning to push that line backward.

And I think we should have a goal of actually paying off that debt. Because I think there is nothing better that we could leave our kids than a debt-free future. So I encourage my colleagues from both sides of the aisle to join us in that great effort.

I would hope they would cosponsor the legislation of the gentleman from Wisconsin, the National Debt Repayment Act, because what it does is, very simply, it says as we begin to reach a surplus in the Treasury, which we think we can no later than 2002. But, frankly, we think if things continue to go anywhere near where we are right now, it could actually be before that, but when we have reached that goal and disciplined ourselves to restrict the growth in spending at 1 percent less than the growth in revenues, and that does not require draconian cuts, we will still see spending at the Federal level growing faster than the inflation rate, but it will not be growing as fast as it has in the past.

So if we slow the rate of growth in spending and get control of entitlements, we cannot only balance the budget, but we can pay off the national debt and, at the same time, take a third of those surpluses and apply them to additional tax relief so that American families can keep and spend more of their own money.

Mr. Speaker, I know a lot of my Republican colleagues are headed for airplanes and it is a getaway day, and we are all eager to get home, but I want to close by saying that I am very proud of the work that is being done in this Congress. I know that sometimes the American people see some of the debates and some of the arguments here on the House floor and they sometimes miss the big picture. But the big picture is that before 1994 the United States and this Congress was headed in the wrong direction. We were spending more than we took in.

In fact, from 1975 to 1995, for every dollar that Washington took in, it spent $1.22. Today, now, we are still not quite to a balanced budget, we are still spending more than we take in, but we are down to $1.04.

If we stay on the path we have set over the last several years, we will get to that balanced budget ahead of schedule, we will do it under goal, and we are going to allow families to keep more of what they spend and earn. Because for 40 years Washington had it wrong. For 40 years Washington believed that Washington knew best; that somehow they could spend money smarter than American families; that a Federal department of housing was better than a family department of housing; that a Federal department of human services was better than a family department of human services.

Now, there are still legitimate needs of the Federal Government, and there are still people who are dependent on the Federal Government, and we are not talking about pulling the rug out from under people. But we are talking about people getting a little gentle nudge so that we reinforce some of those time-tested principles, things like faith, family, work, thrift, and personal responsibility. Those are the things I think Americans want us to underscore, but for too long under the liberal agenda what we did was we undermined those values.

The good news is I think the tide is turning. The tide is clearly turning. We are on our way to a balanced budget, we are saving Medicare, and for the first time in 16 years we are going to allow families to keep and save and invest and spend more of their own money. That is the direction I think the American people want us to go, that is the direction we are going, and with the help of the American people, we are going to win that fight.

SAVE TIAA-CREF; STOP TAX HIKES ON THE ACADEMIC COMMUNITY

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, the Teachers Insurance Annuity Association-College Retirement Equities Fund, which has been dubbed TIAA-CREF for short, provides retirement benefits exclusively for employees of U.S. colleges, universities, independent schools, and other nonprofit educational and research organizations. Nearly 2 million current and retired employees at over 6,000 institutions nationwide are served by TIAA-CREF. Participating institutions contribute amounts on behalf of their employees where they are invested in self-directed, tax-exempt accounts. Upon retirement, the amounts accumulated

are used to purchase annuities to provide lifetime income. Like other pensions and annuities, distributions to retirees are taxed as ordinary income when received.

Now, I do not know how many of my colleagues are aware of this fact, but the House Republican tax bill would repeal, would repeal the tax-exempt status of TIAA–CREF's pension program. TIAA–CREF would then be treated for Federal tax purposes just like stock life insurance companies. While this change would raise about $1.2 billion in revenue over 10 years, it would have a major impact on the operations of TIAA–CREF's pension program.

Revoking the tax exemption for the pension system of TIAA–CREF, granted by the IRS in 1920, would cause irreparable harm to higher education institutions, their employees, and the education and research community as a whole.

The Senate Finance Committee has recognized this fact and has not included this provision in their version of the tax bill.

This measure in the House Republican tax bill will impact virtually every public and independent college, university, and education research organization in the country, including 260 tax-exempt colleges and universities in New England, 16 of which are in my own Third Congressional District of Massachusetts. The next effect of revoking TIAA–CREF's tax exemption after 75 years would be to significantly reduce the earnings of current employees' retirement accumulation as well as the pension income of retired employees. In effect, this measure would increase taxes on the individuals served by TIAA–CREF by up to $1.5 billion and would reduce pension benefits by 3 to 5 percent. This would cut pension income for retired educators by $30 to $50 each month. Over a typical 25-year payout period, a retiree would lose as much as $15,000. In Massachusetts alone, 106,542 individuals would be affected by this provision.

Mr. Speaker, this assault on our Nation's academic community is a scandal. There is no rational justification for such an attack on the financial and retirement security of working families who make up our academic and research community. With neither hearings nor public comment, this provision was slipped into the House Republican tax bill, and it is an outrage.

Pension trusts for other American workers are entirely exempt from the kind of taxation embodied in the House Republican tax bill, and TIAA–CREF's not-for-profit pension operations are essentially equivalent to those of a multiemployer pension trust.

Unlike for-profit commercial insurance companies, TIAA–CREF's pension assets are exclusively used for the benefit of pension participants. Its pension reserves can be used for no other purpose than to support participants' retirement benefits. In addition, since 1986, TIAA's nonpension insurance business is already subject to taxes.

TIAA–CREF has been widely lauded as a model of pension portability. Not only does it provide the advantages of a fully funded, fully portable retirement plan, TIAA–CREF provides benefits in the form of a lifetime annuity. Some would argue that public policy should encourage this type of pension model, not penalize it.

TIAA–CREF provides pensions to those who dedicate themselves to education, despite the relatively modest salaries available in the field. By imposing this unprecedented tax, the House Republican tax bill would not only undermine the recruitment and retention of men and women in teaching professions, but would significantly undercut efforts by the Congress and by the President to improve educational quality and opportunities for America's young people.

I have expressed my concern over this measure in the House tax bill to President Clinton and to the House and Senate conferees. If education is truly to be America's priority as we head into the 21st century, then we must support, not undermine, the economic security of our hard-working and modestly rewarded academic and research workers.

There are many other taxes affecting students, faculty, and academic staff in the House Republican tax bill that concern me very deeply, and I have also brought these to the attention of the President and the House and Senate conferees. I hope these education taxes can be remedied in the conference.

It is both cynical and dishonest for Congress to claim to be committed to tax relief while raising taxes on the hard-working members of our academic community.

I call upon my colleagues to support efforts to remove these ill-advised and ill-considered provisions from the tax bill in the conference. I want to commend and salute the gentlewoman from Maryland [Mrs. MORELLA], who has circulated a letter to her House colleagues on TIAA–CREF and other education tax issues. I hope most of my colleagues will join in that effort.

Mr. Speaker, I submit for the RECORD an article from the July 8 edition of the Boston Globe.

[From the Boston Globe, July 8, 1997]

GOP UNLEASHES A SNEAK ATTACK ON TEACHERS' PENSIONS

(By Robert Kuttner)

The Republicans want to cut taxes for nearly everyone. But they've finally identified a group whose taxes they don't mind raising—retired teachers.

The House tax bill would repeal the tax exemption of the nation's largest pension plan—TIAA–CREF. The $195 billion nonprofit company manages pensions for most college teachers and retirees from other nonprofit organizations.

The surprise measure, unveiled at a June 9 press conference by Representative Bill Archer of Texas, chairman of the House Ways and Means Committee, and passed by the full House, was never the subject of hearings. It would levy $1.2 to 1.5 billion in taxes on TIAA–CREF over 10 years, thereby reducing pension income for members by an estimated 3 to 5 percent.

Why TIAA–CREF? There are several theories. For one thing, college professors are a bunch of pointy-headed liberals. Their unions tend to support Democrats. The House bill targets two other tax benefits for educators. It would end the tax-free status of tuition scholarships for graduate students and for children of professors.

More concretely, key staffers to Archer don't like TIAA–CREF, which has been tax-exempt since 1918. In the 1986 tax reform bill, which required some nonprofits to pay some tax, Congress voted to tax profits on the life insurance that TIAA–CREF sells but to retain the tax-exemption on its core activity annuity plans for teachers.

However, Ken Kies, chief of staff to the congressional Joint Tax Committee and a key Archer adviser, has long believed that TIAA–CREF should be taxed like a commercial company.

Other likely culprits are TIAA–CREF's for-profit rivals. A Houston commercial insurance outfit based in Archer's home town, the Variable Annuity Life Insurance Co., competes directly with TIAA–CREF. VALIC's chairman recently told a trade paper that ending TIAA–CREF's tax exemption was "long overdue."

VALIC's corporate parent, the American General Group, is an Archer campaign contributor and gave $115,000 in soft money to the Republican National Committee. More broadly, the organized right has lately mounted an attack on large nonprofit institutions, painting them as unfair competitors to tax-paying entrepreneurs.

The irony is that TIAA–CREF efficiently serves a goal that has long eluded most working Americans and policy makers—fully portable pensions. Roughly half of US workers are in some pension plan (the fraction is dropping). But pension contributions are lost if a worker frequently changes jobs.

A 1974 reform, the Employee Retirement Income Security Act—ERISA—requires that workers' pension credits be vested (locked in) once they have five years of credit with an employer. But ERISA does not make pensions fully portable.

TIAA–CREF was created precisely to solve this problem for educators and researchers. Teachers often have itinerant careers. Thanks to TIAA–CREF, educational institutions pay into a common pool so that all pension credits count. TIAA–CREF has long been a model for legislators seeking universally portable pensions.

The only other Americans with truly portable pensions are workers, mostly in construction trades, who participate in common pension plans jointly controlled by companies and unions under the Taft-Hartley act; and most state and local employees, who are typically members of an umbrella pension system within the civil service. But Archer is not proposing to tax the pension plans of construction workers and public employees.

The Senate tax bill has no TIAA–CREF provision, and it remains to be seen which version will prevail. The Clinton administration has not made the issue a priority.

There is one other smelly aspect of this affair. For a decade or so, after the Watergate reforms. Congress conducted most business

in public. In the late 1970s, committee "mark up" sessions, where bills were drafted, were generally open.

Since the 1980s, a new custom has crept in. The committee chairman and senior staff simply write the bill in private. They unveil it all at once and count on party discipline to carry it through.

This secretly drafted bill is pretentiously called the "chairman's mark," a term redolent of bourbon, smoke-filled rooms, and raw power. The tax on TIAA–CREF materialized from nowhere in Archer's June 9 "chairman's mark."

It would be salutary not just to bury this sneak attack on teachers' pensions. Congress should write a rule that no measure can be approved by a committee for floor debate unless it was the subject of prior hearings. But don't hold your breath. Republicans are now the majority, and it's payback time.

THE PLIGHT OF DR. STANISLAW BURZYNSKI

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

Mr. PALLONE. Mr. Speaker, on May 28 of this year a Federal jury found Dr. Stanislaw Burzynski of Houston, TX, innocent of all charges stemming from an FDA inspired indictment and criminal investigation. We have heard of Dr. Burzynski in this Congress and also in the last Congress from his 400-plus cancer patients who brought their own plight as well as his plight to our attention.

The Government's conduct in this case was disturbing to me and to many of my colleagues in the House of Representatives. I know that the gentleman from Texas [Mr. BARTON] and other Members have raised the issue of Dr. Burzynski's case in past hearings of the Committee on Commerce.

It would appear that the Government's handling of this case placed cancer patients at jeopardy at one point, and the treatment of Dr. Burzynski by the Government was, at times, reprehensible. Taxpayer money and resources were badly utilized on two Federal trials.

I look forward to working with the gentleman from Texas [Mr. BARTON] and my other colleagues to get accountability from those involved in this situation. What happened, Mr. Speaker, to Dr. Burzynski and his patients should never be allowed to happen to any other doctor or any other patient. This is another reason why I support the Access to Medical Treatment Act, H.R. 746, which I have cosponsored with the gentleman from Oregon [Mr. DEFAZIO], so that Americans can have their legal right to pursue the medical treatment of their choice without fear that their Government will impede their access or, in certain cases, even jail their doctor.

I urge my colleagues to support this needed legislation. Perhaps with Dr. Burzynski's vindication, the FDA will now focus all of its attention and resources to work with his cancer patients and his drug discovery. I hope that is the outcome of this ill-fated and these two ill-fated trials.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

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

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

Mr. FILNER, for 5 minutes, today.
Mr. ETHERIDGE, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

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

Mr. KINGSTON, for 5 minutes, on July 16.
Mr. HERGER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and to include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. PICKETT.
Mr. SANDLIN.
Mr. BLUMENAUER.
Mr. EVANS.
Mr. STOKES.
Mr. OBERSTAR.
Mr. BERRY.

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

Mrs. KELLY.
Mr. SMITH of Michigan.
Mr. SOLOMON.
Mr. CASTLE.
Mr. BASS.

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

Mr. BLUNT.
Mr. HEFLEY.
Mr. GINGRICH.
Ms. DELAURO.
Mr. MINGE.
Mr. BASS.
Mr. BERRY.
Mr. BLUMENAUER.
Mr. FARR of California.
Mr. LEVIN.
Mr. SOLOMON.
Mr. EVANS.
Mr. STOKES.
Mr. CASTLE.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 29. A joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

□ 1515

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 1997, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maritime Security Program (Maritime Administration) [Docket No. R–163] (RIN: 2133–AB24) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Driver's License Program and Controlled Substances and Alcohol Use and Testing; Conforming and Technical Amendments (Federal Highway Administration) (RIN: 2125–AE16) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualifications for Tankermen, and for Persons in Charge of

Transfers of Dangerous Liquids and Liquefied Gases (Coast Guard) [CGD 79-116] (RIN: 2115-AA03) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Charlestown Navy Yard Salute Gun Fire, Boston Inner Harbor, Boston, Massachusetts (Coast Guard) [CGD01-97-033] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: New Haven Harborfest Fireworks Display, New Haven, CT (Coast Guard) [CGD01-97-047] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Yampol Family Fireworks Display, Cove Neck, NY (Coast Guard) [CGD01-97-048] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Savannah, GA (Coast Guard) [COTP Savannah 97-004] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation; SeaFair's Blue Angels Air Show, Lake Washington, Seattle, WA (Coast Guard) [CGD13-97-012] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. LEWIS of California: Committee on Appropriations. H.R. 2158. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-175). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X Committee on Rules discharged from further consideration. H.R. 856 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ACKERMAN:

H.R. 2151. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2152. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class, and to amend titles XVIII and XIX of the Social Security Act to provide for coverage of annual screening mammography; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Ms. SLAUGHTER):

H.R. 2153. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of paramedic intercept services provided in support of public, volunteer, or nonprofit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 2154. A bill to provide for food stamp eligibility for aliens who were receiving supplemental security income benefits on August 22, 1996, or aliens who are eligible for supplemental security income benefits; to the Committee on Agriculture.

By Mr. NEUMANN:

H.R. 2155. A bill to authorize continuation of a nationwide permit for discharges of dredged or fill materials into headwaters and isolated waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REGULA:

H.R. 2156. A bill to provide financial assistance, directly and through States, to support jointly with government entities, educational institutions, businesses, and nonprofit public and private entities, opportunities for the people of the United States to participate in the arts and the humanities; and to increase understanding and appreciation of the cultural heritage of the United States; to the Committee on Education and the Workforce.

By Mr. YATES:

H.R. 2157. A bill to amend the Internal Revenue Code of 1986 to encourage the use of public transportation systems by allowing individuals a credit against income tax for expenses paid to commute to and from work using public transportation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 38: Mr. TRAFICANT, Mr. DAVIS of Illinois, Mr. MCINTYRE, and Mr. ANDREWS.

H.R. 65: Mr. TALENT and Mr. SCHUMER.

H.R. 66: Mr. BONO and Mr. CONDIT.

H.R. 76: Mr. OBERSTAR.

H.R. 107: Mr. MALONEY of Connecticut, Mr. KLECZKA, and Mr. SERRANO.

H.R. 176: Mr. SAWYER.

H.R. 303: Mr. REYES and Mr. DEUTSCH.

H.R. 404: Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. MALONEY of Connecticut, and Mr. DOOLEY of California.

H.R. 409: Mr. EVERETT, Ms. LOFGREN, Mr. UPTON, Ms. DUNN of Washington, Mr. WEYGAND, Mr. SCHIFF, Mr. SANDERS, Mr. LAZIO of New York, Mr. LOBIONDO, Mr. BONO, Mr. OBERSTAR, Mr. LEWIS of Kentucky, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. HASTINGS of Washington, Mr. ROGERS, Mr. BLUNT, Mr. MINGE, Mr. BAESLER, Mr. BUNNING of Kentucky, Mrs. NORTHRUP, Mr. COOKSEY, Mr. PAYNE, and Mr. NEUMANN.

H.R. 611: Mr. SCARBOROUGH.

H.R. 695: Mr. MILLER of California and Mr. DUNCAN.

H.R. 715: Mr. RIGGS.

H.R. 836: Mr. MORAN of Virginia, Mr. TIERNEY, and Mr. SNYDER.

H.R. 872: Ms. CHRISTIAN-GREEN, Mr. COOKSEY, Mr. GRAHAM, Mr. HOSTETTLER, Mr. LANTOS, Mr. MCKEON, Mr. ROGAN, Ms. SANCHEZ, and Mr. SHIMKUS.

H.R. 952: Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. PRICE of North Carolina, Mr. WEXLER, Mr. WAXMAN, Mr. PORTER, Mr. BLUMENAUER, Mr. ACKERMAN, and Mr. FILNER.

H.R. 964: Mr. CONDIT.

H.R. 977: Mrs. EMERSON, Mr. HINCHEY, and Mr. MCNULTY.

H.R. 983: Mr. MALONEY of Connecticut.

H.R. 988: Mrs. MYRICK and Mr. VENTO.

H.R. 991: Mr. GILMAN.

H.R. 1010: Mr. KLUG, Mr. CUNNINGHAM, Mr. BEREUTER, Mr. CAMPBELL, Mr. SCARBOROUGH, Mr. BOEHNER, Mr. BISHOP, and Mr. GIBBONS.

H.R. 1060: Mr. BASS, Mr. HEFLEY, Mr. LAMPSON, Mr. MCINTYRE, Mr. KILDEE, and Mr. GOODLATTE.

H.R. 1062: Mr. HERGER and Mr. BALLENGER.

H.R. 1114: Mr. SISISKY.

H.R. 1151: Mr. JOHNSON of Wisconsin, Mr. CLAY, Mr. CAPPS, and Mr. HORN.

H.R. 1165: Mr. MILLER of California and Mr. KIND of Wisconsin.

H.R. 1260: Mr. FORD.

H.R. 1270: Mrs. CHENOWETH, Mr. PITTS, Mrs. JOHNSON of Connecticut, Mr. FOLEY, Mr. SHAW, Mr. LEACH, Mr. BURTON of Indiana, Mr. TRAFICANT, and Mr. BATEMAN,

H.R. 1353: Mr. MALONEY of Connecticut.

H.R. 1373: Mr. GUTIERREZ.

H.R. 1398: Mrs. LINDA SMITH of Washington.

H.R. 1415: Mr. QUINN, Mr. CARDIN, Mr. HOLDEN, and Ms. FURSE.

H.R. 1426: Mr. GUTIERREZ, Mr. EVANS, and Mr. RUSH.

H.R. 1437: Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, and Ms. DEGETTE.

H.R. 1438: Mr. SMITH of New Jersey.

H.R. 1480: Mr. MALONEY of Connecticut.

H.R. 1507: Mr. JACKSON, Mr. KIND of Wisconsin, Mr. MATSUI, and Ms. DELAURO.

H.R. 1534: Mr. PAXON, Mr. BRADY, Mr. COLLINS, Mr. TRAFICANT, Mr. BLILEY, Mr. JENKINS, Mr. BISHOP, and Mr. BOEHNER.

H.R. 1578: Mr. WYNN, Mr. SCOTT and Mr. MORAN of Virginia.

H.R. 1579: Mr. WYNN, Mr. SCOTT and Mr. MORAN of Virginia.

H.R. 1580: Mr. FLAKE, Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY of New York, Mr. SCHUMER, Mrs. LOWEY, Mr. LAZIO of New York, Mr. FORBES, Mr. NADLER, Mr. PAXON, and Mr. WALSH.

H.R. 1609: Mr. KENNEDY of Rhode Island and Mrs. ROUKEMA.

H.R. 1614: Ms. JACKSON-LEE, Mr. BOSWELL, and Mr. SERRANO.

H.R. 1619: Mr. CRAPO and Mr. GORDON.

H.R. 1679: Mr. BARTON of Texas.

H.R. 1715: Mr. RANGEL.

H.R. 1716: Ms. MILLENDER-MCDONALD.

H.R. 1763: Mr. BOUCHER.

