HOUSE OF REPRESENTATIVES—*Wednesday, May 18, 1994*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 18, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

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

PRAYER

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

Teach us always, O gracious God, to enjoy the glory of Your created world. In spite of all the challenges and difficulties that face people each day, may we pause to celebrate with awe and respect and amazement the miracle of life, the mystery and wonder of all creation, the magnificence and beauty of nature, the glory and grace and potential of every person. May our lives never become so crowded with the necessary details that we miss the opportunities to see more clearly the spiritual verities that are Your gift to us. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina 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.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 12, 1994, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY, P.V. NARASIMHA RAO, PRIME MINISTER OF THE REPUBLIC OF INDIA

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the Republic of India into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from California [Mr. FAZIO];

The gentleman from Indiana [Mr. HAMILTON];

The gentleman from Washington [Mr. MCDERMOTT];

The gentleman from New York [Mr. HOCHBRUECKNER];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Texas [Mr. ARMEY];

The gentleman from New York [Mr. GILMAN]; and

The gentleman from Iowa [Mr. LEACH].

The PRESIDENT pro tempore. On the part of the Senate, the Chair appoints as members of the committee of escort the following Senators:

The Senator from Maine [Mr. MITCHELL];

The Senator from Rhode Island [Mr. PELL];

The Senator from Maryland [Mr. SARBANES];

The Senator from New York [Mr. MOYNIHAN];

The Senator from Massachusetts [Mr. KERRY];

The Senator from Pennsylvania [Mr. WOFFORD];

The Senator from Tennessee [Mr. MATHEWS];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Indiana [Mr. LUGAR];

The Senator from South Dakota [Mr. PRESSLER]; and

The Senator from Montana [Mr. BURNS].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 1 minute a.m., the Doorkeeper announced the Prime Minister of the Republic of India.

The Prime Minister of the Republic of India, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency P.V. Narasimha Rao, Prime Minister of the Republic of India.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, P.V. NARASIMHA RAO, PRIME MINISTER OF THE REPUBLIC OF INDIA

Prime Minister RAO. Mr. Speaker, Mr. President, distinguished Members of the Congress of the United States:

It is with great pleasure and a deep sense of honor that I address you today. Standing in this august Hall, as two great Indian statesmen did before me, is an inspiration to all who hold democracy and freedom above all else. If, as Thomas Carlyle once wrote, "the history of the world is but the biography of great men," then much of the world's recent history is owed to these Chambers.

The histories of our two nations have been intertwined by the words and deeds of great men and women. Christopher Columbus set off to discover a new route to India, only to discover a new world. Out of that unintended discovery was born a great Nation. Undaunted by the rather big difference he

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discovered in his destination, Columbus remarked, this time with perfect accuracy, that the more you go east, the more you are assured to come upon the west. Thus America has a special place in the Indian thinking, as a continent found further east of the known east. This direction is significant in its own way.

In his final inaugural address, Thomas Jefferson spoke of "Freedom of religion, freedom of the press, and freedom of person under the protection of Habeas Corpus, and trial by juries impartially selected." When India gained independence, we accepted these fundamental freedoms, and looked to the Declaration of Independence and the Bill of Rights while formulating the constitution of the world's largest democracy. Now, both countries are forever joined by the shared values of secularism, political pluralism, and the rule of law.

The spirit of America's Declaration of Independence so moved Indian spiritual leader Swami Vivekananda that on July 4, 1898, he wrote a poem titled, "To the Fourth of July."

Move on, O Lord, in the resistless path!
Till the high noon overspreads the world,
Till every land reflects thy light,
Till men and women with uplifted head
behold their shackles broken, and
know in springtime joy, their life renewed.

Author Henry David Thoreau was influenced by early Indian philosophy and thought, from which he drew his inspiration for the essay, "Duty of Civil Disobedience." Thoreau wrote, "If the law is of such a nature that it requires you to be an agent of injustice to another, then I say break the law, let your life be a counter friction to stop the machine."

Thoreau's essay influenced Mahatma Gandhi tremendously while he was in South Africa and in fact gave him the inspiration for the great nonviolent civil disobedience he was to practice in the subsequent years so effectively. I am sure his spirit showers his choicest blessings on free and democratic South Africa today.

In turn, Gandhi inspired Dr. Martin Luther King, who learned from Gandhi that "non-violent resistance paralyzed and confused the power structure against which it was directed." Dr. King wrote that "Gandhi was probably the first person in history to lift the love ethic of Jesus above mere interaction between individuals, to a powerful and effective social force on a large scale. It was in this Gandhian emphasis on love and non-violence that I discovered the method of social reform that I had been seeking for so many months."