H.R. 1766: Mr. GEJDENSON, Mr. BROWN of California, Mr. LAZIO of New York, Mr. TURNER, and Mr. BOYD.

H.R. 1773: Mr. HALL of Texas and Ms. WOOLSEY.

H.R. 1786: Mr. BEREUTER, Mr. FARR of California, Mr. MILLER of California, Ms. WOOLSEY, Mr. ABERCROMBIE, and Mr. GONZALEZ.

H.R. 1799: Mr. HOLDEN.

H.R. 1864: Mr. LUTHER.

H.R. 1909: Mr. ROYCE, Mr. DEAL of Georgia, Mr. HOSTETTLER, Mr. RYUN, Mr. GALLEGLY, Mr. ARCHER, Mr. PITTS, Mr. LINDER, Mr. DELAY, Mr. CALVERT, Mr. PAUL, and Mr. BRYANT.

H.R. 1946: Mr. MASCARA.

H.R. 1972: Ms. DUNN of Washington and Ms. CHRISTIAN-GREEN.

H.R. 1984: Mr. DINGELL, Mr. BLILEY, Mr. HOSTETTLER, Mr. LUCAS of Oklahoma, Mr. SESSIONS, Mr. GEKAS, Mr. SISISKY, and Mr. CHABOT.

H.R. 1993: Mr. EVANS.

H.R. 2122: Mr. BURR of North Carolina.

H.R. 2140: Mr. FLAKE and Mr. CUMMINGS.

H.J. Res. 71: Mr. SHERMAN and Mr. COLLINS.

H. Con. Res. 37: Mr. DIAZ-BALART, Mr. SOLOMON, Mr. JEFFERSON, Mr. METCALF, MR. DOOLITTLE, and Mr. FLAKE.

H. Con. Res. 71: Mr. DAVIS of Illinois and Mr. MARTINEZ.

H. Con. Res. 80: Mr. STRICKLAND, Mr. MANTON, and Mr. ACKERMAN.

H. Con. Res. 107: Mr. ENGLISH of Pennsylvania, Mr. GORDON, Mr. FROST, Mr. HOBSON, and Mr. GILLMOR.

H. Con. Res. 109: Mr. BEREUTER, Mr. WAXMAN, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Nebraska, Mr. SABO, Mr. MALONEY of Connecticut, and Mr. DIAZ-BALART.

H. Res. 26: Mr. VENTO, Mr. SERRANO, Mr. FILNER, Mr. OLVER, Mr. HASTINGS of Florida, and Ms. WOOLSEY.

H. Res. 37: Mr. ALLEN, Mr. EVANS, Mr. SCOTT, Mr. WICKER, Mrs. TAUSCHER, and Mr. MALONEY of Connecticut.

H. Res. 139: Mr. ROYCE.

H. Res. 182: Mr. MOAKLEY, Mr. PAYNE, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. MEEHAN, Mr. WALSH, Mr. BORSKI, Mr. OLVER, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. MCNULTY, Mr. HINCHEY, Mr. DELAHUNT, and Mr. HOLDEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

OFFERED BY: MR. GREEN

AMENDMENT NO. 1: Before the period at the end of the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES" insert the following:

Provided, That, using amounts made available under this heading, the Secretary of Housing and Urban Development shall establish, within the field office of Department of Housing and Urban Development that is located in Houston, Texas, an Office of Community Planning and Development and an Office of the Inspector General and shall provide sufficient personnel for such offices

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.

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

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
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.
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TITLE XXXV—PANAMA CANAL COMMISSION

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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.
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Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
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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.

EXTENSIONS OF REMARKS

CONGRESSMAN KILDEE HONORS DR. MONIFA A. JUMANNE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to educating our Nation's youth. On July 9, 1997, Dr. Monifa A. Jumanne was honored for her 10 years of dedicated service to the faculty, staff, and most importantly the students of Oakland University in Rochester, MI, as she prepares to leave her role as director of the Department of Special Programs.

A native of Detroit, MI, Dr. Jumanne received her bachelor's degree from Western Michigan University in 1965. She was the first in her family to achieve this goal. She returned to Detroit and received her master's degree in 1971 and her doctorate in 1994, both from Wayne State University in Detroit. Since 1965, Dr. Jumanne has made a positive impact on the lives of thousands of young people around the world in her roles of teacher, instructor, consultant, and administrator. She has worked in Michigan, Ohio, California, Kansas, and even Monrovia, Liberia. From 1973 to 1981, she traveled and taught throughout West Africa.

In 1987, Dr. Jumanne became director of Oakland University's Department of Student Support Services, later renamed the Department of Special Programs. As director, Dr. Jumanne administered the Academic Opportunity Program, a TRIO program funded by the U.S. Department of Education, which provides an opportunity for a quality college education to students who have been labeled "at-risk." For Dr. Jumanne this program holds a very special place in her heart for it provided her with the opportunity to provide counsel and encouragement to many students that came from similar backgrounds as she. Under Dr. Jumanne's leadership, 979 students have entered the program with at least 500 receiving undergraduate degrees. Her knowledge of and great success with the TRIO program led to her being appointed a trainer of new TRIO directors.

Dr. Monifa Jumanne has served in a number of important positions but the two most important are mentor and friend. Without Dr. Jumanne's resolve, strength, and love, many young adults may have never stepped foot on a college campus or received their degree at a commencement ceremony their heads held high and their hearts filled with a sense of accomplishment and pride. For her work to improve the quality of life for all people through education, we owe her a debt of gratitude.

Dr. Jumanne will certainly be missed at Oakland University but I know that her contributions to the community will never be forgotten. Mr. Speaker, as Dr. Jumanne begins her new position as assistant dean for Student and Community Life at the Interdenominational and Theological Center in Atlanta, GA, please join me in wishing her all the best.

THE BWCA WILDERNESS LEGACY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the BWCA Wilderness Legacy Act. This legislation provides further protections for the Boundary Waters Canoe Area Wilderness in northeastern Minnesota. This Forest Service wilderness area is the most popular, most widely used wilderness area in our entire National Wilderness System.

The National Government has always recognized the Boundary Waters Canoe Area Wilderness [BWCAW] as a special area and a unique national treasure. From the designation of the Superior National Forest by President Teddy Roosevelt, to the inclusion of the Boundary Waters Canoe Area in the original Wilderness Act by Senator Hubert Humphrey, the BWCAW has been singled out as an area worthy of special attention and preservation.

That special attention has been worthwhile for our Nation, for Minnesota, for northeastern Minnesotans, and for all those families who have used and enjoyed the BWCA Wilderness. The BWCAW is the most widely used of all our units within the National Wilderness System. While the BWCAW makes up only 1 percent of the total Wilderness System acreage, this alone accounts for over 10 percent of the use.

This level of use provided a real economic boost to northeastern Minnesota. According to U.S. Forest Service testimony before a Senate Energy and Natural Resources Subcommittee, the BWCAW and its users contribute nearly $30 million to the local economy each year.

Unfortunately, the popularity of the BWCAW has also necessitated reasoned and increased restrictions and protections for the resource, due to the fact that the BWCAW is such a highly fragile resource that cannot withstand the trauma of such overuse or abusive use. If the BWCAW is to be available for the enjoyment of our children and grandchildren, effective and responsible limits on the use of the resource and the intrusion of man must be firmly set in place.

The popularity and the competing uses of the BWCAW have engendered passionate views on this resource and its protection. Today's controversy and the inability to reach a complete consensus should not be surprising nor is it a new phenomena. The BWCAW has been the focus of some controversy throughout its history. Every effort at preserving the BWCAW for the enjoyment of future generations has been met by strong opposition. The designation in the 1920's of parts of the Superior National Forest as primitive and off limits to roads; President Truman's ban of flights over the BWCAW below 4,000 feet; and the designation of the area in the 1960's invoked disputes similar to those we see today. Even the decision in the 1977 Boundary Waters Canoe Area Wilderness Act to ban logging in the wilderness was hotly contested. Today these steps are accepted and viewed by most Minnesota as essential to preserving the wilderness.

Some have tried to portray today's debate over restoring trucks to two portages in the BWCAW as issues of access and broken promises. That is not the case. This is not a debate about access to motorized lakes because motorboats use and access are being accomplished and fully utilized in accord with the 1978 BWCAW Wilderness Act.

According to the Forest Service, the day use motor permits for Basswood in 1994 and 1995 were completely used—1,017 day use permits for the Newton-Pipestone entry point and 1,358 for Prairie Portage. For Trout Lake, 95 percent of the permits were used in 1994—539 out of 565 permits—with 81 percent used in 1995—456 out of 565 permits. It is important to note that each permit covers up to four boats. If one assumes an average of 2 boats per permit, nearly 5,000 motorboats entered Basswood Lake via the Newton-Pipestone and Prairie Portages each year under day use permits issued, while approximately 1,000 motorboats entered Trout Lake. As the Forest Service data demonstrates, even after the trucks were removed from the portages, access to Trout and Basswood was and is available. For individuals who do not want to or cannot portage their own boat, commercial portage services are available for Prairie Portage.

Six-thousand motorboats can't be wrong—a feasible, nonmotorized means of transporting boats across the portages exist and mechanized portages should not and need not be reintroduced into the BWCA.

This legislation, which I am introducing today, establishes for congressional consideration, an alternative policy path and future for the Boundary Waters Canoe Area Wilderness. It is a policy course that emphasizes protection of the wilderness and nonmotorized use over increased motor use. It is a policy course that, based on last year's debate, enjoys the support of a broad majority of Minnesotans.

The impact of the BWCA Wilderness Legacy Act is straightforward. This legislation proposes wilderness addition and protections for 7,400 new acres in the BWCAW. The bill closes to motorboat use Lac La Croix and Loon Lake on the western boundary of the BWCA. It also closes, effective January 1, 1999, all of Sea Gull Lake within the wilderness to motorboat use. Under the current law only a portion of Sea Gull Lake is to be closed

to motorboat use on that date, the remaining section of the lake currently is scheduled to remain open for motorboat use. Finally, the legislation prohibits the use of towboats within the entire BWCA wilderness.

I understand the strong feelings that all Minnesotans have regarding the BWCAW. Minnesotans and the Nation view the BWCAW as a national treasure. All of Minnesota has a stake in and a responsibility toward the future of the BWCAW. In Minnesota, such stewardship responsibilities are a serious matter. These Minnesotans, an overwhelming majority of the State, support policies that protect the BWCAW and ensure the this phenomenal resource is available for more than the instant gratification and pleasure of solely today's generation. These Minnesotans, in all statewide polls and in their letters and comments to me and other members of the State congressional delegation, have strongly voiced their views that this fragile resource should be preserved as an valuable wilderness legacy for today and tomorrow.

The BWCAW Wilderness Legacy Act sets in place the policy path to accomplish that goal and honor this Minnesota and national sentiment.

BWCA WILDERNESS LEGACY ACT

LEGISLATIVE SUMMARY

Section 1. Bill Title. The BWCA Wilderness Legacy Act.

Section 2. Congressional findings.

The BWCA offers a unique lakeland experience for present and future generations. The BWCA is an international, national and Minnesota treasure worthy of preservation as a wilderness area. Congress has supported the protection of the BWCA as a wilderness area. The BWCA is the most widely used wilderness unit in the entire wilderness system. A majority of Minnesotans support greater wilderness protection for the BWCAW. Further protection of the BWCA is necessary.

Section 3. Wilderness Additions.

Expands the BWCA Wilderness by 7,370 acres. The total wilderness area is increased from 1,087,000 to 1,094,370 acres. (Specific wilderness additions are listed below.)

Section 4. Motorized Use.

Closes all portions of Sea Gull Lake within the wilderness area to motorized use on January 1, 1999. Closes Lac La Croix and Leon Lake to motorized use on the date of enactment. Prohibits the use of towboats within the entire BWCA wilderness on January 1, 1998.

Section 5. Extends current prohibition on aircraft over the BWCA to wilderness additions.

WILDERNESS ADDITIONS—7370 ACRES

(1) Crocodile Lake Addition. (40 acres)—Far western tip currently outside border, though the vast majority of Crocodile Lake lies within the BWCAW. Crocodile lies just south of popular East Bearskin Lake.

(2) Dislocation Lake Addition. (340 acres)—Off the Gunflint Trail southwest of Lima Mountain, immediately north of the Ram Lake BWCA entry point #44. State and federal land only. Includes Dislocation and Sled Lakes just outside wilderness border.

(3) Ball Club Lake Addition. (800 acres)—Near Eagle Mountain, includes BWCA entry point 42. Includes (3) Ball Club Lake, Ball Club Creek, and Cleaver Lake leading into BWCA Wilderness.

(4) Lizz Lake Addition. (100 acres)—includes all of Lizz Lake which is currently half out of the wilderness. All federal land. On the popular and heavily used canoe route from Poplar Lake into wilderness; entry point 47.

(5) Meditation Lake Addition. (40 acres)—Located just southeast of Seagull. Eastern shore of lake outside BWCAW, western shore within; all federal shoreline. Connected by 20 rod portage to Seagull Lake.

(6) West Round Lake. (240 acres)—All federal land. Includes all of West Round Lake and Edith Lake on the popular canoe route from public landing on Round. Entry point 53.

(7) Bedew Lake Addition. (40 acres)—Just north of Rush Lake and south of Gunflint Trail. Lake currently half out of the wilderness.

(8) Nighthawk Lake Addition. (30 acres)—Nighthawk Lake lies SE of Swamp Lake near the Gunflint Trail. Nighthawk Lake is currently half in, half out of the wilderness.

(9) Camp Lake Addition. (50 acres)—This lake lies west of Newton Lake. The wilderness boundary currently cuts through the lake; most of the lake currently lies inside the wilderness. The addition includes nearly all federal land, with perhaps just a sliver of county land.

(10) Geraldine Lake Addition. (60 acres)—This lake lies half in and half out of the BWCAW, just west of the North arm of Burntside Lake. All federal land, in Sec. 4.

(11) Homer-Brule Addition. (2,880 acres)—North end of the RARE-II proposed addition. This addition includes all federal land except for a county 40 on Homer, a county 40 on Axe Lake, a state 40 on Juno (some already in BWCA), and the previously private lands (now all federal) on Sky Blue Waters Lodge site on Brule. Public landing on far east end of Homer Lake. Nesting site of rare Boreal Owl. Homer Lake currently half in, half out of BWCA Wilderness. Popular Canoe route, entry point 40.

(12) Ham Lake Addition. (600 acres)—Entirely federally owned land. Currently serves as BWCA entry point 51. Includes all of Ham Lake within wilderness, including four wilderness campsites on Ham.

(13) Star Lake Addition. (660 acres)—Opposite Homer Lake across road. All state and federal land; state owns southern bay.

(14) Stuart Portage Addition. (550 acres)—Protects entire Stuart River portage; appropriately three-quarters of a mile from the wilderness boundary to the trailhead.

(15) Mine-Dogleg-Chub Lakes Addition. (940 acres)—Includes all of these three lakes. Private land around Mine Lake (Ogelbay Norton) has since been purchased by the Forest Service through FY 92 LAWCON funds. Site of former Paulsen Mine, circa 1893. Protests east end of Kekekabic Trail.

TRIBUTE TO LT. COL. THOMAS F. JULICH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to publicly thank, and pay tribute to, a man who embodies the notion of public service. Lt. Col. Thomas F. Julich will leave his command as district engineer of the U.S. Army Corps of Engineers, Charleston District, in a ceremony tomorrow on the campus of the Citadel.

A 1976 graduate of the U.S. Military Academy, Lieutenant Colonel Julich earned a master of science degree in civil engineering from the University of Washington and is a registered professional engineer in the Commonwealth of Virginia. Military honors conferred upon Lieutenant Colonel Julich include the Meritorious Service Medal with one oakleaf cluster, Army Commendation Medal with two oakleaf clusters, and the Army Achievement Medal with one oakleaf cluster. In addition to his domestic assignments, Lieutenant Colonel Julich has served tours in Asia and Europe.

As a Member of Congress, I view my role as a voice for the many constituents I represent who have no other presence in Washington. In this role, I interact with officials at all levels of the executive branch, and I know that each of them are dedicated employees who truly wish to serve the public interest.

A very few of these public servants are remarkable in that their level of dedication and professionalism exemplify the very best in what I consider a noble calling. Lieutenant Colonel Julich certainly falls within this category. Time and time again, I have called upon him to provide information so that I may advocate for my congressional district and its residents. Each and every time, my request was met with the same pleasant, professional, and very capable response.

I am very pleased to say that I also got to know Lieutenant Colonel Julich as a person, not just a public servant. I admire his dedication and I respect his integrity. Lieutenant Colonel Julich will be moving to the office of the Assistant Chief of Staff for Installation Management at the Pentagon. All I can say is that the Pentagon's gain will be Charleston's loss.

LEGISLATION THAT MAKES SENSE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on July 4, 1997. This editorial brings attention to the positive effect of a law passed by the Nebraska Legislature in 1981 referred to as the "Good Samaritan" law which protects anyone donating food from civil lawsuits. Without passage of this law in my home State of Nebraska, thousands of pounds of food that now feeds needy individuals would instead be thrown out each and every day. This Member would also like to commend the many businesses in my home State that contribute their unsold and left-over food and also to commend the charitable organizations that ensure that the food is distributed to needy people.

[From the Omaha World-Herald, July 4, 1997]

LESS FOOD GOES TO WASTE IN OMAHA

More than one-fourth of the food produced in the United States goes to waste, according to an Agriculture Department study. But in Omaha, the picture is different.

Nationally, more than 96 billion pounds of food of all kinds was lost in 1995, the government study indicated. It spoiled in the home refrigerator. It became outdated or damaged in grocery stores. It was left over, unserved,

at restaurants and wedding receptions, in company lunchrooms and fast-food places, taco stands and bagel shops across the country.

In Omaha, a gratifying amount of food isn't wasted. Thanks to the generosity of businesses and the determination of the community's charitable organizations, a lot of good, healthful food that might have been tossed out is feeding hundreds of homeless and needy people.

Paul Koch, executive director of Siena-Francis House, said his organization serves 205,000 meals a year on a food budget of less than $2,000. Most food is donated. Fast-food restaurants, donut shops, food stores, restaurants and large corporations all helped, he said.

The Open Door Mission also benefits from local generosity. Pastor Bob Timberlake said the mission serves 900 meals a day, more than 328,000 a year, and 95 percent of the food is donated. He said mission trucks go to Mutual of Omaha, where they pick up all the food not served in the company cafeteria. That provides 30 percent of the food the mission needs, he said.

Sixteen Kentucky Fried Chicken outlets give the chicken that was partially fried but not sold. ConAgra and Campbell's pass on extra or unneeded edibles. When Roberts Dairy trucks return from deliveries, their unsold dairy products are loaded directly into mission vans.

Food donations in Omaha are made easier by a far-sighted "Good Samaritan" law passed by the Nebraska Legislature in 1981 protecting anyone donating food from civil lawsuits.

The fact that the idea is working so well in Omaha is a credit to the city, a credit to charities that handle the food and a credit to good-hearted people.

EXPECTING NOTHING IN RETURN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BARCIA. Mr. Speaker, very rarely do you meet a person who is willing to sacrifice so much of himself for one cause. I am rising today to pay tribute to one of my constituents, Robert Elkowitz of Bay City, MI, who has selflessly given 30 years of service to his community, State, and Nation. Bob is retiring as commander of American Legion Post 18 after many years of dedicated service.

Bob began his journey by joining the Army as a medic during the Vietnam war. His medical unit not only cared for his fellow American soldiers, but also provided general health care and inoculations to Vietnamese children. He returned from Vietnam older and wiser with a firm commitment to his country. He credits his tour in Vietnam with creating the wholehearted and giving man he is today.

Mr. Elkowitz's dedication to others did not end once his feet touched American soil. After his discharge from the Army he joined the U.S. Naval Reserve as a medical corpsman for nearly 3 years. He then served in the Michigan Army National Guard, and became the unofficial director of social affairs. Bob organized parties and picnics for the entire unit to create a family within a family. Bob helped his fellow soldiers see that the entire unit could only function when they could rely on each other. By creating this family atmosphere, the unit did not just function, it thrived.

Bob is extremely proud of his service in the military and the National Guard. In fact, Mr. Elkowitz would not retire until his entire battalion was retired. He did not want his life's mission to end after his completion of service from the National Guard in August 1993. Bob joined American Legion Post 18 in June 1994, and was selected to serve as the commander. During his time in the American Legion, Bob dedicated himself to helping the Veterans in Need Program and organizing numerous functions to create the same family atmosphere he had in his battalion.

Vision is nothing without being a man of action, and Bob has that type of dedication to pursue his desires. Bob wanted to have the American Legion known throughout the community, and he fulfilled that desire. From the Bay River Band Concerts to the Bay City Independence Day Celebration Weekend you will see members of the American Legion. Bob and his successor are continuing to fulfill the dream to make the American Legion a vital local institution and community asset.

Bob is now at a crossroads in his life. After serving 3 consecutive years as the American Legion post commander, a post record, he now has more time to enjoy his family. He looks forward to ending his mission at a place which truly holds his heart, Bay City, and with people who mean everything to him, especially his grandchildren. I am sure that he will pass the same honor, integrity, courage, and zest for life he possesses on to future generations of the Elkowitz clan.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to praise individuals like Robert Allen Elkowitz. I ask you and all of our colleagues to join me in wishing Bob Elkowitz the best of luck in all his future endeavors.

CONGRATULATIONS ON THE 225TH ANNIVERSARY OF THE TOWN OF NORTHBRIDGE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. McGOVERN. Mr. Speaker, I would like to take this opportunity to warmly congratulate the town of Northbridge, MA, as it celebrates its 225th anniversary.

Northbridge, a present day community of approximately 13,000 residents in the heart of the Blackstone River Valley National Heritage Corridor, was incorporated as a town on July 14, 1772. Comprised of the five villages of Whitinsville, Rockdale, Riverdale, Linwood, and Northbridge Centre, this great municipality has a rich history characterized by its pioneering leadership in the development of the traditional New England manufacturing industry. At the inception of the Industrial Revolution, capitalizing on its fertile geographic competitive advantage to develop burgeoning industries, cotton, brick, and textile mills emerged in Northbridge steadily replacing older saw and grist mills, and still remain today as vital economic assets. In particular, the Whitin Machine Works, built in 1847, long served as the industrial center of the Northbridge economy, employing hundreds of members of the community through the 1950's.

In addition, Northbridge is widely noted for its striking aesthetic beauty and ebullient civic pride. Its citizens have had a strong, storied commitment of service to both community and country. Residents of Northbridge have served in all military wars and conflicts dating back to the American Revolution. In particular, Rosaire "Ross" Rajotte' dual service is illustrative of the unwavering Northbridge commitment to the larger community of which it is a part. Remarkably, Ross Rajotte earned four Purple Hearts during World War II. He then returned home after the war to become a leader in municipal affairs, serving three times on the Board of Selectman, and as its chairman once, as well as helping establish both Northbridge's Conservation Commission and the Planning and Zoning Board of Appeals.

Mr. Speaker, it is with great pride and admiration that I commend Northbridge for its outstanding, prosperous, and distinctive civic character. I wish future generations of community members the very best in maintaining Northbridge's glowing testament of progress and citizenship.

WELCOME TO THE FORUM ACOREANO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this year I had a very useful and enjoyable meeting with an organization newly formed in Southeastern Massachusetts. The meeting took place in Fall River, and the group is the Forum Acoreano U.S.A. The Forum is composed of people who are concerned about issues that are of particular relevance to Azorean Americans, of which I am proud to say there are more in Southeastern Massachusetts than in any other part of the country. The officers of the organization—President Alfredo Alves, Vice President Maria Pinheiro, Secretary Manuel Estrella and Treasurer Arthur Tavares—and their colleagues are thoughtful well informed people who understand both the greatness of America, and the valuable contributions immigration makes to that. I look forward to working with this important organization in achieving the combination of economic growth and social justice which has been the hallmark of Americans at our best, and I ask that the very thoughtful letter that the Forum has addressed to myself and all of my colleagues be printed here. It is particularly relevant that this be printed at this time while conferees are deciding exactly what should be done to correct the serious errors Congress made last year in adopting legislation which so unfairly affected our immigrant population, and their families and friends.

FORUM ACOREANO U.S.A.,
Fall River, MA, June 24, 1997.

TO THE HONORABLE MEMBERS OF CONGRESS:

We are a newly created organization formed to promote and give political voice to the concerns and interests of persons in the United States of Acorean origin. All of our members are immigrants of many years duration in the United States and we are saddened and deeply disturbed by legislation passed by Congress this past year which drastically alters the Immigration and Naturalization Act and which curtails disability and other benefits available to legal permanent residents of the United States.

Never before have we witnessed a Congress of the United States take such drastic measures as those passed into law in 1996. Never before have we witnessed the passage of legislation so purposefully aimed to undermine the most vulnerable and defenseless in our country: the aged, the afflicted, the infirmed, the physically disabled, the mentally incompetent, the dependent child, the disabled child, as well as the immigrant among us who has no power to vote.

We urge you to:

Return full disability and other benefits to disabled legal permanent residents;

Ensure that student exchange visitor programs can continue to run without mandated agency reimbursement;

Ensure special consideration regarding the English language requirement with respect with persons over the age of 65 who are applying for citizenship;

Preserve humanitarian relief from deportation for long-term permanent residents and others who have extensive family and community ties in the United States;

Hold public meetings to better know the needs and concerns of your constituents, prior to passage of legislation.

Please consider and remember during your legislative deliberations that when a long-term permanent resident is deported, we have personally witnessed the following:

United States citizen children who are minors have been compelled to accompany a deported parent in order to maintain the family unit;

A United States citizen child never has the same opportunities for education and economic well being in his or her parent's home land as he or she would have in the U.S.

Families have been irreparably broken up;

Youngsters have lost parents and great emotional harm has resulted;

Aged parents have lost the solace and company of a son or daughter who is deported and have no hope of seeing that child again;

Families have lost their major breadwinner and have been forced to turn to public benefits for relief;

We can not imagine why Congress would single out these vulnerable groups among us and tamper with their well being and their family unity. We wonder if the members of Congress spoke with their constituents before passage of such far reaching legislation We wonder if you remembered that we are a nation of immigrants and that it is our diversity which has made us strong?

If you doubt the contribution of immigrants to this country, we invite you to visit our communities in Massachusetts and Rhode Island. There you will see how we have transformed run-down urban neighborhoods in Fall River, New Bedford, Cambridge, Somerville, Peabody, and Taunton, as well as Providence, East Providence, Bristol, Tiverton, West Warwick into clean, safe, updated, family neighborhoods.

Even though some of us speak with an accent, and have names that may be hard to spell or pronounce, we are nonetheless, voters and tax payers, and we own businesses and property, we are also educators, public officials and public servants, as well as doctors and lawyers and, if you visit the factories in our communities you will see that we are the backbone of the work force. We are also the mothers, fathers, children, brothers, sisters, uncles, aunts and cousins of legal permanent residents who have been hurt by the recent legislation and as such, the laws have hurt us as well.

We urge you ladies and gentleman of Congress to remember the plight of the immigrant during the deliberations of the 105th Congress and to ameliorate the present legislation.

Respectfully submitted, Forum Acoreano—U.S.A. Board of Directors.

ALFREDO ALVES,
President.
MANUEL ESTRELLA,
Secretary.
MARIA PINHEIRO,
Vice President.
ARTHUR TAVARES,
Treasurer.

HONORING AMBASSADOR LILJEGREN OF SWEDEN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. HILLIARD. Mr. Speaker, I come before this body today to both bid good bye and to give special recognition to the accomplishments of Sweden's Ambassador to the United States, the Honorable Henrik Liljegren. He has proven himself to be a skillful and resourceful diplomat.

My colleagues will remember that Ambassador Liljegren arrived in the United States over 4½ years ago. Among his many accomplishments was his active involvement in 1993 of removing Soviet troops from the Baltic States of Europe. Many of you will also recall his work with the Clinton administration to help these Baltic States integrate into the West. He was successful in both of these endeavors. These efforts helped the United States and Sweden seize a narrow window of opportunity to enhance the national interests of both nations. Through his efforts in the Baltic States, working in coordination with the United States, Ambassador Liljegren helped President Clinton achieve one of his first foreign policy successes.

While Washington's official diplomatic community will truly miss Ambassador Liljegren, Washington society will also miss his charming wife, Nil. She is one of those rare flowers who is truly beautiful and intelligent.

As they both depart for the Ambassador's next assignment in Turkey, I would like to extend to him the very best wishes of the United States House of Representatives.

SOCIAL SECURITY FOR CURRENT AND FUTURE GENERATIONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. FILNER. Mr. Speaker, along with the vast majority of Americans, I strongly support the Social Security program and believe that we have a responsibility to make it financially secure for generations to come.

When I am in my congressional district, I see this highly successful program at work. More than 63,000 residents of my district receive a Social Security benefit every month. Social Security provides a guaranteed benefit to 99 percent of retirees in the United States. Social Security provides a secure base for senior citizens and allows their children to concentrate more financial resources on their own families.

However, we all realize that Social Security has a financing problem that we must address. The sooner we resolve it, the less drastic the solutions and the greater the lead time for people to adjust for their own retirement. I do want to point out, however, that we have time to discuss and decide on wise and prudent adjustments. In 1983, the Social Security trust fund would have been insolvent in 2 months if Congress had not acted. Today, we have 30 years to avoid a similar situation.

Radically altering the system is not warranted—the projected shortfall in the trust fund can be fixed with relatively minor changes to the system. Privatization and gambling with retirement income is not the answer. The Social Security Administration has been aware of the problem posed by the retirement of the baby boom generation for decades. Social Security has faced challenges in the past and can face this challenge of the future without dismantling the entire system.

As we search for solutions to Social Security's long-term problems, we should think about the features of the program that work. Foremost among them is the availability of benefits to all workers who earned them, regardless of income. Therefore, I agree with the Social Security Advisory Council that we should reject means testing. Tying benefits to need sends the wrong message to workers and beneficiaries—a signal that if they save for retirement, their Social Security, to which they are currently contributing, could be reduced or lost.

In addition, the program's progressive benefit formula already differentiates between those who are more highly compensated and those who are not. Lower wage workers currently receive a greater return on their payroll taxes than average and high earners. This practice works, but additional tilting away from those who earn more could punish productivity and create the impression that Social Security is somehow a welfare program. Nothing could be further from the truth.

On the other hand, privatization would tilt the Social Security program far away from lower wage workers, by introducing a huge element of uncertainty into the economy and into a retirees' monthly income. Therefore, we must reject this change. Social Security currently is the secure portion of a retirement

portfolio. An individual's savings and investments now are the risk-taking segment. Privatizing makes Social Security and an individual's retirement income subject to the whims of the stock market and the skills, or lack thereof, of a person's financial advisor. In short, gambling with our seniors' future livelihoods is unacceptable.

With privatization, we would be placing all of our retirement eggs in one unstable basket—risking scrambling all of our retirement plans.

Proponents of privatization suggest that it will promote national savings, but shifting payroll taxes from the Social Security trust funds into individual accounts does not increase the national savings by one penny.

Misinformation regarding Social Security has been spread by powerful groups determined to turn the entire fate of America's retirees over to Wall Street. In contrast, making reasonable modifications to restore Social Security's long-term imbalance is a more sound and prudent course.

Let me repeat—we have time to fix the problems. Social Security has stood the test of time and has proven to be a fair and successful program. We do not need to rush into unknown waters with privatization and other radical proposals. Our seniors and future seniors deserve to have this body take a moderate and deliberative approach to altering a program that has served so many so well.

NATIONAL GUARD HONORED

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. DAVIS of Florida. Mr. Speaker, the brave men and women of the National Guard were honored at the world premier of Charles Gabriele's "National Guardian's March" presented in Venice, FL, on May 19, 1997 at a concert of the Venice Concert Band directed by Bill Millner. The National Guard in recent years served in Desert Shield and Desert Storm, and in Florida in the aftermath of Hurricane Andrew and Hurricane Opal.

During the concert, U.S. Army Brig. Gen. Steven Solomon, Commander of 83d Troop Command, presented the Venice Concert Band and Professor Gabriele each with a framed certificate of appreciation "for exceptional service to the Army National Guard." Gabriele is noted worldwide for his classical compositions and patriotic marches, such as "Korea Veterans March," which was performed by the U.S. Army Band for the dedication of the Korea War Memorial in Washington, DC. Also during the program Sarasota County Commission Chairman Robert Anderson presented the Venice Concert Band and Dr. Gabriele with commendations; and city of Venice Vice Mayor David Farley, Councilmen Earl Midlam, Burt Brown and Virginia Warren presented them with commendations and a flag of the city of Venice.

Members of the band who performed in the historic premier of the "National Guardian's March" were: Renee Arata, Marilyn Bay, Jan Bonds, Henry Busche, Russell Byron, Fred Capitelli, Harokl Chase, Rogers Cumming, Carmelo Cuscina, Vicki Elmore, Mary Ann Farrell, Jay Fish, Judson, Vincent Gigliotti, Harry Gilmore, Les Gowan, Ed Gremp, Charles Heidorn, Willie Jacus, Bob Kaltenbaugh, David Leath, Carl Linden, Mary Lipton, Julie Mahler, Robert McMullen, Les McRea, Alex Meldrum, Bill Meyer, Rex Morse, Shirley Morse, Mary Mullen, George Olisar, Stanley Ovaitt, Fred Ploch, Marilyn Sexton, Jane Sibole, Larry Shields, Ken Sotherlund, Bob Spangle, Missy Thornley, Connie Timm, Michael Torino, Basil Wanshula, Agnes Warfield, Roger Wolfe and Don Yasso.

Mr. Speaker, I ask that my colleagues join me in applauding this well-deserved tribute to the National Guard.

A MAN TO BE ADMIRED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who truly embodies the community spirit so valued by all Americans. A good friend to many of us, Robbie Callaway has enriched and enhanced the lives of countless children in his own community and across the Nation. His outstanding accomplishments, especially those with the Boys and Girls Clubs of America, and inspiring commitment to future generations should be recognized and appreciated.

After graduating from the University of Maryland in 1973, Robbie began his lifelong ambition to help disadvantaged children succeed in our challenging and ever-changing world. He first was a counselor at the Caithness Shelter Home, and later was appointed deputy director of the Boys and Girls Homes of Montgomery County, MD.

In 1991, Robbie became senior vice president for government relations for the Boys and Girls Clubs of America. Since Robbie's appointment on a national level, he has more than doubled the number of youths whom the Boys and Girls Clubs network serves. He also played a key role in obtaining funds from various Federal agencies, so much that the funds received by the national organization made a dramatic increase from $50,000 in 1991 to an astounding and well-deserved $36 million during 1996.

Not only has Robbie performed his job at the Boys and Girls Clubs of America with dedication and competence, he displayed instrumental precision in acquiring funds from various Federal agencies for other programs to aid children. His work and leadership for the construction and growth of the National Center for Missing and Exploited Children, and his current service as vice chairman of their board of directors is just one shining example of his efforts. His expertise continues to be vital to the success of this program.

Robbie has influenced a number of Federal laws which affect America's youth including the Juvenile Justice and Delinquency Prevention Act, the Child Protection Act, the Anti-Drug Abuse Act, the Runaway and Homeless Youth Act, the National and Community Service Act, and the Tax Reform Act.

Robbie has received numerous prestigious awards throughout his career. In 1987, he received the honorable award of Outstanding Service to President Reagan's Child Safety Partnership from the U.S. Department of Justice. In 1990, Robbie was honored with the FBI Director's Community Leadership Award. And in 1992, he went on to acquire the distinguished Ellis Island Medal of Honor.

Mr. Speaker, Robbie's accomplishments appear to be endless and in some ways they are. The youth of today will reap the rewards of his efforts as will future generations. If there is one thing we can recognize about Robbie Callaway is that he has made a difference in our society. I ask my colleagues to join me in commending Robbie Callaway, an outstanding individual, from whom we can all learn, and one who has helped to improve and enrich all of our lives.

TRIBUTE TO CAMELOT ELEMENTARY SCHOOL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, it gives me great pleasure to congratulate Camelot Elementary School in Auburn, WA, for their recent selection as a Blue Ribbon School. It is an honor to have this school in the Ninth Congressional District. Only 263 schools nationwide are awarded this honor. The Blue Ribbon School status is awarded to schools which have strong leadership; a clear vision, and sense of mission that is shared by all connected with the school; high-quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to parental involvement; and evidence that the school helps all students achieve high standards.

I commend the staff, students, and parents of Camelot Elementary School for their hard work in building an effective community for learning. The focus on literacy and assuring students obtain the essential skills needed for life is absolutely necessary and I am glad we have Camelot Elementary School as an example for how we need to work toward in educating our children.

TRIBUTE TO DR. JAMES B. POST

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay honor to a courageous young man from my district who persevered to overcome extraordinary circumstances in order to obtain his dream. Dr. James B. Post, a quadriplegic since age 14, recently received his medical degree from the Albert Einstein College of Medicine.

At age 14, a diving accident at a Boy Scout camp left Jim Post paralyzed from the neck

down. He cannot move his legs and has only partial use of his arms, yet Jim went on to become an Eagle Scout and later attended King's College in Wilkes-Barre, PA. At King's, Jim studied premed and finished in the top 10 percent of his class.

I have known this young man and his family for many years, and I can attest to the strength of character he demonstrated during his extraordinary struggle not just to survive, but to excel. With the constant love and support of his family, Jim Post rose to meet challenges most teenagers without disabilities never face.

Mr. Speaker, while these accomplishments alone deserve praise, Jim continued to pursue his dream and applied to 10 medical schools. Each of the 10 schools refused him admission because of his disability. However, he did not give up, fighting on television and in the press, his story gained State and national attention and soon found many supporters. His battle for admission led to a State Senate investigation and a 1993 law barring Pennsylvania colleges from discriminating on the basis of disability.

After speaking with faculty at the Albert Einstein College of Medicine, Jim applied and was accepted on the condition he hire a physician's assistant to help examine patients. Along with this help and with his wife Saretha and son James by his side, Jim began the rigors of medical school undaunted.

Mr. Speaker, Jim Post, not only graduated from medical school, he was admitted to an honor society Alpha Omega Alpha which only admits students in the top 15 percent of the class who possess proper attitude and professionalism toward patients.

Currently, Jim is preparing to begin his internship at Lenox Hill Hospital in New York. He plans to specialize in either nephrology or endocrinology.

Mr. Speaker, Dr. James B. Post is a living testament to the triumph of the human spirit. It is with great pride and admiration that I bring the remarkable accomplishments of this courageous young man to the attention of my colleagues and add my best wishes for his continued success.

COMMENDING ROGER TILLES' LEADERSHIP ON THE NEA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to commend Mr. Roger Tilles on his insightful and provocative op-ed piece on the National Endowment for the Arts, which was recently published in the New York Times. Mr. Tilles, who is the former President of Temple Beth-el of Great Neck, has worked from the private sector to further the cultural enrichment of the Long Island community. With generous support from the Tilles family, Long Island University created the Tilles Center which has been vital in educating students about the arts, and bringing world class cultural exhibits and performances to Long Island. His following op-ed piece recognizes the unique partnership that exists between the private sector and the NEA. When voting on the NEA, we should look to Mr. Tilles' example, and recognize that public funding for the arts, and private sector philanthropy go hand in hand.

[From the New York Times, June 29, 1997]

TIME TO FIGHT TO SAVE THE N.E.A.

(By Roger Tilles)

As efforts are mounted to scrap the National Endowment for the Arts, there is no small irony that among the reasons why Long Island is now among the top 20 places to live in the nation is its quality of life, best reflected in the broad scope of cultural and performing arts programs that are now at serious risk.

In the global battle for economic investment, local corporations seeking to entice new industries, jobs and capital to our region offset our high taxes and congested highways by using the arts as an attractive inducement. And with the bicounty region now deeply dependent on tourism, some 25 million people who visit Long Island annually now seek out our 12 dance companies, 40 arts organizations, 46 museums, 80 music companies, 30 theater companies and countless art galleries.

Far more than the loss of artistic outlets, shutting down the N.E.A. would have a direct, profound and negative impact on Long Island's economy. Without the small stipend many of these artistic programs receive from the National Endowment for the Arts, the vast majority of these cultural attractions would whither and disappear.

The battle over the N.E.A. has its roots in the fierce partisan battles that have erupted in Congress over the last several years. Whether it is dollars earmarked for Ernie the Muppet or Ernie the Artist, N.E.A. support is now considered a political litmus by the Congressional leadership. It is as if a performance of Mozart, an exhibit of de Kooning or a performance of "Swan Lake" are now battlegrounds for the hearts and minds of the electorate. This is treacherous ground because, for those with a sense of history, there is a faint echo from a not so distant past when a fascist government used the arts to sanitize their murderous regime.

To prevent plans from moving ahead to dismantle the National Endowment of the Arts, Long Island, with its population of nearly three million people, is going to have to become far more millitant on behalf of the arts. It should not be unfamiliar territory. As we shifted public policy on issues relating to breast cancer and the environment, we need to take those lessons and apply them to this equally crucial task.

Our first step should be the mobilization of those individuals who have served in the past as potent financial and ideological supporters of either major political parties. It will be a powerful message indeed if both Republican and Democratic standard-bearers discover that their core constituencies are united behind a common theme—protection of the arts. We need to condition our support based on where public officials stand as it relates to the arts and their support for the National Endowment.

In addition, because of Long Island's financial depth, many of us are targeted by political action committees and campaigns far outside Long Island. We need to include the arts as part of our personal platform for contributions.