Thus the United States and India have learned a great deal from each other throughout history. Distances did not matter. Indeed distances never mattered in the transmission of ideas, because their medium is the mind. They travel at what is known as manovega in the Indian tradition, meaning the speed of the mind, higher than anything anyone has ever imagined or can ever imagine.

So ideas, and born of them ideals, have echoed back and forth between India and America. Some perceived them, some experienced them, others did not, as often happens. Swami Vivekananda, Gandhi, Rabindranath Tagore, Thoreau, Emerson, Martin Luther King, and many others, known and unknown all these names seemed to belong but to one nation of humans. Hundreds of American missionaries spread into the remotest tribal areas of India, learned their complicated languages and numberless dialects and served the people there with unparalleled devotion. I am personally acquainted with some of your sons and daughters, and a few who were born in my own district.

For over a century grew this great friendship, a relationship purely between the peoples, with no trace of domination of selfish motive of any kind. Americans rejoiced in India's political freedom. India forever acknowledges the debt we owe to Franklin Delano Roosevelt for his role in pleading with the British for India's independence. Everything looked fine.

We had the unique opportunity of shaping the history of the post-war world—a history which could have offered the peace dividend to all, East or West, North or South, by enabling countries to attain their full potential by giving their citizens the better life they deserved, but which they had been deprived of, for ages.

Then came the cold war.

That great opportunity seemed to be slipping through our fingers, even as we tried to hold it in our hands. Today, we have to worry about the fingers.

Mr. Speaker, I shall now skip the cold war. Not being a historian, I am under no obligation to recount it. Being transient, term-bound representatives of our peoples, you and I have neither the time nor the need to review what we do not wish to repeat. It is the future we have to think about, in fact worry about. And, of course, the fingers.

The fingers are, simply, democracy and development. From my own personal experience, I have no doubt that this is an extremely difficult combination, and equally essential, in India's view.

India has undertaken the first steps to shaping our history for the next generation. After decades of centralized economic policies, India recently embarked on a reform program designed to modernize our economy, liberalize trade, and realize our economic potential. We welcomed private investment and competition and encouraged free market growth. As a result, India is becoming globally competitive and the standard of living of our citizens is gradually on the rise. The momentum of these reforms will carry India into the next century as the single largest free market in the world.

Perhaps the most impressive aspect of India's ambitious economic reform program is the smoothness with which the transition from a closed, protected economy to an open, export-oriented economy has occurred. Far-reaching changes have been undertaken in a short span of 3 years, at the same time devising prompt and effective steps to obviate severe social consequences which could have threatened future reforms. With these steps, coupled with popular support and a broad consensus across India's diverse political spectrum, the reform process has now acquired a momentum of its own.

The impact of the changes in India has had a profound effect on Indo-United States economic relations and has benefited both countries. American firms have been in the forefront of forging a new economic relationship. India's vast domestic market, huge educated, skilled and semi-skilled work force, sound financial institutions and time-tested and democratic system offer tremendous investment opportunities for forward-looking companies.

In shaping our history for the next century, we must look ahead to greater trade between nations. An unfortunate by-product of the past half century was the introduction of weapons of mass destruction around the world. The difficult and complex question of nuclear weapons proliferation can be effectively addressed only when we consider their global reach, requiring similar global solutions.

Every nation, large or small, rich or poor, is sovereign and possesses an inherent right and responsibility to its people to ensure their security. I firmly believe that the way to ridding the world of weapons of mass destruction lies in creating a world order based on the universal principles of equality and non-discrimination as means of enhancing security. The answer that we as nations choose will shape the destiny of the world in the coming century.

Progress has been made in establishing an international consensus for banning nuclear weapons testing and halting production of fissile materials for nuclear weapons purposes. India and the United States have worked closely together in helping to forge this international consensus. To consolidate these gains, further meaningful steps should be taken towards denuclearization which the international situation now allows.

And so much more remains to be done. A nuclear no-first-use agreement, indeed an agreement to outlaw the use of nuclear weapons is necessary in the short term by way of precaution, while serious multilateral negotiations are launched for nuclear disarmament, the objective being a nuclear-free world.

Distinguished friends, President Abraham Lincoln, in his first inaugural address on March 4, 1861 had said:

I hold that, in contemplation of Universal Law and of the constitution, the union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Physically speaking, we cannot separate this with the so-called self-determination slogans that are being raised today. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them.