Elected officials from Maine to California need to know that their support of N.E.A. programs is a critical factor in our determination of whether they are worthy of our dollars. We also need to network with those cultural and performing arts organizations working in Congressional districts where opponents of the arts endowment are located so that our message is carried far beyond the Long Island Expressway. That can be accomplished by becoming more involved with the artistic organizations that currently exist in the bicounty region.

As the Long Island Congressional delegation once led the charge to fund locally built weapons systems that defeated our Cold War opponents, let them now use their debating skills to protect the performances, programs and exhibits that now nurture the human spirit and enhance our region's economic and social quality of life.

We need only demonstrate our personal leadership to insure that our elected officials pretend that Chopin is a weapons system and vote accordingly.

H.R. 849—CORRECTIONS DAY CALENDAR SUCCESS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PACKARD. Mr. Speaker, I rise today to commend this House for instituting a way Congress can quickly correct illogical and sometimes absurd quirks in our laws. Just this week, the Corrections Day Calendar was used to pass a bill I introduced, H.R. 849, that will save the taxpayers millions.

This past February, I was shocked to hear that because of a small loophole in the law, an illegal immigrant living in my own hometown was paid $12,000 in taxpayer dollars to move her home. I then discovered that potentially millions were being handed out in this same way across the country. Mr. Speaker, the folks back home were outraged. My office received literally hundreds of letters and phone calls. They demanded that this practice be stopped.

Because of the Corrections Day Calendar, my bill to close that loophole was able to bypass the long process of hearings that accompany legislation, and go virtually straight to the floor for a vote. After only a short discussion, H.R. 849 passed without any opposition, 399 to 0.

Mr. Speaker, my constituents are not satisfied with tough talk and no action. The folks in my district, much like folks all across the country, want to see results from Washington. Using the Corrections Day Calendar to pass H.R. 849 shows America that this Congress is serious about cleaning up our laws and saving the taxpayer's money.

THE FAMILY FARM CREDIT OPPORTUNITY ACT OF 1997

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Family Farm Credit Opportunity Act of 1997, a bill that will correct an inequity in the Farm Service Agency's [FSA]

Guaranteed Loan Program. Currently, this program has upper limits on the amounts that can be guaranteed by the FSA. Specifically, the two types of loans administered under this program—farm ownership loans and operating loans—have caps of $300,000 and $400,000, respectively. The farm ownership loan cap was adjusted to its current level in 1978, while the operating loan cap was last raised in 1984. At these times, farm ownership and operating costs could be adequately financed within both of these cap limits.

However, given today's larger and more capital-intensive farming operations, the limits must be raised in order to meet the needs of those seeking financing through the Guaranteed Loan Program. For example, in my home State of Mississippi, poultry is a growing industry. In the early 1980's a typical poultry house cost approximately $65,000. Today the same poultry house can cost up to $125,000. Also, more volume is necessary to compete on the world market. In fact, most banks will not finance a beginning poultry farm with less than four poultry houses. It is easy to see that a minimum of four poultry houses at a cost of $125,000 per house exceeds the farm ownership cap level of $300,000 in the Guaranteed Loan Program. This is just one example of how the upper limits on loans can take qualified applicants out of the market. This problem exists throughout the entire agricultural sector, not just the poultry industry.

To address this problem, I am introducing the Family Farm Credit Opportunity Act of 1997 which would raise the cap limits on both the farm ownership loan and the operating loan to $600,000. The poultry example displays how much agriculture has changed since the caps were last amended in 1978 and 1984. In fact, while the increase in the cap limits may seem substantial at first, neither increase reflects the increase in inflation. Shouldn't we at least keep up with inflation for a program that has served as a consistent vehicle of opportunity for the small family farmer? In today's budget-minded era, I believe we must find solutions that will not only correct problems that have been developing over the years, but also do them at a relatively low cost to the taxpayer with a long-term solution in mind. That is why my bill increases the cap limits to specific amounts, $600,000 for the coming year, but also includes a provision to index both caps for inflation beginning in year 2. This last provision will allow the caps to automatically adjust for inflation, which will provide a long-term fix to the problem and assure that the family farm does not outgrow the upper limits of the farm ownership loan or the operating loan over time. I would like to point out that my bill will not guarantee acceptance of applications submitted to the FSA. Farmers would still have to go through an application process, but if the individual is eligible and accepted he or she would have the opportunity to receive adequate financing through a farm ownership or operating loan. In order to preserve the family farm and continue America's tradition of promoting the family farmer, we must provide a mechanism which enables them to receive the funds necessary for ownership and operation of a farming business.

Congress appropriates money for the FSA Guaranteed Loan Program each year. Shouldn't we put this money to its best and most efficient use? Should we also be willing to step back and take a good look at what a family farmer in 1997 really is? Of course we should use these funds as efficiently as possible and in a way that positively affects our overall economy. As for the family farmer, they still exist and are successful, but they aren't the same as they were 19 years ago in 1978 or even in 1984. Why?

Well, let's take a look at some of the changes that have occurred over this period. First of all, markets have become global. Not only do our farmers have to compete with each other, but also farmers around the world in China, Japan, Russia, Canada, Mexico just to name a few. Technology and research have both been overwhelmingly successful in allowing us to increase our production with less land, enabling us to idle environmentally sensitive land that is less productive and therefore ensure that we never revert back to the "Dust Bowl" days of the 1930's. Capital intensive is a word that was not as common in the late 1970's and early 1980's as it is today. In fact, we cannot talk about agriculture today without mentioning how the industry has drastically shifted from a labor-intensive industry to an industry dominated by capital. Twenty years ago, who could have imagined that we would be using satellites to level our land or to tell us exactly where chemical application was needed? Who could have imagined that biotechnology would yield such complex seed developments? Who could have imagined that we would have the technology to so closely monitor the growth of our animals that we would have the ability to specifically and scientifically regulate diets in order to achieve faster growth with less fat? My point, Mr. Speaker is that agriculture has changed and so has the family farmer.

The Guaranteed Loan Program was designed to help the family farmer. In order to continue this goal, we must address the needs of today by providing the capital necessary to compete and be successful. The family farmer is a larger operator relative to 1978 standards. We need cap limits that reflect this change. If we truly want to help the family farmer, let's fix a program that has historically been successful in helping this critical sector of our country. Let us not stop the progress of our farmers. We should not deny any eligible person in our Nation the opportunity to own and operate a family farm in order to pursue their idea of the American dream. This legislation will help our farmers expand their opportunities, increase our markets, improve our competitiveness, and make possible those dreams.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OWNERSHIP LOANS; INDEXATION TO INFLATION

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) by striking "$300,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by inflation percentage applicable to the fiscal year in which the loan is to be made or insured)"; and

(2) by adding at the end the following: "For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which (A) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year, exceeds (B) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

SEC. 2. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OPERATING LOANS; INDEXATION TO INFLATION.

Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) by striking "$400,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is to be made or insured")"; and

(2) by adding at the end the following: "For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which (A) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year, exceeds (B) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

TRIBUTE TO PAUL CHOW

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Paul Chow. Mr. Chow is being honored by the Angel Island Association for his 25-year crusade leading the preservation and restoration of the Detention Barracks at Angel Island State Park.

In addition to helping prevent the demolition of the barracks, Mr. Chow founded the Asian-American Immigration Station Historical Advisory Committee to restore the barracks and protect the Asian history and poetry carved in the walls. He was also instrumental in the creation of a museum at the former Immigration Station on Angel Island.

In recognition of his accomplishments in the areas of historical, cultural and natural preservation, Mr. Chow was the recipient of the Phoenix Award, presented by the Society of American Travel Writers. He continues to volunteer his time to guide hundreds of people through the Immigration Station, relaying personal stories about the struggles of his own family during their time at the station as they became citizens.

Mr. Speaker, it is my great pleasure to pay tribute to Paul Chow. His dedication and success to preserve a piece of history is admirable. I wish Paul and his family the best.

ROSAIRE "ROSS" RAJOTTE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. McGOVERN. Mr. Speaker, I would like to take this opportunity to commend Rosaire

"Ross" Rajotte on a distinguished and storied dual commitment of service to both his country and the community of Northbridge, MA. Remarkably, Ross Rajotte earned four Purple Hearts during World War II. He then returned home after the war to become a leader in municipal affairs, serving three times on the board of selectman, and as its chairman once, as well as helping establish both Northbridge's conservation commission and the planning and zoning board of appeals. An activist by nature, Ross Rajotte must also be recognized for his impeccable commitment of service to his community, which has witnessed Ross attend an incredible 50 consecutive annual town meetings. Ross' genuine concern for others is truly a product of his community's similar desire to promote the public good.

Mr. Speaker, I insert into the RECORD two newspaper articles about Ross Rajotte, one from the Worcester Telegram and Gazette and one from the Northbridge Times, detailing Ross Rajotte's outstanding and distinguished service.

[From the Northbridge (MA) Times, May 15, 1997]

FIFTY IN A ROW—ROSS RAJOTTE STARTED ATTENDING TOWN MEETING IN 1947—AND HASN'T MISSED AN ANNUAL SINCE

(By Rod Lee)

Standing on the Whitinsville Town Common for middle schoolers' Civil War Monument Rededication Ceremony last Thursday morning, Rosaire J. "Ross" Rajotte was still sky-high from having attended his fiftieth consecutive Annual Town Meeting less than forty-eight hours earlier—an unprecedented mark at least within the Blackstone Valley and possibly throughout the Commonwealth and the nation.

Rajotte had reason to rejoice: not only did two of the three articles he submitted by petition for the warrant win voter approval on the floor of the Northbridge High School auditorium last Tuesday evening, he was also singled out for praise by Town Moderator Harold D. Gould Jr. and received legislative proclamations and standing ovations from fellow residents in recognition of his remarkable achievement. He is to Northbridge Town Meeting in terms of longevity what the fabled and now-retired runner Johnny Kelley is to the Boston Marathon.

Most persons in their mid-seventies like Rajotte, or approaching that age, and a few who have even passed it, admit they cannot fathom such stalwartness.

Even Whitinsville Attorney Joseph Jundanian, who will turn eighty-two in September, shakes his head in wonder when he contemplates Rajotte's record.

"I'm not that faithful," Jundanian said. "I started attending in the 1950's, but I haven't gone to every meeting. Ross, he's a living legend.

"I'm perhaps the oldest active public official in the state of Massachusetts because I was nominated for the Northbridge Housing Authority in 1956 and am still a member. I've had cause to be at Town Meeting on most occasions. But Ross is a very active person, and deserves a great deal of credit."

Another Town Meeting "old-timer," Jerry Bagdasarian, says that compared to Rajotte, "I'm a newcomer. I've been attending probably twenty years, no more than twenty-five. I was always more inolved in the national scene until my brother Peter told me what happens locally is more important. I give Ross a lot of credit."

Brunham P. Miller says he has been attending Town Meeting "since moving back to the area in 1957"—and so has racked up nearly forty appearances of his own. But Miller has missed several of those, one because he was ill and at least one other because he was away. He has known Rajotte a long time and admires his commitment.

"I served with Ross on the first Charter Commission," Miller said. "He was active then and still is. He's so dedicated and concerned about town government. What he believes in he believes in strongly, and he works hard to bring it about."

Robert McConnell, who serves as assistant town moderator and who's been a teller at Town Meeting for a number of years, said he began attending "sometime in the 60's" and says he considers it amazing "how loyal Ross has been all that time. When I was first on the Finance Committee," McConnell said, "I honestly didn't realize the man's good intentions. I thought he was a pest. I came to realize he has the best interests of the town at heart and whether you agree with him or not on an issue, he always treats you the same."

New Northbridge Town Manager William Williams, who attended his first Northbridge Town Meeting, said he has never met anyone quite like Rajotte.

"I have encountered people like him, but this is the first time I've met someone who brings such objectivity to their attendance, and not just a negativity. I've seen people who are veterans of Town Meetings, but usually they're 'Rogue's Gallery'-type characters."

"Two of my articles passed!" Rajotte beamed last Thursday, seemingly as pleased by this hoopla over his fiftieth. Article 26, which asked voters for the appropriation of $600.00 to print a large-book real estate and personal property valuation list, was approved. So too was the last article on the warrant, Article 30, which called for selectmen to ask members of Congress and the State Legislature to file bills not to allow public funds to be used to perform abortions. Article 28, seeking establishment of a five-member Consumer Advisory Board appointed by selectmen, was rejected.

One highlight of Spring Annual Town Meeting was approval by voters of a $11.3 million School Dept. budget that represents a 13.5 spending increase over FY '97—and $40,000 to fund consultant services towards determining a site for a new high school.

[From the Worcester (MA) Telegram and Gazette, May 6, 1997]

RAJOTTE HITS "TREMENDOUS" MILESTONE

(By Jim Bodor)

NORTHBRIDGE.—No one will ever call Rosaire J. "Ross" Rajotte a quitter.

During World War II, he was injured four times—earning four Purple Hearts—before he finally left the battlefield.

He caught a piece of shrapnel in his chest in Germany, a piece of mine in the head in France, and a bullet in the back of the neck in France.

But it wasn't until shrapnel ripped off part of his right foot in Germany that he was forced to end his tour of duty.

Back home in Northbridge, Rajotte's persistence has manifested itself on the town meeting floor.

Year after year, decade after decade, he has argued the pros and cons of every budget, zone change and land purchase to come before the town.

Tonight, Rajotte will attend his 50th consecutive annual town meeting, extending a local record that many believe will never be surpassed.

"There probably has never been a public official as devoted as Ross Rajotte," said Spaulding Aldrich, himself a town meeting veteran of about two decades. "Whether you agree or disagree with him, you have to respect him because he does it because he loves his town."

Rajotte's string of annual town meetings began in 1948, and was inspired by his service in the U.S. Army.

"When I was in the Army they used to talk to us about responsibility, and participating in your government," he said. "So I went when I got home and I liked it and I kept going."

Rajotte has been a member of the Board of Selectmen three times, serving as chairman once. He is credited with starting the town's first Conservation Commission and its first planning and zoning boards of appeals.

He has belonged to several veteran's committees, and has sponsored more than 100 articles at town meeting.

He also has filed countless bills with the state Legislature, on everything from prohibiting public funding of abortions, to mandating that dogs wear diapers in public.

"I never thought I would live this long to do all this," Rajotte said in his lilting French-Canadian accent, which is instantly recognizable to town meeting devotees. "I'll go as long as I can."

Numerous health problems have threatened Rajotte's streak in recent years. A pesky bout with pneumonia, for instance, put him in the hospital as recently as last week.

But his enthusiasm for town government is limitless. He once recruited two softball teams from a nearby ball field to reach a quorum at a town meeting. And he is the sponsor of three articles at this year's town meeting.

One calls for the town to reprint the list of property values in town; another calls for the creation of a consumer advisory commission to protect the elderly from scams; the third calls for the town to notify Congress that it opposes public funding of abortions.

Town Moderator Harold J. Gould, a veteran of 23 town meetings, said Rajotte's streak is particularly amazing at a time when interest in local government seems to be waning.

"Obviously it's a tribute to the individual and his interest in the town and town government," said Town Moderator Harold J. Gould. "To be able to hold a string together like that for 50 years is a tremendous thing."

ADDRESS BY AL HENRY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. COLLINS. Mr. Speaker, I rise to submit into the RECORD an address delivered to students of Newnan High School in Newnan, Georgia by Al Henry, who is a teacher at the school. This address was delivered May 19, 1997, by Mr. Henry on the occasion of the Academic Teams Reception for Newnan High School.

Having served in the United States Navy for 22 years, upon graduating from the U.S. Naval Academy in 1956, and having served in the education field for 16 years, Mr. Henry has

come to understand the qualities that young men and women need to develop in order to become the leaders of tomorrow and to impact the lives of others. Among other points, he encourages individuals to make personal decisions of integrity by doing what is right in a world that often teaches our youngsters early on to do what is expedient. He teaches our youngsters that all professions have high ethical standards, and it is the duty of each individual to learn to follow them faithfully. Finally, his address urges individuals not to speak ill of others or to undermine the community with rumors and unverified stories. Rather, he urges them to respect one another by living and working with selfless humility.

ADDRESS BY AL HENRY TO ACADEMIC TEAMS RECEPTION NEWNAN HIGH SCHOOL—MAY 19, 1997

GUIDELINES FOR LIFE

Every student here tonight is a future leader of his generation—a person who can make a difference in the lives of others. Tonight I want to give you 10 pointers to guide you throughout your life. What qualifies me to give you pointers? I'm certainly not as smart as many of you, but I have lived longer, and have experienced much in my life, made mistakes and learned from those mistakes. So, perhaps, I am a little wiser.

1. Be a person of integrity

Always do what is right rather than worrying about your rights. Integrity heeds the quiet voice within, rather than the clamor without.

2. Lead by example

Set higher requirements for yourself than for those who work for you. The most precious and intangible quality of leadership is trust—the confidence that the one who leads will act in the best interest of those who follow—the assurance that they will serve the group without sacrificing the rights of the individual. The leader must also trust those in his charge to do their job.

3. Uphold high standards

Be responsible, accept your responsibility and know that you are accountable to others as well as to yourself for doing your job to the best of your abilities in accordance with the high standards of your profession—all professions have high ethical standards. Learn what those ethical standards are and follow them faithfully.

4. Strive for excellence without arrogance

While striving to uphold high standards, and thus seeking excellence, remember that excellence with a dose of humility conveys our respect for those around us; others will always recognize true excellence in action. Study art and the humanities. The maths and sciences alone are insufficient to a complete education. It is easy to be an arrogant scientist without the humanities. The humanities and the arts give us wisdom, not data. They inherently enlighten us without overloading us with information. The cognitive study of math and science must be combined with the effective study of arts and the humanities for the sake of humanity and humanness. Remember that the aim of education is the knowledge not of facts but of values.

5. Do your best

This is a minimum requirement in all endeavors. If it is worth doing, do it right and do it well.

6. Treat everyone with dignity and respect

The greatest asset of any organization is its people. Treat each other well, look after each other, take care of each other, and together you can achieve great things. Remember that respect begets respect and that teamwork and living in community with others is the healthiest form of competition because it requires cooperation. Our prisoners of war in Vietnam learned to put unity over self; they cared about each other and took care of each other and not one of them died because of loneliness in isolation as had been the case in the Korean War.

7. Tolerate honest mistakes from people who are doing their best

Not one of us will achieve true perfection, if we live to be a hundred; we all make mistakes. It is important to accept honest mistakes from those who are applying their talents and energies to the best of their ability. Have compassion and help people to overcome honest mistakes.

8. Seek the truth

Rumors and unverified stories undermine the bonds of community. Always seek the truth from those who are in a position to know. Also, seek the truth by resolving to be a life-long learner. We can never know all there is to know; however, we can learn something new every day.

9. Speak well of others

Gossip undermines our trust in each other. Gossip or speaking ill of others also demonstrates a genuine lack of respect for others in our community.

10. Keep a sense of humor

And be able to laugh at yourself. Being able to laugh at yourself increases the likelihood that, when you do achieve excellence, it will be without arrogance. The late Senator Sam Ervin said, "Humor endows us with the capacity to clarify the obscure, to simplify the complex, to deflate the pompous, to chastise the arrogant, to point to a moral, and to adorn a tale—it also makes our heavy burdens light."

These guidelines for life are not mine alone. They belong to all the midshipmen at the U.S. Naval Academy. But, they are free for your adoption. Be a person of integrity; trust others of high standards; strive for excellence without arrogance; have compassion; treat everyone with dignity and respect; seek the truth; speak well of others; do your best; and always keep a sense of humor.

Your parents, peers, teachers, and your friends expect these high standards of you. I know that you will give them no less.

THE BLAINE H. EATON POST OFFICE IN TAYLORSVILLE, MS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKERING. Mr. Speaker, I am pleased to introduce legislation designating the U.S. Post Office facility located in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, MS, Mr. Eaton attended Jones Junior College from 1932 to 1934 and was named "Alumni of the Year in 1984." He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer from Anderson-Clayton Co. and in 1942, he became the first executive secretary to former U.S. Senator James O. Eastland, Democrat, of Mississippi. Mr. Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from the war, he was elected to serve in the Mississippi House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the highway and highway finance committee resulted in the successful passage of the farm-to-market legislation that is still benefiting Mississippi today as the State aid road program. After leaving public office in 1958, Mr. Eaton became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Mr. Eaton remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lion Club International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association, and the Economic Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday school classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the "Blaine H. Eaton Post Office Building" will commemorate the public service of this extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the "Blaine H. Eaton Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Blaine H. Eaton Post Office Building".

CATEGORIC DENIALS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD the following article, "Categoric Denials," which appeared in the June 14, 1997 edition of Atlanta's Topside Loaf. This article describes the efforts of Project RACE, a national organization which advocates adding a multiracial category to legal forms at the State and Federal levels, including the 2000 U.S. census. Project RACE [Reclassify All Children Equally] has a web page which can be accessed at www.projectrace.mindspring.com.

Project RACE was founded by a constituent of mine from Roswell, GA, named Susan Graham. Susan is white and her husband is African-American. Their son Ryan has grown weary and frustrated from having to constantly choose between labeling himself as either "white" or "black" on legal and educational forms. "I feel very sad, because I can't choose. I am Both," Ryan recently testified before Congress.

Representative THOMAS PETRI has introduced a bill, H.R. 830, which would establish the legal right for individuals such as Ryan to accurately describe himself as "multiracial" on such forms. Ryan was officially labeled "black" on school forms and "white" on the 1990 U.S. census.

It is time to stop forcing Americans like Ryan to choose between different heritages. In addition to increasing accuracy, recognizing the multiethnic race would also likely lead to health benefits for these individuals, who are routinely excluded as samples in pharmaceutical tests.

I was very disappointed by the recent recommendation by a Federal task force to not add such a designation to the 2000 census form. In a technicolor world, the Clinton administration can only see in black and white. Like Tiger Woods, millions of Americans of mixed ancestry have moved beyond the Census Bureau's divisive and inaccurate racial labels. In the absence of Presidential leadership, it may be necessary to advance Congressman PETRI'S legislation to overturn this misguided decision and take a major step toward a country in which the only box to check reads, "American."

[From the Topside Loaf, June 14, 1997]

CATEGORIC DENIALS

(By Anthony Heffernan)

At the tender age of 12, Ryan Graham of Roswell knows exactly who he is and who he is not. He isn't black, he will tell tell you, nor is he white. He's both, he says. His dad is black and his mom is white. The problem is that Ryan, like many of the other 2 million or more multiracial children in America, is often pigeonholed as one race or the other—and sometimes forced to choose between the two.

It's a very old battle that has received new attention since 21-year-old Tiger Woods ascended into the hallowed halls of sports superstardom after winning the Masters Tournament in April. Woods was widely heralded as the first African-American to win the tournament. But the young golfer has refused to be labeled as black. Woods points out that he is in fact one-eighth American Indian, one-eighth Caucasian, one-quarter African-American, one-quarter Thai and one-quarter Chinese.

As a child struggling to define his race, Woods coined the term "Cabinasian;" Ryan simply prefers to be called "multiracial." Now, for the second time in his young life Ryan is asking the federal government to grant him that right.

Ryan and his mother, Susan Graham, President of the Roswell-based Project RACE (Reclassify All Children Equally), testified last month before a U.S. Senate subcommittee in Washington, D.C. The Grahams and others argue for a new multiracial category on all federal forms, including the 2000 U.S. Census. The 1990 Census afforded only five race classifications: American Indian or Alaska Native, Asian or Pacific Islander, black, white, or "other." (Hispanics were tallied under a separate "ethnic" category.)

Ryan told Congress that, when forms require him to choose between black or white, "I feel very sad, because I can't choose. I am both . . . Some forms include the term 'other,' but that makes me feel like a freak or a space alien. I want a classification that describes exactly what I am."

Ryan and his mother first traveled to Washington to make the request four years ago, only to see the issue buried in bureaucratic hearings. But the Office of Management and Budget is finally expected to issue a ruling on the issue this summer, bringing some kind of resolution to the battle Graham has fought for the past seven years.

It began when Ryan entered kindergarten. Graham vividly recalls the day she received a form from Ryan's north Fulton school, asking her to designate his race. When she noticed there was no multiracial category, she called the school to voice her concerns. Assured that she didn't have to complete the form, she sent it back blank. Later, she discovered Ryan's teacher had been told to fill out the form herself. The teacher had labeled him black.

At the same time, Graham was struggling to fill out her 1990 Census form. Again, she saw no "multiracial" category for her son and 2-year-old daughter. She called the U.S. Census Bureau and was advised that the children should take the race of their mother "because in cases like these," she was told, "we always know the race of the mother and not the father."

Graham bristles at the memory. "[They meant] that they always know who the mother is, and not the father. That was very insulting coming from our United States government."

The ruling also meant more confusion for her son, who was now labeled white on the census and black at school. "I realized that there was something very, very wrong with this picture," explains Graham, a writer whose articles about multiracial issues have appeared in the New York Daily News, the Chicago Tribune, and two anthologies about multiracial America.

From Graham's frustration was born Project RACE, a national organization which has successfully lobbied to have a multiracial category added to legal forms in seven states, including Georgia. If the category is added to federal forms, she recommends the following format: Under the "Race" category, people would be instructed to choose from five categories, including American Indian (or Alaska Native), Asian (or Pacific Islander), Black (or African American), Hispanic or White. Those who consider themselves multiracial would "check as many as apply." The form could be adapted to list Hispanics separately under "ethnicity," as on the last census.

Even if the Office of Management and Budget votes down the multiracial category; Graham says, supporters have drawn up a bill, H.R. 830, that would accomplish the same thing. But legislation, she notes, takes a long time. "We would rather the Clinton administration do the right thing and add the category," she explains.

But the multiracial movement has drawn the ire of some blacks and Hispanics, who argue that creating a multiracial category might decrease minority numbers, thus exposing them to greater discrimination and reducing their claim to government programs.

"If the issue was solely identity, then you would have a line, and everyone would write in whoever they are," says Eric Rodriguez, policy analyst for the National Council of La Raza, a Latino group based in Washington, D.C. "But the usefulness of collecting data in that manner is dubious. The broader [the categories] get, the more inaccurate your data gets. And these are the very tools that we use to fight discrimination and to work through anti-poverty programs."

Dr. Joseph Lowery, outgoing president of the Southern Christian Leadership Conference (SCLC), also criticizes the multiracial category in a written statement. He terms the category "too vague," noting "it could refer to a Norwegian/Aleutian."

Lowery likes the proposed multiracial category to the "coloured" category adopted by South Africans to describe their citizens of mixed races. Those labeled "coloured" were given broader rights than those deemed to be black—"which shoved blacks down another notch on the equity pole," Lowery says.

Graham scoffs at Lowery's apartheid comparison. Multiracial Americans, she says, would receive no special rights. People of multiple races have just as great a need to track discrimination in the work place and in schools as other minorities, Graham says.

But one of the most convincing arguments for tracking the multiracial population is the need to garner additional medical information on multiracial Americans.

Ramona Douglass, president of the Association of Multi-Ethnic Americans (AMEA), knows all too well what medical dangers the multiracial community faces. Douglass, part Italian American, part American Indian an part African American, was once almost given the wrong anesthesia before major surgery because doctors had incorrectly assumed that she suffered from sickle-cell anemia, a disease common among African Americans. As a result, Douglas was forced to call off the surgery.

Other medical issues revolve around a shortage of suitable bonemarrow donors for people of multiracial descent. And, according to Douglass, drug dosages can be affected by racial or ethnic combinations. Still, pharmaceutical companies typically do not include multiracial Americans in their tests.

"It's not just a feel-good issue," Douglass says of the drive to add a multiracial category. "There are, in fact, public health and medical concerns involved."

Julie Bolen, a Cobb County resident and co-chair of the Interracial Family Alliance in Atlanta, believes adding a multiracial category is also an important step in acknowledging the legitimacy of this fast-growing segment of the population. "It's not like it's some oddity that happens so infrequently that nobody knows what to call it," explains Bolen, who has two multiracial children, ages 16 and 20.

Bolen, from Oklahoma, recalls teachers trying to force her children to choose black or white "because of subsidized lunch programs and things like that. My son would refuse to, and he even walked out of class over it," she recalls. "Hopefully, that doesn't happen anymore. To even make such a big deal about it is, I think, real hurtful to kids."

Graham and Project RACE have made as sure as they can that it doesn't happen anymore—at least not in those seven states that now recognize the multiracial category. Not in Fulton county, either, where 835 children were able to call themselves multiracial on school forms last year. And not to Graham's own children—not anymore. And victories such as those, Graham says, are what makes it all worthwhile.

TAIWAN YIELDS MODEL FOR A FREE HONG KONG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. SOLOMON. Mr. Speaker, in light of the recent return of Hong Kong to the People's Republic of China I recommend to you the following article by Lee Teng-hui, which appeared in USA Today on Monday, June 30, 1997. I agree with him, the people of Hong Kong should look to Taiwan as a model to maintain democracy and encourage the Chinese mainland to do everything possible to head in that direction. This unique opportunity to expand democracy must be seized in order to ensure that the freedom, dignity, and humanity of all people is respected.

[From USA Today, June 30, 1997]

TAIWAN YIELDS MODEL FOR A FREE HONG KONG

(By Lee Teng-hui)

Today, the era of colonial rule will come to an end in Hong Kong. This is a proud event for all Chinese wherever they are, and offers a new opportunity for creating a democratic Chinese nation. We earnestly hope that the Beijing authorities will be able to maintain the prosperity and stability of Hong Kong, and will ensure that the people of Hong Kong continue to enjoy freedom, democracy and basic human rights. This is the only way to act in accord with the joint values and trends of mankind today, regional peace and development, and the common dignity and interests of all Chinese people.

Taiwan's experience offers reason for optimism.

A little more than one year ago, the Republic of China successfully held a direct presidential election on Taiwan, completing a crucial objective of our political reform. At the time, the concept of constitutional government stressed by Americans over two-hundred years ago kept coming to my mind: ". . . all Men are created equal, . . . they are endowed by their Creator with certain unalienable Rights, . . . among these are Life, Liberty and the Pursuit of Happiness . . . to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Government."

Indeed, with the joint effort of the entire populace and their government, the Republic of China has upheld the principle of popular sovereignty on Taiwan, and has succeeded in lifting martial law, liberalizing the formation of political parties, realizing the practice of free speech, re-electing all national parliamentarians who had been in office for a long time, and carrying out a direct presidential election. Through these endeavors, the Republic of China has undergone profound change, and has become a full-fledged democracy.

However, we cannot overlook the fact that still over 20 percent of the world's population, most of whom live on the Chinese mainland, have no way to enjoy these rights. The Chinese on both sides of the Taiwan Strait share the same cultural and racial heritage. Thus, there is no reason why we cannot jointly build a system of democracy and freedom, and fully exercise our God-given rights.

In 1979, before martial law was lifted in Taiwan, a number of protesters demonstrating against government censorship of their magazine were arrested and jailed in what became known as the Kaohsiung Incident. At the same time, the Chinese communist authorities arrested the human rights activist Wei Jingsheng. Today, many of those involved in the Kaohsiung Incident have redeemed themselves through the ballot box and have become important elected political leaders on Taiwan. However, Mr. Wei remains in jail. The marked differences in systems and values between the two sides are the fundamental reason why each of the two parts of the China we all want to see reunified one day still remain separate political entities.

Democracy has become a world trend, and is without doubt the greatest achievement of mankind this century. One reason civilization continues to progress is that we have the courage to realize our dreams, and we have the heart to care about each other and provide mutual support. We must continue to uphold this spirit and sentiment, so that democracy ultimately becomes the common way of life of all humanity. May people living in every corner of the global village enjoy democracy!

Thus, we cherish the young buds of democracy on the Chinese mainland. Certain forms of election in rural townships and villages have spread on the mainland in recent years. We are happy to see it succeed and call on the Chinese mainland authorities to show the courage and determination to boldly take the grand route to democracy. Join with us and bring democracy to all of Chinese society, seeking everlasting well-being and peace for the Chinese people!

Unquestionably, if Taiwan can achieve democracy, then Hong Kong should be able to maintain democracy, and there is no reason why the Chinese mainland cannot do everything possible to head in that direction. This is the true way to solve the China problem.

In the 21st century, mankind will certainly prove that "All roads lead to Democracy!"

TRIBUTE TO LT. GOV. HENRY E. HOWELL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKETT. Mr. Speaker, he was dubbed a radical, a political gadfly, even a liberal Democrat, but to others who knew him, former Virginia Lt. Gov. Henry E. Howell, who died July 7, 1997, was a political visionary and a champion for justice. Even his closest friends would say he was a man who marched to a different drummer. He backed up his convictions with hard work and a pesky ability to reverse inequitable political policies of long standing.

He thumbed his political nose at the established Democratic party at a time when it was not popular, even though it meant he would never achieve the political plum he so dearly coveted—the governorship of Virginia. Sticking to his convictions in the face of political adversity cost him the governorship. Henry Howell loved Virginia, its institutions, and its people. Many credit him with changing the face of the Commonwealth's politics during his six major campaigns for State office between 1969 and 1977. Former Gov. Colgate W. Darden, Jr. has been quoted as saying, "He stirred Virginia politics only like dynamite could have done in a pond," adding, "He gave greater impetus to mass voting in Virginia and stirred people more than anybody in my lifetime."

That was Henry Howell. He intended his work, not to destroy, but to improve the State and its government by making them accessible to all the people. He never allowed political differences, however, to taint his social or personal relationship with adversaries. His quick, warm, and winning smile served him both as a politician and a person.

Henry Howell leaves his indelible and pervasive mark on the political history of Virginia. Those who knew and loved him best will miss his mischievous smile, warm counsel, commonsense perspective, and keen political insight.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise to compliment the Appropriations Military Construction Subcommittee for not funding additional rounds of the Base Realignment and Closure [BRAC] process. Several of my colleagues from Texas and I have been advocating zero-funding for BRAC and I am pleased the committee agrees with me.

The fact is, the last 4 rounds of the BRAC process have resulted in the closing of 97 defense installations in the United States. And yet today, we are still unable to fully assess the impact of the closures. We have not seen a report or complete assessment of how the closures affect military preparedness. We do not know the amount of actual savings, if any, generated from the closures. And yet we do know that we have spent a lot of money to close these bases. According to the Department of Defense, by the year 2000, we will have spent approximately $23 billion in clean-up and other costs associated with closing these bases.

Members, not funding additional rounds of BRAC makes sense. By not funding additional rounds of BRAC, we are saying "let's look before we leap." Congress does not need to continue to spend the taxpayer's money on BRAC until we know if we have actually saved money by closing these bases; how much of the taxpayer's money has been spent closing these bases; and how the closure of bases has affected our country's military preparedness. This bill will allow us to make those assessments in a responsible and effective manner.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. GILMAN. Mr. Speaker, I reluctantly rise in support of the rule to the Interior appropriations bill.

Though I am disappointed that the rule fails to protect an amendment for full NEA funding I must support the rule due to the Interior appropriations bill's inclusion of $8.5 million for Sterling Forest. I support continued funding for the NEA.

Funding for the arts has not only produced $3.4 billion in revenue, but supports local economies by way of increased sales in local establishments.

The arts are an integral part of education. Children with an arts background have shown increased ability in math, and a heightened capability for analytical and creative thinking. Funding for the National Endowment for the Arts has also created many literacy programs and children's educational activities.

In my own 20th District of New York, I understand the necessity of continued funding for the arts. The local theater and arts groups, orchestras, and dance troupes, will suffer greatly. These groups represent thousands of jobs that are supported by the arts.

Moreover, I strongly support the agreement between New York and the Sterling Forest Corp. designed to purchase Sterling Forest. This has been a long and hard battle for many years as Chairman Rugula and my New Jersey colleagues know.

I look forward to working with my colleagues in the House and Senate in fully funding the NEA during the House-Senate conference.

IN RECOGNITION OF THE LIFE AND ACCOMPLISHMENTS OF DR. CHARLES L. DRAKE

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BASS. Mr. Speaker, as a 1974 graduate of Dartmouth College, it is with great sadness that I bring to the attention of the House the passing of Dr. Charles (Chuck) Drake on Tuesday, July 8, 1997. Let me convey my personal sympathies to his friends and family. Furthermore, I would like to submit to the RECORD the text of an obituary that appeared in the New York Times so that the American people can reflect upon the accomplishments of a great American and a true scholar.

[From the New York Times, July 11, 1997]

CHARLES L. DRAKE, 72, DINOSAUR-THEORY COMBATANT

(By Lawrence Van Gelder)

Dr. Charles L. Drake, emeritus professor of earth science at Dartmouth College and a leading advocate of the theory that it was volcanic eruptions that killed off the dinosaurs, died Tuesday at his home in Norwich, Vt. He was 72.

The cause was a heart attack, said his wife, Martha.

In a protracted, often rancorous debate, Drake stood opposed to the school of thought that attributed the disappearance of the dinosaurs to the impact of a large meteorite 65 million years ago. In this theory, the meteorite kicked up a worldwide pall of dust that blotted out the sun and killed off many plants and animals.

With Charles B. Officer, another Dartmouth geologist, Drake theorized that instead it was huge volcanic eruptions, spewing lava over 200,000 square miles of what is now India and disrupting the atmosphere with chlorine, sulfur dioxide and carbon dioxide, and that led to the end of the dinosaurs' 160-million-year reign on earth.

But Drake's prominence in his profession rested on far more than his role in the debate over the dinosaurs. His leadership among geologists, marked by an ability to bring together colleagues from various nations and disciplines, brought him to high positions in scientific organizations.

He served from 1990 to 1992 as a member of President George Bush's Council of Advisers on Science and Technology and was also a fellow of the American Association for the Advancement of Science; president of the 18th International Geological Congress, held in Washington in 1993; a president of the Geological Society of America and of the American Geophysical Union, and a member of committees of the National Academy of Sciences, the National Research Council and the National Advisory Committee on Oceans and Atmosphere.

At both Columbia University and Dartmouth, Drake became chairman of his department. While at Columbia, where he spent 16 years before joining the Dartmouth faculty in 1969, he conducted pioneering research on the geologic evolution of the continental margin of the Eastern United States.

Since 1970, he had conducted research at the reservoir at Lake Powell in Utah on the ecological effects of man's efforts to impound the otherwise wild Colorado River and manage water resources in an arid area.

The dinosaur dispute between the volcano theorists and the meteorite-impact theorists raged through the late 1970s and the 1980s, with the meteorite side led by Nobel laureate physicist Luis W. Alvarez; his son, Walter, a geologist, and their colleagues at the University of California at Berkeley.

Then, in 1994, a new theory combining the conflicting ideas was proposed: antipodal volcanism. In this theory, a speeding rock from outer space, exploding on impact with the force of millions of hydrogen bombs, would have blasted enormous shock waves through the earth. These shock waves would have coalesced at the antipode, the side of the planet opposite the impact crater, to fracture the ground, heat it and bring on volcanic outpourings.

In the new theory, then, both the meteorite and its volcanic repercussions in the opposite hemisphere would have contributed to the decline of the dinosaurs. But Drake never embraced that notion, his colleague Officer said Wednesday.

Charles Lum Drake was born on July 13, 1924, in Ridgewood, N.J. He received a bachelor's degree in geologic engineering from Princeton in 1948 and a doctorate in geology from Columbia in 1958. He began his teaching career in 1953 as a lecturer at Columbia, where he became a professor and, in 1967, chairman of the department of geology.

In 1969, he went to Dartmouth as a professor of geology. There he served at various times as chairman of the department, dean of graduate studies and associate dean of the faculty for sciences. He retied in 1994.

He is survived by his wife of 46 years, the former Martha Churchill; three daughters, Mary Layton, also of Norwich; Pace Mehling of Corinth, Vt., and Susannah Culhane of Manhattan; a brother, Thayer, of Avon, Conn., and four grandchildren.

AMERICA'S VETERANS URGE RESTRAINT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. EVANS. Mr. Speaker, the Veterans' Affairs Committee held a hearing this week on S. 923 and H.R. 2040, measures which would deny certain veterans' benefits to veterans convicted of certain capital crimes. Seven of the major veterans' service organizations testified as one voice, and I urge my colleagues to review their excellent statement which thoughtfully examines a very difficult and complex issue. Their testimony follows:

STATEMENT OF RICK SURRATT, DISABLED AMERICAN VETERANS BEFORE THE COMMITTEE ON VETERANS' AFFAIRS, JULY 9, 1997

I am pleased to present the collective views of the American Legion, AMVETS, the Blinded Veterans Association (BVA), the Disabled American Veterans (DAV), the Jewish War Veterans of the USA, the Paralyzed Veterans of America (PVA), the Veterans of Foreign Wars of the United States (VFW), and the Vietnam Veterans of America (VVA) on two bills to amend the law pertaining to benefits eligibility in the case of veterans committing capital crimes. The national veterans organizations comprising this group, which for the sake of convenience I will refer to as the "veterans group," have come together to speak as one, united voice because of the views and concerns they hold in common on the subject matter of these bills.

The veterans group appreciates your invitation to explain its position on whether and to what extent the commission of capital offenses by veterans should affect their, or their dependents,' benefit eligibility status. Without question, this raises a serious public policy question for our Nation's citizens. It is also certainly appropriate that the millions of veterans the group represents have a voice on this issue because, after all, these veterans are some of America's most patriotic and civic-mined citizens, and these matters, of course, also involve highly valued and honored rights veterans earned by virtue of their reviewed service to the Nation. On the other hand, because veterans are among our most responsible citizens, they must not and will not view their interests as veterans as separate from or in conflict with the greater interests of the Nation as a whole. However, as appropriate with many such difficult issues, they counsel a balancing between the immediate human desire for and the attractiveness of societal retribution for crimes and the countervailing rational concerns about the maintenance of stable measured, and equitable principles of law—and thus the best interests of our society as a whole—over the long-term. It is that sense of

prudence and equity that guides the veterans group in their position of these bills.

The veterans group has no quarrel with a view that veterans are without privilege to disobey society's rules, and that, absent special circumstances, the consequences for crimes should be the same for veterans and nonveterans. fairness dictates that veterans be treated the same as other citizens on matters unrelated to their status as veterans per se, however. Thus, the veteran should not suffer greater or harsher penalties merely because he or she is a veteran than a similarly situated nonveteran. To impose greater punishment on the veteran goes beyond punishment on account of a crime to punishment on account of being a veteran. That is not to argue that we should continue to hold veterans who commit crimes in the same high esteem that we do veterans who conduct themselves properly. Thus, we do not have to bestow the same honors upon veterans who bring dishonor to themselves as we would upon veterans who continue to conduct themselves in an upright manner during their civilian lives following completion of military service.

Of concern to the veterans group here, however, is the treatment to be accorded veteran status once earned through satisfactory fulfillment of service to the Nation. Veteran status is a legal status which, as a practical matter, is realized through the special rights created for veterans to enjoy as a restitution for the sacrifices of military service. Almost without exception, this status, once accrued, is considered indefeasible. It is conferred by the completion and honorable character of the recipient's military service and is not conditioned upon subsequent conduct in civilian life. Logically, that is as it should be. Just as a former servicemember without honorable service should not be awarded veterans' rights on the basis of post-service accomplishments, no matter how commendable, conversely, veteran status should not be exposed to rescission as a result of civilian conduct following, or for other reasons unrelated to, the performance of military service. Veterans should be secure in the knowledge that their veteran status is vested and will not be held hostage to irrelevant, post-service factors. If veterans' rights are intended to remunerate for disabilities incurred, opportunities lost, extraordinary rigors suffered, or contributions made in connection with and during the time of military service, such rights should, like wages earned, not be withheld or recalled because of subsequent performance or unconnected actions or events, even when such actions or events are of a character that evoke very negative public sentiments. The special value of service to one's country and the integrity of veteran status would be defeated by departure from that tradition. Fidelity to this principle admits exceptions for only the most highly exceptional circumstances.

Currently, the law provides for forfeiture of veterans' rights only under circumstances of crimes against the government which jeopardize or seriously threaten our national security. Section 6104 of title 38, United States Code, provides that veterans shown to be guilty of mutiny, treason, or sabotage forfeit all future VA benefits, and section 6105 of title 38 similarly provides that veterans convicted of a variety of subversive activities forfeit VA benefits, including eligibility for burial in a national cemetery. These circumstances justify nullification of veterans' entitlements because individuals should not receive support from a government they actively seek to destroy.

This Committee now has before it S. 923 which the Senate passed recently. This bill would essentially void the veteran status of any veteran convicted of a Federal capital offense. Forfeiture would result from the commission of any Federal offense punishable by death (regardless of whether the death penalty was deemed warranted or actually imposed). Obviously, that would go well beyond the nature of the offenses which are now deemed to justify voidance of veteran status. While the veterans of this Nation understand and, indeed, share in the public indignation at such detestable acts, they believe that persons committing such crimes should be punished as criminals, not veterans. As noted previously, when the laws impose the criminal penalty and also void veteran status, they punish veterans both for the crime and because they are veterans. Unquestionably, persons committing capital offenses, as well as many lesser but also repulsive or unsavory crimes such as child molestation or even drunken driving, are justifiably not viewed very sympathetically by the public, but emotions should not obscure or overcome the more judicious considerations appropriate in these matters. An integral part of our national values and the qualities that set us apart from other nations is our refusal to compromise justice and fairness even for the most reprehensible within our society.

Therefore, in addition to opposing S. 923 because it operates to impose greater punishment on veterans merely because they are veterans, the veterans group also opposes it as a matter of principle inasmuch as it diminishes the intrinsic value of veteran status. This would be but one step in undermining the fortification of veteran status against the capricious overreactions of those who would revoke it in the name of any popular cause or crusade or would find it a convenient target against which they could direct their frustration. If enacted into law, this will make veterans more vulnerable to oblique attacks or indirect punishment for unrelated matters. Again, once veteran status is earned, it should be a protected and an irrevocable right, not to be taken away because of subsequent unrelated events, except for serious crimes against the nation. Preservation of the high esteem of veteran status promotes patriotic ideals and national unity, and is in the best interest of the Nation as a whole.

H.R. 2040, introduced by Committee Chairman Stump on behalf of himself, Mr. Evans, Mr. Skelton, Mr. Bachus, Mr. Everett, Mr. Filner, Mr. Quinn, Mr. Clyburn, and Mr. Stearns, would preclude burial in a federally funded cemetery for persons guilty of first-degree murder of certain Federal officials and law enforcement personnel in conjunction with the commission of certain other Federal crimes. This bill does not have the objectionable effects of S. 923.

H.R. 2040 would impose this bar by amending section 2402 of title 38, United States Code, to exclude from eligibility for burial in federally funded cemeteries those who have been convicted of, or are shown to have committed, the crimes specified. In addition to first-degree murder of Federal officers or employees as provided in section 1114 of title 18, United States Code, the persons excluded must have committed one of the following crimes: damage or destruction or attempted damage or destruction by fire or an explosive of Federal property, as provided under section 844(f) of title 18, United States Code; use of a weapon of mass destruction, as prohibited under section 2332a of title 18, United States Code; acts of terrorism, as prohibited under section 2332b of title 18, United States Code; use of chemical weapons, as prohibited under section 2332c of title 18, United States Code; providing material support to terrorists within the United States, as prohibited under section 2339A of title 18, United States Code; or providing material support or resources to foreign terrorists, as prohibited under section 2339B of title 18, United States Code. Such persons would be ineligible for burial in Arlington National Cemetery, any cemetery of the National Cemetery System, or any state cemetery for which a grant has been approved or provided under section 2408 of title 18, United States Code. This prohibition would apply to applications for burial or interment made on or after the date of enactment of the legislation.

While we do not wish to understate the gravity of capital offenses, the disqualifying crimes are of a character and magnitude to be distinguishable from the other numerous capital offenses generally. Moreover, the question of who should be permitted to be buried in our national cemeteries is different from the question of who should have rights as veterans generally. There are valid reasons to prevent persons committing these crimes from being buried in the places of honor set aside for our Nation's most gallant and beloved sons and daughters. First, such persons are themselves unworthy of the honor of burial in these hallowed shrines. Second, to permit persons of such depravity to be buried in the midst of those who fully deserve the honor and tribute, belittles that honor, mocks that tribute, and defeats the special purpose of these places of dignity and sanctity. The national and other federally funded veterans cemeteries serve as a lasting testimonial to this Nation's gratitude for the sacrifices of its veterans. Being an enduring symbol of the special honor our Nation reserves for its veterans to memorialize their bravery, patriotic deeds, and glory, the renown of these sanctuaries resides in the character of those buried there. It is therefore unfair to our other noble veterans to permit persons who have acted so dishonorably through the commission of such heinous crimes to be buried alongside of them.

H.R. 2040 appropriately responds to concerns that our veterans' cemeteries not be degraded by interment of persons who wear a badge of infamy. The class of persons barred by H.R. 2040 is very carefully tailored to exclude from eligibility those who commit the type of crimes warranting such action, and this bill does not include more reactive provisions and sweeping forfeiture that has inappropriate implications and disturbs the integrity of veterans status itself.

The veterans group does have some questions of a purely technical nature about H.R. 2040, however. To bar those who have not been convicted by a court due to unavailability for trial but who are nonetheless shown to have committed disqualifying crimes, H.R. 2040 provides for an administrative determination of ineligibility. Subparagraph (B) of the new subsection (b) excludes burial eligibility for "a person shown to the appropriate Secretary by clear and convincing evidence, after an opportunity for a hearing in such manner as such Secretary may prescribe, to have committed a crime described in both clauses (i) and (ii) of subparagraph (A) but has not been convicted of such crimes by reason of such person not being available for trial due to death, flight to avoid prosecution, or determination of insanity."

Although it presents no serious concern, the practical effect of subparagraph (B) in

the case of unavailability for trial due to death or flight to avoid prosecution is questionable. If the person has not been tried due to death, he or she would either already be interred or inurned in a nongovernment cemetery or mausoleum, would already be interred or inurned in a federally funded cemetery covered by this bill, or might be in a mortuary. In the first instance, the question of interment in a veterans' cemetery would seem an unlikely one. In the second instance, if the person's crimes were not learned until after burial in a veterans' cemetery, for example, would disqualification under this section require disinterment, and if so, who would bear the costs of such disinterment? In the third instance, where the person was killed at the time of the crime and the body is awaiting burial, for example, the requirement of an administrative hearing might effectively bar burial regardless of the proper disposition of the issue if the bureaucracy moves at its usual speed. It is also unclear how the issue of eligibility would arise if the person is a live fugitive, unless this provision is to be interpreted as requiring a preemptive administrative determination, which would seem unnecessary given the possible eventualities that there may never be a request for burial of such person in a federally funded cemetery; that the person will be apprehended and tried, making this subparagraph inapplicable; or that the issue will arise upon the person's death, which of course then returns us to the questions about implementation in the case of a deceased person. (Recognizing that, in their proceedings, administrative tribunals do not apply the standard of proof beyond a reasonable doubt. The American Legion is nonetheless also concerned that the presumption of innocence is rebutted by less conclusive proof in the administrative proceedings under subparagraph (B) than in criminal trials.)

As written, subparagraph (B) applies to those who have not been "convicted" because of "not being available for trial." Thus, it would not, and should not, apply to persons tried and found not guilty by reason of insanity. For simple clarity and to ensure this causes no hesitation or possibility of misinterpretation by administrative personnel, the veterans group suggests that "determination of incompetence to stand trial" or language of similar import might be more appropriate.

It appears that there would be a right of appeal on any adverse determination with respect to burial in a national cemetery under section 2402. Under section 7104 of title 38, United States Code, the Board of Veterans' Appeals has jurisdiction to review any decision of the Secretary of Veterans Affairs on the provision of benefits in accordance with the Secretary's authority under section 511 of title 38. H.R. 2040 appears to leave unanswered the collateral question of the right of and process for administrative or judicial appeal from adverse determinations of the Secretary of the Army regarding Arlington National Cemetery, however. The Committee may wish to amend H.R. 2040 to resolve this question.

Other than these minor technical matters, H.R. 2040 appears to be carefully crafted to accomplish its goal of maintaining the stature of our veterans' cemeteries. The veterans group is especially appreciative of the sponsors' careful, wise, and thoughtful approach to this sensitive issue and urges this Committee to take the same approach and favor this bill over S. 923. The veterans group is also especially grateful for the Chairman's leadership on this matter and the advice he has given sponsors of other related bills.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. CUMMINGS. Mr. Speaker, I rise today in opposition to the rule and to advocate on behalf of full funding for the National Endowment for the Arts [NEA]. In creating the NEA in 1965, this institution wisely noted:

An advanced civilization must not limit its efforts to science and technology alone but give full value and support to other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

Mr. Speaker, the arts are the heart of our Nation and the NEA is the heart of the arts. Today, there are those who would rip out the heart of the artistic community.

Current funding for the National Endowment for the Arts is certainly a modest effort. It accounts for less than one one-hundredth of 1 percent of our Federal budget. We should already be embarrassed at the amount of public support for the arts. Each year Americans pay just 38 cents of their taxes to support the arts. In Canada and France, per capita support for the arts is $32.

But the impact of this small program is immeasurable. Today, more Americans have access to the arts than ever before. The NEA funds projects in small cities and rural areas where corporate and foundation dollars never reach. It is the NEA funds that attract other moneys in these otherwise neglected areas of our country.

Since its inception in 1965, the number of symphony orchestras has quadrupled, the number of theaters has increased eight times, and the number of dance companies has gone from 37 to over 250. Each year, the Arts Endowment opens the door to the arts for millions of schoolchildren, including many at-risk youth.

The arts make an extraordinary contribution to the lives of our citizens. Not only do they improve the quality of life, but they are also a significant industry and powerful force in the economic development of our cities, towns, and communities. They contribute far more to the economy than they receive in public funding. The not-for-profit arts create $37 billion in economic activity, $634 million in my home State of Maryland alone. This economic activity supports 1.3 million jobs nationwide. As a result, $3.4 billion—20 times the budget of the NEA—is returned to the Federal treasury through income taxes.

The few isolated cases of controversial art work are not an accurate representation of the thousands of grants the NEA gives out each year. Distorting the truth is a tactic that opponents of the Endowment must engage in because their view is contrary to public opinion. A recent Lou Harris poll indicates that 61 percent of Americans "would be willing to pay $5 more per year in taxes to support Federal Government efforts in the arts."

But the voice of the American people often falls on deaf ears here on Capitol Hill. A diversity of opinions, a marketplace of ideas—those are the ideals upon which this country was founded. Must we burn the entire orchard if there are a few apples that are not to our liking?

Join me to help lend a voice to the painters and the sculptors, the singers and the musicians and the actors—the artists of this country. Join me in saving the National Endowment for the Arts. Join me in saving the spirit of this Nation. Esteemed colleagues, I urge you to join me in opposing this rule.

THE BALTIC STATES ARE NOT FORMER SOVIET REPUBLICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. SOLOMON. Mr. Speaker, NATO member countries met in Madrid earlier this week and announced support for a limited round of enlargement to include Poland, Hungary, and the Czech Republic. I was proud to participate in these historic events.

While I believe NATO's announcement should have rightfully included Estonia, Latvia, Lithuania, Romania, and Slovenia, I hope and trust NATO will take steps to enhance the security of countries not named and on a concrete mechanism for a second round of enlargement. Indeed, the U.S. delegation to the summit, led by President Clinton, was successful in inserting language into the final communiqué that clearly leaves the door open to further new members.

The Russian Government will no doubt marshal its forces to prevent any further enlargement. Over the last year, the Russian Government has repeatedly and vociferously indicated its opposition to NATO enlargement in principle. While it has toned down its general opposition to any first round of enlargement to Central Europe following the signing of the Founding Act, it has attempted to draw the line at any countries it considers former Soviet Republics. To those making the decisions in the Russian Government, former Soviet Republics include Estonia, Latvia, and Lithuania.

Yet, to take Russia's understanding of which countries are former Soviet Republics would be both wrong and historically inaccurate. Under international law and underscored by 50 years of United States nonrecognition policy toward the Baltic States, these countries were never Soviet Republics. Instead, these nations were forcibly occupied against their will for 50 years under the nefarious terms of the Nazi-Soviet Pact of 1939 and its secret protocols.

Mr. Speaker, I ask unanimous consent to place in the RECORD the text of the Nazi-Soviet Pact, which proves definitively that the Baltics became part of the Soviet Empire not voluntarily, but due to the evil machinations of the two worst dictatorships of this century.

NONAGGRESSION PACT BETWEEN GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the German Reich and the Government of the Union of Soviet Socialist Republics, led by the desire to consolidate peace between Germany and the USSR, and on the basis of the fundamental provisions of the Treaty of Neutrality signed in April 1926 between Germany and the USSR, have arrived at the following agreement.

ARTICLE I

Both parties to the treaty are obligated to refrain from any aggressive act and any attack on each other, either individually or jointly with other powers.

ARTICLE II

In the case that one of the parties to the treaty should become the object of belligerance on the part of a third power, the other party shall not support the third power in any way.

ARTICLE III

The Governments of both contracting parties shall in the future remain constantly in contact with each other in order to keep each other informed about their common interests.

ARTICLE IV

Neither of the two contracting parties shall participate in any power alignment aimed directly or indirectly at the other party.

ARTICLE V

In the case that disputes or conflicts should arise between the two contracting parties over questions of this or that kind, both paties shall settle these disputes or conflicts exclusively through a friendly exchange of opinion or, if need be, through the intermediary of an arbitration commission.

ARTICLE VI

The present treaty shall be valid for 10 years, subject to the proviso that unless one of the contracting parties terminates it one year before this period is up, the treaty will automatically continue in force for an additional five years.

ARTICLE VII

The present treaty shall be ratified within the shortest possible time. The documents of ratification shall be exchanged in Berlin. The treaty shall take effect immediately upon ratification.

Prepared in two versions, Russian and German.

Moscow, August 23, 1939.

VON RIBBENTROP.
(For the Government of the German Reich).
V. MOLOTOV,
(For the Government of the USSR).

SECRET SUPPLEMENTARY PROTOCOL

On the occasion of the ratification of the non-aggression pact between the German Reich and the Union of Soviet Socialist Republics, the delegates of both parties, undersigned below, held a highly confidential discussion concering delimitation of the spheres of interest of both parties in Eastern Europe. This discussion led to the following results:

1. In the case of territorial-political reorganization in the territories belonging to the Baltic States (Finland, Estonia, Latvia, and Lithuania), the northern boundary of Lithuania also forms the boundary of the spheres of interest of Germany and the USSR. The interests of Lithuania in the territory of Vilna are recognized in this connection.

2. In the event of a territorial-political reorganization of the areas belonging to the Polish nation, the spheres of interest of Germany and the USSR are approximately demarcated by the lines of the Narew, Vistula, and San Rivers.

The question as to whether bilateral interests make the maintenance of an independent Polish state seem desirable, and how this state would be demarcated, can only be determined definitively in the course of further political developments.

In each case both Governments will solve the question by amicable agreement.

3. As regards southeastern Europe, Soviet interest in Bessarabia is emphasized. The German side declares its complete lack of interest in these areas.6

4. This protocol will be treated as top secret by both sides.

VON RIBBENTROP,
(For the Government of the German Reich).
V. MOLOTOV,
(On the authority of the Government of the USSR).

(Blurred stamp in upper right-hand corner says: "Return to office of the Reich Foreign Minister")

SECRET SUPPLEMENTARY PROTOCOL

The undersigned delegates establish agreement between the Government of the German Reich and the Government of the USSR concerning the following matters:

The secret supplementary protocol signed on August 23, 1939 is amended at No. 1 in that the territory of Lithuania comes under the USSR sphere of interest, because on the other side the administrative district "Woywodschaft" of Lublin and parts of the administrative district of Warsaw come under the German sphere of influence (cf. map accompanying the boundary and friendship treaties ratified today). As soon as the Government of the USSR takes special measures to safeguard its interests on Lithuanian territory, the present German/Lithuanian border will be rectified in the interests of simple and natural delimitation, so that the territory of Lithuania lying southwest of the line drawn on the accompanying map will fall to Germany.

It is further established that the economic arrangements in force at the present time between Germany and Lithuania will be in no way damaged by the aforementioned measures being taken by the Soviet Union.

Moscow, September 28, 1939.

VON RIBBENTROP,
(For the Government of the German Reich).
V. MOLOTOV,
(On the authority of the Government of the USSR).

SECRET PROTOCOL

Graf von Schulenburg, the German Ambassador, acting for the Government of the German Reich, and the Chairman of the Council of People's Commissars of the USSR, W.M. Molotov, acting for the Government of the USSR, have agreed upon the following points:

1. The Government of the German Reich renounces its claims to the portion of the territory of Lithuania mentioned in the September 28, 1939 Secret Protocol and shown on the included map.

2. The Government of the Union of Soviet Socialist Republics is prepared to compensate the Government of the German Reich for the territory mentioned in Point 1 of this protocol by payment of the sum of 7,500,000 gold dollars=31 million 500 thousand reichsmarks to Germany.

Payment of the sum of 31.5 million reichsmarks will be accomplished by the USSR in the following way: one eighth, i.e., 3,937,500 reichsmarks, in shipments of nonferrous metal within three months of ratification of this treaty, and the remaining seven eighths, 27,562,500 reichsmarks, in gold by a deduction from the German payments in gold which the German side was to bring up by February 11, 1941. On the basis of the correspondence concerning the February 11, 1940 economic agreement between the German Reich and the Union of Soviet Socialist Republics in the second section of the agreement between the Chairman of the German Economic Delegation, Herr Schnurre and the People's Commissar for USSR Foreign Trade, Herr A.I. Mikoyan.

3. This protocol has been prepared in both German and Russian (two originals) and goes into effect upon being ratified.

Moscow, January 10, 1941.

ILLEGIBLE, PRESUMABLY "VON SCHULENBURG,"
(For the Government of the German Reich).
V. MOLOTOV,
(Acting for the Government of the USSR).

Mr. Speaker, from their occupation by Soviet tanks in 1940 until the United States recognized the governments of the Baltic States in 1991, the United States never recognized Soviet de jure control over these countries and maintained diplomatic relations with the Baltic governments through their representatives in Washington.

While this may seem an obvious history lesson, it is important that the United States Government make this distinction to its Russian counterparts and that we and our European allies not allow ourselves to compromise future enlargement based on a faulty understanding of history.

It is also important to note that Russian President Boris Yeltsin himself played a pivotal and commendable role in bringing about Russian recognition of Baltic independence by annulling the consequences of the brutal 1940 occupation of Lithuania in a treaty signed between Lithuania and Russia in 1991. By annulling the annexation, Russia itself has recognized that the Baltic States were never Soviet Republics but instead Soviet-occupied republics. Mr. Speaker, I also ask unanimous consent that excerpts from this treaty be placed in the RECORD at the conclusion of my remarks.

By treating the Baltic States as former Soviet Republics while refusing to recognize the historical wrong of a 50-year occupation, the Russian Government hopes to stop NATO enlargement after the first round. They hope to secure general agreement that the former Soviet Republics are distinctly in Russia's zone of interest.

Mr. Speaker, NATO should never agree to any Russian proposals that would exclude any country from exercising its sovereign right to request NATO membership.

TREATY BETWEEN THE REPUBLIC OF LITHUANIA AND THE RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC ON THE BASIS FOR RELATIONS BETWEEN STATES

(Excerpts)

The Republic of Lithuania and the Russian Soviet Federated Republic, hereinafter called "the High Contracting Parties,"

Assigning to the past events and actions that hindered each High Contracting Party from fully and freely realizing its state sovereignty,

Being convinced that once the Union of Soviet Socialist Republics annuls the consequences of the 1940 annexation violating Lithuania's sovereignty, created will be additional conditions for mutual trust between the High Contracting Parties and their peoples, . . .

have agreed as follows:

ARTICLE 1

The High Contracting Parties recognize each other as full-fledged subjects of international law and as sovereign states. . . .

The High Contracting Parties pledge to refrain from the use of force and the threat of the use of force in their mutual relations, to refrain from interference in internal affairs, to respect sovereignty, territorial integrity and inviolability of borders in accordance with the principles of the Conference on Security and Cooperation in Europe. . . .

ARTICLE 2

The High Contracting Parties recognize each other's right to independently realize their sovereignty in the area of defense and security in ways they find acceptable, contributing to the process of disarmament and reduction of tension in Europe, as well as through systems of collective security. . . .

TRIBUTE TO CLARENCE R. WHEELER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to a civic leader and respected member of the southwest Missouri business community, Clarence R. Wheeler, of Springfield, MO.

Clarence was a devoted husband to Edna and his family was his priority. His presence will be missed by family, friends, the business community, and the entire region.

Mr. Wheeler was another example that the American dream continues to live. Starting in 1948, Mr. Wheeler took a vision, molded it with endless hours of hard work, and created the region's most successful chain of 38 supermarkets. The patrons to his Consumers Markets liked his innovative and forthright style that brought them top quality products at competitive prices. He was a strong moral leader of the region and for four decades his store reflected his belief in what was good for families.

His employees knew he had an open door policy and paid a fair wage; Clarence was a man of honesty and integrity who was a good listener to employees and customers alike.

Mr. Wheeler also gave back to the community with the spirit of a giver. He was a generous giver to charities like the Kitchen, the Missouri Baptist Home, Blood Center of the Ozarks, Southwest Baptist University, and the Good Samaritan Boy's Ranch. He was active in civic clubs, the local Chamber of Commerce, and his church.

His tough but fair approach won him praise from business associates who said "he had as much concern about the employees as he did the company and the company profits. We need more businessmen like him. The world would be a better place." Clarence Wheeler's peers in the business community, others who hoped to build their small business as he did, charities in the Ozarks and around the world, his family and friends benefited from his life and example.

IN HONOR OF MR. DON ROGERS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay personal tribute to a man who was a mentor to me in my formative years as a pharmacist and small businessman; and a true friend in the years thereafter.

Mr. Don Rogers was the owner and operator of Don's West Markham Pharmacy in Little Rock, AR, the place where I worked as a pharmacist from 1965 to 1967. Don Rogers was one of the finest businessmen that I have ever known, and I can't imagine having had a better teacher on how to do business with honor, integrity, and Christian values.

He treated his customers and employees as individuals and friends with different needs to be respected. He listened to their concerns as if their problems were the only ones in the world that mattered at that moment, and when they left his store they felt better not only due to the prescriptions that he administered with loving care, but also because of the fine treatment that they received.

I was blessed to have him as an employer and friend at that age. He taught me the value of putting the customer first; of caring about their needs before and after they came to the store; and of the caring for the health of the community before short-term profit decisions. These are lessons that all of us in public service would do well to remember as we go about our responsibilities in this hallowed chamber. Indeed, the things that he taught me have stayed with me in all the days since I had the privilege of working with him.

Don Rogers passed away January 28, 1994, but his spirit still lives on in those who knew and loved him, and in those who did business in that pharmacy in Little Rock.

THE MARCHING SEASON IN NORTHERN IRELAND

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mrs. KELLY. Mr. Speaker, I rise today to speak out against the unfairness of Britain's decision to allow the Orange Order to march through Northern Ireland's Garvaghy Road area this past weekend. Thousands of residents were barricaded in their homes by 1,500 riot police and troops, which were reinforced by more than 100 armored cars. This choice was tragic, and today's headlines bear solemn witness to this fact.

This is the third year that British authorities have allowed the Orange Order to march through this predominantly Catholic neighborhood. In justifying this fatal decision, Northern Ireland Secretary Mo Mowlam said, "Had the Orange Order not been permitted to march through the Garvaghy Road Community, the Protestants would have committed widespread mayhem." The mere fact that Secretary Mowlam, admitted that by allowing the Protestants to march through the Garvaghy Road area was her least worst option, to me is quite disturbing. In fact, her decision led to severe rioting, and has made the Irish Peace process that much more difficult to achieve. Clearly, this march should not have been allowed to take place in the first place. All marches in the future should be cancelled, until Ireland can reach a peace agreement.

I call upon the British and Irish Governments to work together, and encourage all parties to resume their efforts toward a just and lasting peace. Violence, under any circumstance, is not the answer.

TRIBUTE TO ILC DOVER FOR THEIR CONTRIBUTION TO THE PATHFINDER MISSION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. CASTLE. Mr. Speaker, I proudly rise today to call your attention to a great contribution to science, technology, and progress made by the people of ILC Dover in Dover, DE. I offer my appreciation to the hard work and dedication of this company which developed the airbag system that allowed Pathfinder to land on Mars and reduced the cost of the Mars mission.

ILC's success in aerospace technology dates back to their development of the Extra Vehicular Activity spacesuits used for space walks during the Apollo missions. ILC Dover's reputation as a cost-effective engineering firm with its core technology of developing high-tech inflatable systems, made them a logical contractor to team with NASA's Jet Propulsion Laboratory. ILC designed, tested, and produced the material development used in this highly visible project.

ILC Dover has proved themselves a leader and model in the aerospace industry by providing technology in accordance with NASA's new focus: better, faster, cheaper. I am confident that ILC Dover will continue to provide innovative and cost-effective aerospace technology necessary to continue important missions such as Pathfinder in exploring our world. I applaud the people of ILC Dover and wish them continued success in their endeavors.

THE MUNICIPAL BIOLOGICAL MONITORING USE ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. HEFLEY. Mr. Speaker, I am pleased to join my colleague, Mr. PASTOR, in introducing H.R. 2138, the Municipal Biological Monitoring Use Act. The purpose of this legislation is to establish for the Environmental Protection Agency new criteria for biomonitoring or whole effluent toxicity tests at local government sewage treatment plants, also known as publicly owned treatment works, or POTW's.

Similar legislation applicable to POTW's was introduced in previous Congresses. In recent months, the EPA has also sought to apply WET test limitations to municipal separate storm sewer systems, combined sewer overflows and other wet weather discharges and control facilities. Therefore, this updated version of our bill is also applicable to these storm water-related discharges owned by local governments.

Enforcement of biomonitoring test failures is a concern of POTW's nationwide and particularly in the arid West because of the unique water quality characteristics of low flow and ephemeral streams located in that region.

The bill we introduce today would retain the use of biomonitoring tests as a management or screening tool for toxicity, while shifting fine and penalty liability for test failures to liability for failure to implement permit-required procedures for identifying and reducing the source of WET when detected.

BACKGROUND

The EPA regulates wastewater discharges from POTW's through the National Pollutant Discharge Elimination System, or NPDES, permit program. NPDES permits include narrative or numeric limitations on the discharge of specifically named chemicals. Treatment facilities for these named chemicals can be designed and built in order to assure compliance with such limitations before a violation occurs. Compliance is determined by conducting specific tests for these named chemicals.

NPDES permits may also include limits on the unspecified toxicity of the entire sewage plant effluent which is known as whole effluent toxicity. Compliance with these limitations is determined by the results of biomonitoring or whole effluent toxicity, or WET tests. The authority for biomonitoring tests was added to the Clean Water Act by the 1987 amendments. Since then, EPA has issued biomonitoring test methods, permit requirements, and enforcement policies for the use of WET tests as a monitoring requirement or as a permit effluent limitation at POTW's.

Biomonitoring or WET tests are conducted on treated plant effluent in laboratories using small aquatic species similar to shrimp or minnows. The death of these species or their failure to grow as expected in the laboratory is considered by EPA to be a test failure.

Where such tests are included in permits as effluent limits, these test failures are subject to administrative and civil penalties under the Clean Water Act of up to $25,000 per day of violation. Test failures also expose local governments to enforcement by third parties under the citizen suit provision of the act.

WET test failures can also trigger toxicity identification and reduction evaluations that include additional testing, thus exposing local governments to additional penalties if these additional tests also fail.

WET TEST ACCURACY CANNOT BE DETERMINED

The EPA recognizes that the accuracy of biomonitoring tests cannot be determined. An October 16, 1995, Federal Register preamble document issued by the agency in promulgating guidelines establishing test procedures for the analysis of pollutants determined that: "Accuracy of toxicity test results cannot be ascertained, only the precision of toxicity can be estimated." (EPA, Guidelines for Establishing Test Procedures for the Analysis of Pollutants, 40 CFR part 136, 60 FR 53535, October 16, 1995.)

While the agency cannot determine the accuracy of such tests, the EPA still requires local governments to certify that WET test results are "true, accurate and complete" in discharge monitoring reports required by NPDES permits. This is a true catch-22 requirement.

Laboratory biomonitoring tests are known to be highly variable in performance and results. Aquatic species used as test controls often died during test performance. False positive tests occur frequently. Yet test failures are the basis for assessing administrative and civil penalties to enforce permit limitations for WET.

The EPA also recognized that WET is episodic and usually results from unknown sources until they are detected and located through WET tests. These unknown sources can include synergistic effects of chemicals, household products such as cleaning fluids or pesticides and illegal discharges to sewer systems. Even a well-managed municipal pretreatment program for municipal users cannot assure against WET test failures.

POTW's are designed to control specific chemical pollutants. Treatment facilities are not designed, however, to control WET before detection by biomonitoring test failures because POTW's cannot be assured of knowing the specific nature of sewage influent discharged to the treatment plant. To guarantee against these test failures before they occur, local governments would have to build sewage treatment facilities using reverse osmosis, micorfiltration, carbon filtration, ion exchange or ozone at great expense to citizen rate payers.

The Clean Water Act and EPA regulations (40 CFR 122.44(d)(1)(iv)) require that toxicity be determined based on actual stream conditions. An EPA administrative law judge decision issued in October 1996 confirmed this interpretation in ruling:

> Although some form of WET monitoring may be legally permissible, there must be a reasonable basis to believe the permittee discharge could be or become acutely toxic. In addition, the proposed tests must be reasonably related to determining whether the discharge could lead to real world toxic effects. The CWA objective to prohibit the discharge of "toxic pollutants in toxic amounts" concerns toxicity in the receiving waters of the United States, not the laboratory tanks.

IN THE MATTER OF METROPOLITAN-DADE COUNTY, MIAMI-DADE WATER AND SEWER AUTHORITY

In practice however, NPDES permits often restrict species for WET tests to a limited, nationally recognized number which may not be representative of the stream-specific conditions to which local facilities discharge. This situation can result in false test results. The failure to allow the use of indigenous test species is a particular concern to POTW's discharging to ephemeral streams located in Western States where nationally uniform species could not survive in any case.

POTW's cannot be assured of knowing what substances are discharged to their plants, as can industrial dischargers. They are community systems with thousands or even millions of connections, absolute control over which is not feasible. Requiring POTW's to know the cause of WET failures so that the appropriate controls can be installed before test failures is fundamentally unfair because the local governments owning these plants do not have notice of what they must do to conform their behavior to the requirements of law.

There is less basis for making WET test failures subject to fines and penalties for storm water-related discharges because local governments are able to exercise even less control over such systems.

The EPA may say that WET test failures often are not enforced under the agency's exercise of administrative discretion. However, the opportunity for such enforcement remains particularly where an enforcement action is based on one or more permit violations. More importantly, the credibility of any legal requirement that is not built on the principal of fair notice is damaged whether enforcement occurs once or many times. Additionally, third party suits are not subject to the exercise of EPA review and discretion.

There is less basis for making WET test failures subject to fines and penalties for storm water-related discharges because local governments are able to exercise even less control over such systems.

The EPA may say that WET test failures often are not enforced under the agency's exercise of administrative discretion. However, the opportunity for such enforcement remains, especially as more permittees are faced for the first time with enforceable WET permit limits and where an enforcement action is based on one or more alleged permit violations. More importantly, any legal requirement that is not based on fair notice lacks credibility and undermines due process principles whether enforcement occurs once or many times. Additionally, third-party suits are not subject to the exercise of EPA review and discretion.

Procedures for locating and reducing the source toxicity can require accelerated testing which would expose local governments to additional penalty liability. Thus, the agency's insistence on making WET tests subject to penalties has become counterproductive to preventing toxicity.

Nothing in the Clean Water Act requires the EPA to make WET testing an enforceable permit limitation. As originally conceived, these tests should be used as a screening or management tool for detecting WET, rather than for enforcement purposes. Since the 1987 amendments, however, the EPA has persisted

in making WET test failures violations of permit limitations even though these tests are technically unsound and fundamentally unfair for enforcement purposes.

It is for these reasons a legislative solution is necessary.

ALTERNATIVE LEGISLATIVE SOLUTION NEEDED

One legislative alternative would make WET testing a monitoring only permit requirement. Another alternative would shift the enforceability of WET permit requirements from WET test failures to local government failure to implement a tiered compliance process and schedule for locating and reducing the source of toxicity.

Our bill, H.R. 2138, adopts the second alternative and retains use of WET as an enforceable part of the Clean Water Act by:

Amending sections 303 and 402 of the Clean Water Act to prohibit the finding of a violation of the act in the case of a biomonitoring or WET test conducted at publicly owned treatment works, municipal separate storm sewer systems and municipal combined sewer overflows, including control facilities, and other wet weather control facilities;

Requiring that criteria for WET must employ an aquatic species that is indigenous to the type of waters, a species that is representative of such species or such other appropriate specie as will indicate the toxicity of the effluent in the specific receiving waters. Such criteria must take into account the natural biological variability of the species and must ensure that the accompanying test method accurately represents actual instream conditions, including conditions associated with dry and wet weather;

Authorizing NPDES permit terms, conditions or limitations to include enforceable procedures requiring further analysis, toxicity identification evaluation [TIE] or toxicity reduction evaluation [TRE] for WET where an NPDES permit authority determines that the discharge from the applicable facility causes, has the reasonable potential to cause or contributes to an instream excursion above a narrative or numeric criterion for WET. The bill would also direct that the NPDES permit must allow the permittee to discontinue such procedures, subject the future reinitiation of such procedures upon a showing by the permitting authority of changed conditions, if the source of such toxicity cannot, after thorough investigation, be identified; and requiring the use of such NPDES permit terms, conditions or limitations only upon determination that such terms, conditions or limitations are technically feasible, accurately represent toxicity associated with wet weather conditions and can materially assist in an identification evaluation or reduction evaluation of such toxicity.

WET testing should be used as a management tool to locate and reduce WET. The assessment of penalties for test failures or the potential for assessment has become a recognized disincentive for the use of WET tests including accelerated testing to local and reduce toxicity.

Our bill, H.R. 2138, would assure the use of these tests as tools to prevent pollution by respecting their technical limitations, eliminating penalties for test failures, preserving the enforceability of procedures to locate and reduce whole effluent toxicity when detected and thereby eliminate the disincentive for their use.

We urge your support and cosponsorship of this legislation.

H.R. 2138

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 "Municipal Biological Monitoring Use Act".

SEC. 2. BIOLOGICAL MONITORING AT PUBLICLY OWNED TREATMENT WORKS, MUNICIPAL SEPARATE STORM SEWER SYSTEMS, AND MUNICIPAL COMBINED SEWER OVERFLOWS, INCLUDING CONTROL FACILITIES, AND OTHER WET WEATHER CONTROL FACILITIES.

(a) BIOLOGICAL MONITORING CRITERIA.—Section 303(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking the period at the end and inserting the following: ": *Provided*, That for publicly owned treatment works, municipal separate storm sewer systems, and municipal combined sewer overflows, including control facilities, and other wet weather control facilities, nothing in this Act shall be construed to authorize the use of water quality standards or permit effluent limitations which result in the finding of a violation upon failure of whole effluent toxicity tests or biological monitoring tests."; and

(B) by inserting after the third sentence the following: "Criteria for biological monitoring or whole effluent toxicity shall employ an aquatic species that is indigenous to the type of waters, a species that is representative of such species, or such other appropriate species as will indicate the toxicity of the effluent in the specific receiving waters. Such criteria shall take into account the natural biological variability of the species, and shall ensure that the accompanying test method accurately represents actual instream conditions, including conditions associated with dry and wet weather."; and

(2) by adding at the end the following:

"(C) Where the permitting authority determines that the discharge from a publicly owned treatment works, a municipal separate storm sewer system, or municipal combined sewer overflows, including control facilities, or other wet weather control facilities causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criterion for whole effluent toxicity, the permit may contain terms, conditions, or limitations requiring further analysis, identification evaluation, or reduction evaluation of such effluent toxicity. Such terms, conditions, or limitations meeting the requirements of this section may be utilized in conjunction with a municipal separate storm sewer system, or municipal combined sewer overflows, including control facilities, or other wet weather control facilities only upon a demonstration that such terms, conditions, or limitations are technically feasible, accurately represent toxicity associated with wet weather conditions, and can materially assist in an identification evaluation or reduction evaluation of such toxicity.".

(b) INFORMATION ON WATER QUALITY CRITERIA.—Section 304(a)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(8)) is amended by inserting ", consistent with subparagraphs (B) and (C) of section 303(c)(2)," after "publish".

(c) USE OF BIOLOGICAL MONITORING OR WHOLE EFFLUENT TOXICITY TESTING AT PUBLICLY OWNED TREATMENT WORKS, MUNICIPAL SEPARATE STORM SEWER SYSTEMS, OR MUNICIPAL COMBINED SEWER OVERFLOWS, INCLUDING CONTROL FACILITIES, OR OTHER WET WEATHER CONTROL FACILITIES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(q) USE OF BIOLOGICAL MONITORING OR WHOLE EFFLUENT TOXICITY TESTING AT PUBLICLY OWNED TREATMENT WORKS, MUNICIPAL SEPARATE STORM SEWER SYSTEMS, OR MUNICIPAL COMBINED SEWER OVERFLOWS, INCLUDING CONTROL FACILITIES, OR OTHER WET WEATHER CONTROL FACILITIES.—

"(1) IN GENERAL.—Where the Administrator determines that it is necessary in accordance with subparagraphs (B) and (C) of section 303(c)(2) to include biological monitoring, whole effluent toxicity testing, or assessment methods as a term, condition, or limitation in a permit issued to a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow, including a control facility, or other wet weather control facility pursuant to this section, such permit term, condition, or limitation shall be accordance with such subparagraphs.

"(2) RESPONDING TO TEST FAILURES.—If a permit issued under this section contains terms, conditions, or limitations requiring biological monitoring or whole effluent toxicity testing designed to meet criteria for biological monitoring or whole effluent toxicity, the permit may establish procedures for further analysis, identification evaluation, or reduction evaluation of such toxicity. The permit shall allow the permitee to discontinue such procedures, subject to future reinitiation of such procedures upon a showing by the permitting authority of changed conditions, if the source of such toxicity cannot, after thorough investigation, be identified.

"(3) TEST FAILURE NOT A VIOLATION.—The failure of a biological monitoring test or a whole effluent toxicity test at a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow, including a control facility, or other wet weather control facility shall not result in a finding of a violation under this Act.".

MUHAMMAD ALI—"STILL THE GREATEST"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. STOKES. Mr. Speaker, I recently read an inspiring article which appeared in the Washington Post's national weekly edition. The article is entitled, "Still the Greatest." In the article, David Maraniss, a staff writer for the Post, reminds us of the struggle, perseverance, and success of one of the world's greatest boxers—Muhammad Ali.

Muhammad Ali, the once Olympic boxing medal winner and past world's heavyweight champion, is considered by some to be the "Greatest of All Time." But, he has always been more than just an exceptional athlete. He was, and still is an exceptional man. Muhammad Ali, as Maraniss points out, "is universally recognized as a man who stood for what he believed in and paid the price and prevailed." As champion, Ali converted to the Islamic religious belief, took a stand against the Vietnam war, and donated time and

money to charitable organizations. After his boxing career ended, he continued to spread goodwill and associate himself with worthy causes.

Today, Ali maintains his commitment to the funding of research for Parkinson's disease, a disease he himself was diagnosed with in the early 1980's. He travels frequently, doing good deeds, visiting schools, and campaigning against child abuse, as well as "promoting universal understanding and tolerance."

Mr. Speaker, this article shows the strength of the human spirit when coupled with the will to survive and drive to succeed. Muhammad Ali is an inspiration to all of us, young and old, rich or poor, athlete or spectator. He not only stands for what he believes in, but he also backs it up. Whether the fight was in the ring, with American policy, or with a debilitating disease, Muhammad Ali never backed down. It pleases me that Mr. Maraniss decided to pay tribute to the "Greatest of All Time." I take pride in sharing "Still the Greatest" with my colleagues and others across the Nation.

[From the Washington Post, June 16, 1997]

STILL THE GREATEST—MUHAMMAD ALI'S LATEST COMEBACK HAS MADE HIM A BELOVED FIGURE ALL OVER THE WORLD

(By David Maraniss)

BERRIEN SPRINGS, MICH.—No words at first. The greeting comes from his eyes, then a handshake, light as a butterfly, followed by a gesture that says, "Follow me," He has just popped out the back door of his farmhouse wearing green pants and a light brown wool pullover with sunglasses tucked coolly into the mock turtleneck collar. He is carrying an old black briefcase. His hair is longer than usual and a bit uncombed. He starts walking toward his office, a converted barn on the lower end of the circular driveway.

He moves slowly, hunching slightly forward as he goes, never a stumble but sometimes seeming on the verge of one, as though his world slopes downhill. He opens the door and stand aside, following, not leading, on the way upstairs to his second-floor office. Halfway up, it becomes clear why. He sticks out a hand and catches his visitor's foot from behind. The old trip-up-the-stairs trick. Muhammad Ali loves tricks.

At the top of the stairs is the headquarters of GOAT. Another trick. It is the playfully ironic acronym for Greatest of All Time, Incorporated. Ali wants the world to know that he is just another goat, one living thing in this vast and miraculous universe. But also the greatest there ever was. He is 55, his mouth and body slowed by Parkinson's disease, yet still arguably the best known and most beloved figure in the world. Who else? The Pope? Nelson Mandela? Michael Jordan? Ali might win in a split decision.

Even the most dramatic lives move in cycles of loss and recovery. Last summer in Atlanta, when Ali stood alone in the spotlight, the world watching, his hands trembling, and lit the Olympic flame, he began another cycle, perhaps his ultimate comeback, as emotional as any he had staged in the ring against Joe Frazier or George Foreman. For 16 years he had been retired from boxing. During that time he had gone through periods of boredom and uncertainty. Not that he was passe, but the world tends to forget its old kings when new ones come around.

He kept going as best he could, his health deteriorating, spreading goodwill with his smiling eyes, trying to keep his name alive.

Then, finally, his moment arrived again, first at the Olympics, then at the Academy Awards, where he bore silent witness to "When We Were Kings," the Oscar-winning documentary about his dramatic heavyweight championship fight in October 1974 against Foreman in what was then Zaire.

The shimmering house of movie stars seemed diminished, their egos preposterous, when Ali rose and stood before them. Yet some saw in that appearance a hint of the maudlin; poor Ali, enfeebled and paunchy, dragged out as another melodramatic Hollywood gimmick. Was he real or was he memory? What was left of him if he could no longer float and sting?

Quite a bit, it turns out, no sorrow and pity from the champ. He says he cherished his performances at the Olympics and Academy Awards more than anyone could know. Publicity is his lifeblood, more important to him than any medicine he is supposed to take. "Press keeps me alive, man," he says, with an honesty that softens the edge of his ego. "Press keeps me alive. Press and TV. The Olympics. Academy Awards. 'When We Were Kings.' Keeps me alive."

When the producers sent him a videotape of "When We Were Kings," he stuck it into his VCR at home and watched it day after day. At a recent autograph extravaganza in Las Vegas, he conducted his own poll by comparing his line to those for Jim Brown, Paul Hornung, Bobby Hull and Ernie Banks. Twice as long as any of them. Staying alive. And the biggest life-saver of all: that night in Atlanta last July, 36 years after he had first danced onto the world scene as the brash young Olympic champion Cassius Marcellus Clay.

Long after the torch scene was over, Ali would not let go. He went back to his suite with his wife, Lonnie, and a few close friends. They were tired, emotionally drained from the surprise, anxiety and thrill of the occasion, but Ali would not go to sleep. He was still holding the long white and gold torch, which he had kept as a prized memento. He cradled it in his arms, turning it over and over, just looking at it, not saying much, sitting in a big chair, smiling, hour after hour.

"I think the man was just awed. Just completely awed by the whole experience," Lonnie Ali recalls. "He was so excited. It took forever for him to go to bed, he was on such a high. He found it very hard to come back down to earth. There was just such a fabulous response. No one expected that. None of us did."

By the time he and Lonnie returned to their farmhouse here in southern Michigan, the mail was already backing up, flooding in at tenfold the previous pace. Letters from everywhere. The return of a trembling Ali had unloosed powerful feelings in people. They said they cried at his beauty and perseverance. They said he reminded them of what it means to stand up for something you believe in. Disabled people. Old '60's activists. Republicans. Black. White. Christian. Jewish. Muslim. A little boy from Germany, a boxing fan from England, a radiologist from Sudan, a secretary from Saudi Arabia—the multitudes thanked him for giving them hope.

When Ali reaches his office, he takes his customary chair against the side wall. There is work to be done, the room is overcrowded with mementos to be signed for charity, and his assistant, Kim Forburger, is waiting for him with a big blue felt pen. But Ali has something else in mind right now.

"Mmmmmmm. Watch this, man," he says. His voice sounds like the soft, slurred grumble-whisper of someone trying to clear his throat on the way out of a deep sleep. Conversing with him for the first time, one unavoidably has to say, "I'm sorry, what?" now and then, or simply pretend to understand him, but soon enough one adjusts, and it becomes obvious that Parkinson's has not slowed his brain, only his motor skills.

Ali walks toward the doorway and looks back with a smile.

"Oh, have you seen Muhammad levitate yet?" Forburger asks. She suddenly becomes the female assistant in a Vegas act. With a sweep of her hand, she says, "Come over here. Stand right behind him. Now watch his feet. Watch his feet."

Ali goes still and silent, meditating. His hands stop shaking. He seems to radiate something. A mystical aura? Ever so slowly, his feet rise from the floor, one inch, three inches, six inches. His hands are not touching anything. "Ehhhh. Pretty heavy, mmmm," he says. His visitor, familiar with the lore of Ali's levitations yet easily duped, watches slack-jawed as the champ floats in the air for several seconds.

Come over here, Ali motions. To the side. "Look," he said. He is not really levitating, of course. He has managed to balance himself perfectly, Parkinson's notwithstanding, all 250 pounds of him, on the tiptoes of his right foot, creating an optical illusion from behind that both of his feet have lifted off the ground.

The tricks have only just begun. He hauls out a huge gray plastic toolbox, opens it and peers inside. His hands now move with the delicacy of a surgeon selecting the correct instrument from his bag. For the next quarter-hour, he performs the simple, delightful tricks of an apprentice magician. Balls and coins appear and disappear, ropes change lengths, sticks turn colors. "Maaann! Maaann! Heavy!" he says.

Then he turns to slapstick. Close your eyes and open your hand. The champ places something soft and fuzzy in it. "Mmmm. Okay. Open."

A fuzzy toy mouse.

Ali beams at the startled reaction.

His voice becomes louder, higher, more animated. "Ehhh." he shrieks. "Kids go 'Ahhh! Ahhh!'"

Try it again. This time it's a cockroach.

And again. This time fake dog doo.

Ali closes his gray toolbox and puts it away, satisfied.

What is going on here? In part it is just Ali amusing himself with magic tricks that he has been doing over and over for many years for anyone who comes to see him. But he is also, as always, making a more profound point. He has transferred his old boxing skills and his poetry and his homespun philosophy to another realm, from words to magic. The world sees him now, lurching a bit, slurring some, getting old, trembling, and recalls that unspeakably great and gorgeous and garrulous young man that he once was. He understands that contrast. But, he is saying, nothing is as it appears. Life is always a matter of perception and deception.

Poets and philosophers contemplate this, and boxers know it intuitively (Ali ghost boxing before the Foreman fight "Come get me, sucker. I'm dancin'! I'm dancin'! No, I'm not here, I'm there! You're out, sucker!") back when he was Cassius Clay, he pretended that he was demented before fighting Sonny Liston because he had heard that the only cons who scared big bad Sonny in prison were the madmen. By acting crazy, he not only injected a dose of fear into Liston, he took some out of himself. Life is a trick.

The Islamic religion, to which Ali has adhered for more than 30 years, disapproves of magic tricks, but he has found his way around that problem, as always.

"When I . . . do a . . . trick," he says now. He seems more easily understandable. Is he speaking more clearly or has the ear adjusted to him?

"I . . . always . . . show . . . people . . . how . . . to . . . do . . . it."

He smiles.

"Show . . . people . . . how . . . easy . . . it . . . is . . . to . . . be . . . tricked."

Perception and deception. He has returned to his chair in the office, with his black briefcase on his lap. Slowly and carefully he opens it up . . . click . . . click . . . and looks inside as though he is examining its contents for the first time.

Tucked in the upper compartment is his passport. Parkinson's has not slowed his travels. He's at home no more than 90 days a year. Washington, D.C., Los Angeles, Louisville, Las Vegas in a week, doing good deeds. he visits schools, campaigns against child abuse, for more Parkinson's funding, for peace and tolerance. Everyone want to see the champ. Germany is clamoring for him. Its national television network just ran an hour-long documentary on him.

Next to the passport is a laminated trading card. He lifts it out and studies it. There's Ali next to Sugar Ray Robinson and Joe Louis.

"Two of the greatest fighters in the world," he says. He pauses. "Mmmmm. Both dead."

Ali think a lot about death. Aging and death and life after death. His philosophy is at once selfish and selfless. Publicity keeps him alive. He wants to stay alive so that he can make people happy and do good deeds. And "good deeds are the rent we pay for our house in heaven."

He is teaching our preaching now. A new poetry, slower, no rhymes, stream of consciousness, deeper meaning.

"Twice a month they call us to sign autographs
Make two hundred thousand a day.
Signing. Hundred dollars a picture
Long lines. Bring millions of dollars.
I'm not fighting no more
I'll sign for nothin'. Give it to charity.
Get the money, give it to the homeless
Give it to soup lines
If I see someone who needs some
Here's a hundred. Here's fifty
Soup vendor. Wino. Old woman with varicose veins.
Good deeds. Judgment.
I'm well pleased with you my son. Come into heaven.
That's eternal life. Maann! Maann!
Look at all the buildings in downtown New York.
People built them. They're dead.
Buildings still standing.
You don't own nothin'. Just a trustee.
Think about it. You die.
This life's a test. A test.
Trying to pass the test. I'm tryin'.
Warm bodies. Shake hands. Gone.
All dead now. President Kennedy.
Whatever color you are
No matter how much money you have
Politics. Sports. You're gonna die.
Sleep is the brother of death."

Ali closes his eyes. He starts snoring. Reopens his eyes.

"Turn over now. It's morning."

Back to the black briefcase.

Stacked in rows along the bottom are a collection of little leather books, five of them, in red and pink and green. It turns out they are Bibles. Why he needs five in a briefcase is not clear. What he does with them is part of the mystery of Muhammad Ali.

During the past several months, he and Lonnie and Thomas Hauser, author of his authorized biography, have made appearances around the country promoting the cause of universal understanding and tolerance. Ali and Hauser, Muslim and Jew, put together a little book titled "Healing" which they distribute at every stop. It contains quotations on tolerance from Cicero, Voltaire, Thoreau and Ali. The book was inspired by Ali's habit of combing through the Koran and other books and writing down phrases that he found moving. Hauser chose the title one day when he studied a series of words and notice A-L-I in the middle of H-E-A-L-I-N-G.

This crusade seems natural for ali now. In the '60s, when he shed the name Cassius Clay, which he dismissed as his slave name, and refused to be inducted into the military to fight in Vietnam, temorarily giving up his freedom and wealth and title in the process, he stood as what Hauser called "a symbol of divided America." Now his popularity transcends politics, race, country and religion. He is universally accepted as a man who stood up for what he believed in and paid the price and prevailed. He has endured enough intolerance to give the message deeper meaning. His shining eyes are the prize of peace.

Ali takes the little leather Bibles out of his briefcase and places them on the table beside him. He peers inside again and comes out with a stack of paper. Each page has a typed message. He hands over the first page. Could these be the quotations of tolerance and understanding he writes down each day?

Read it, Ali indicates, wordlessly, nodding his head.

"If God is all perfect his revelation must be perfect and accurate. Free from contradiction. . . . Since holy scripture is from God, it should be impossible to find mistakes and conflicting verses. If it doesn't, you can't trust it 100 percent. There are many conflicting verses in the Bible."

Ali smiles, gestures to take that piece of paper back, and hands over one page after another of contradictions he has found in the Bible. Some contradictions in numbers, some about what Jesus was purported to have said. "All in the Bible," Ali says, as he finally puts the stack of paper back in his briefcase. "Heavy." He points to a filing cabinet behind the desk, which is overflowing with similar papers. It turns out that this is one of his favorite intellectual pastimes, searching his little leather Bibles for thousands of contradictions of fact or interpretation that have been cited by Islamic scholars. There seems to be no malice in his hobby, though it is hardly what one might expect from a missionary of universal healing.

What is going on here? The question is later put to Lonnie Ali. She is his fourth wife, wholly devoted to his well-being, a smart, funny and gracious woman, a graduate of Vanderbilt University, who started cooking for him when he was getting sick, married him 12 years ago, and is serving more and more as his public voice. She knows that he is not perfect, but she also appreciates his larger meaning to the world. Muhammad, she says, is greater than his individual parts. He means so many things to so many people, and she is determined to preserve that, sometimes in spite of him. She has known him since she was 6 years old and growing up in Louisville in the house across the street from his mother, Odessa Clay.

Why is Ali doing this? She shrugs at the question. That, she says, "is part of the dichotomy that is Muhammad.

"Even when Muhammad was in the Nation of Islam where they considered whites devils he was putting little white kids on his lap and kissing them and loving them. Muhammad could really care less if a person is of another religion. But Muhammad found out that there are contradictions in the Bible and he's hooked on that. If he can get you to say, 'Oh, look, I never knew that,' then it's like he has accomplished a victory. Muhammad is a warrior. And he finds these little things to battle over."

There certainly seem to be more important battles now for Muhammad Ali. Perception and deception. How sick is he?

Ali began showing signs of trouble as far back as 1980, when he lost the heavyweight title in his 60th, and next to last fight, against Larry Holmes. He visited several medical experts over the next few years and finally Parkinsonism, a syndrome related to Parkinson's disease, was diagnosed. Parkinson's is a slowly progressive disease, suffered by an estimated 1.5 million Americans, that causes cells in the middle part of the brain to degenerate, reducing the production of the chemical dopamine and leading to tremors, slowness of movement, memory loss and other neurological symptoms. Its cause is unknown.

People who suffer from Parkinsonism have many of the same symptoms but in a milder and usually undegenerative form. Until recently, most of his doctors believed Ali had the syndrome, not the disease. Over the past 18 months that diagnosis has been changing and the belief now is that he might have the disease.

Some doctors who have examined Ali remain convinced that his ailment was brought on by the pounding he took in the ring, especially the brutal fights late in his career against Frazier, Foreman and Holmes. Mahlon DeLong, his Parkinson's physician at Emory University in Atlanta, and other experts argue, however, that Ali must have had a predisposition to the disease. They note that most "punch drunk" old fighters do not show signs of Parkinson's but more often suffer from something known as Martland syndrome, with intellectual deficits that Ali does not show.

His disorder, in any case, is not as debilitating as one might suspect from catching a brief glimpse of him. He is agile enough to dress himself each morning. He knots his ties perfectly. He lifts his legs to put on his socks. Laces his shoes. Slips on his Swiss Army watch. Feeds himself. Opens doors. Performs magic tricks. Reads his Bibles and Korans. Writes legibly. Talks on the telephone. Understands everything said to him and around him. Flips the remote on his television to watch CNN and Biography and the Discovery Channel.

"He doesn't need any help from me," Lonnie Ali says, meaning in the physical sense. "The only thing I may assist Muhammad with, because he is nearsighted and doesn't wear glasses, is shaving. He misses some spots." His main problem, she says, is that he shows little interest in keeping up with medical treatments.

"I can offer him all the care in the world," she says. "His doctors can give him all the care in the world. It is up to him. Muhammad tends to ignore it."

Ali is on the move now, heading down the steps and out onto the grounds of his 88-acre farm. it is an unexpected paradise at the end of the road in the middle of Middle America,

between South Bend, Ind., and Benton Harbor, Mich. Once belonged to Al Capone, a mobster's hideaway. "Found . . . machine . . . guns," Ali says.

There is a gentle pond , a gazebo where he prays to Allah, a playground for the youngest of his nine children, 6-year-old Asaad, whom he and Lonnie adopted at birth; acres of sweet-blooming perennials, woods at he edge of the field, the St. Joe River rolling by, white picket fences and white and green barns.

On his way down the looping driveway, Ali cannot resist some playful sparring. His hands stop shaking as he bobs and weaves and dances backwards. His condition seems irrelevant, or at least that is the point he wants to make. Could knock you out in 10 seconds. His middle looks soft until it is felt: like steel.

At the turn in the driveway he reaches the far garage and his beige on brown Rolls-Royce Corniche sedan. He slowly eases himself into the driver's seat, then struggles out and onto his feet again, and starts fishing in his pants for the keys. He pulls out a set, examines them, picks a key, settles back into the car, tries to insert it into the ignition. Doesn't fit. He starts over again, pulling more sets of keys out of his deep pocket. Two sets. Three sets. Four sets. Which is it? None fit.

He gets out again and walks to the rear of the car and points to the license: Virginia plates with a '93 sticker. "Haven't driven it in four years," he says. He leaves the garage and walks toward the fence, where a black Ford pickup is parked. The seat is too close to the steering wheel for him, and he has a difficult time squeezing in. It takes him a few minutes, but now he is there, behind the wheel, and he has a key that fits and the engine starts and he motions to climb in. As the truck reaches the front entrance, Ali stops, waiting for the electronic gate to open. His eyes close. He starts snoring. He can fall asleep any time of day, his doctors say, but he often only pretends to, and people around him can never be sure if he is dozing or duping.

Only a trick this time. The gate opens. The black pickup goes flying up the road, free and swaying. He always loved to speed. In the old days he might take the wheel of the press bus at training camp and scare the daylights out of the boxing scribes. He is doing it again. What is going on here? No reason to fear. Muhammad Ali is heading out to see the world. He is hungry, and he knows what he wants: some love and affirmation and a quarter-pounder with mustard and onions at the local McDonald's.

The love is there the moment he pulls in the parking lot. Everyone wants an autograph, and he joyfully obliges. They call him champ and hero and pat his back and shake his hand and kiss him and smile at him and show him pictures and stare at him. They talk about how much he means to them. They say they will miss him if he moves, as he and Lonnie plan to do before the year is out, down to Louisville, his home town, where he is setting up a Muhammad Ali center. He smiles back with his eyes.

No need to feel sorry for the champ, he wants you to know. "My life is a party," he says softly, chewing his quarter-pounder.

"Every day. Imagine. Every day. Things are quiet here. Imagine how it must be when I go to New York. Harlem. Detroit. Philly. Walk into a gym. The streets. Look at me. Imagine what it's like."

After lunch, Ali returns to the farm and resumes a tour of the grounds. He comes to a barn and slides open the door and looks inside. There, in the dim darkness, is an extraordinary thing. Look up in the rafters. Trophies lining the hayloft beam, one bigger than the next. Gathering dust. And attached to the wall: a huge black-and-white blowup of the young Ali, gloved hands aloft in triumph, after one of his title matches with Frazier. He stares at his own image, the greatest of all time.

People often wonder about the past; how beautiful it would be if they realized the present. Ali turns and steps out of the barn. He slides the wooden door to the right. Is it closed? He notices an opening on the left. He slides it to the left. Now there is an opening on the right. He decides to leave it that way, a ray of light filtering in, and walks down the path to his home.