Indeed in 1968 your Supreme Court had to say,

When Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union and all the guarantees of Republican Government in the union, attached at once to the state. It was the incorporation of a new member into the political body. And it was complete and final * * *

India accepts this statement as truly characteristic of a multicultural, multi-ethnic and multireligious republic like India or the United States and as totally unassailable.

It is the responsibility of nations to preserve the life and liberty of all their citizens under the law regardless of race, religion,or ethnicity. We in India, like you here in this great democracy, are determined in our assertion that the rights of minority groups must be protected vigorously under the rule of law. Our Constitution provides for this, our people demand this, and our heritage requires this.

The task that confronts democratic governments today is to maintain protection of human rights in the face of the most dangerous threat to the violation of human rights, namely, the bullets of terrorists. India is committed to protecting its citizens from terrorism and no government worth its name can shirk this responsibility. We are taking scrupulous care to protect the rights of individuals under due process of law and punish human rights violations whenever they occur. In this difficult and delicate task, we are doing all that is humanly possible.

As regards the United Nations, it has long been a strong defender of the rights of all the world's citizens. We must therefore promote, in all possible ways, the original mandate of the United Nations, namely, to provide collective security as a means of achieving peace.

The U.N. framework for pursuing global security through international cooperation must be preserved, despite the problems and limitations that exist. The international community needs to strengthen the U.N. and provide more resources if we expect it to respond to today's challenges.

It is our strong feeling too, that the U.N.'s decisionmaking bodies must more accurately reflect the regional situation of states in the world today. In order to chart a new course to navigate these troubled but exciting times, we need to recognise the role which many nations can play in the pursuit of peace.

Mr. Speaker, Indo-United States relations are on the threshold of a bold new era. We have seen unprecedented cooperation in a number of areas. Most recently Indian forces patrolled alongside United States and United Nations forces in Somalia. We share common interests in addressing global environmental crises, combating international terrorism, and stemming the tide of international narcotics trafficking. In these areas, the United States and India have worked closely together.

Yet there remain areas where further cooperation is warranted. Export controls on technology, while once a useful means for controlling weapons technology, now hinder, developing countries in their efforts to improve the lives of their people. Much of what is termed as weapons technology in fact has vital applications in a modern civilian society. Many special materials and complicated computer processors found in missile control systems are also found in hospital intensive care units and global telecommunications systems.

In October 1949, India's first Prime Minister Jawaharal Nehru had stated, "It was necessary, even desirable, and, perhaps, inevitable that India and the United States should know each other more and cooperate with each other more." Later that year, Prime Minister Nehru predicted that the next 100 years are going to be the century of America.

The Prime Minister was right. The 20th century will be known as the American century. Throughout the last 100 years of American and Indian history—through the peaks and valleys of Indo-United States relations—Nehru's words have rung true and a bond has been forged based on affinity and understanding. The success of Indian-Americans in this country reflects the understanding and mutual respect between the world's two largest democracies.

As India stands poised to contribute to global prosperity and peace in the next century, we look forward to continuing our partnership with America and with the American people.

India is one of the developing countries in which the process of development is firmly established. We have realized that no quick fixes are possible and that there is no substitute for hard work with full involvement of the people. The results achieved in India are commended by some, derided by others, on the basis of physical statistics. In all these appraisals, however, one crucial element that has not figured as it should, is the fact that Indian's progress has been achieved in a democratic set up. This dimension, I submit, is extremely important. As an experienced activist in the community development process in India ever since it commenced in the early 1950's, I can vividly recall the hurdles that we encountered in the path of development, for which many people have blamed our democratic process. Many scholars and experts, including some from this country, told us that we were attempting the impossible, and that at that rate, we were heading for nothing but failure and frustration by attempting development under democratic conditions. It almost became a fashion to assert that democracy was inimical to development and was not suited to developing countries in their initial stages of development. It may also be recalled that several countries had deviated from the democratic system in those years in the name of ensuring development in the first instance, as they put it. They were all the facts.

I am not merely recalling history. I would like to submit to this august assembly that the agenda for democracy is by no means over, all over the world. The principle of the system is perhaps universally accepted now, but even this acceptance is not unqualified. In the ultimate analysis, the survival and acceptance of any system would depend crucially on its capacity to deliver the goods. This may not be so obvious in countries where democracy has become a way of life and the political process has been rooted in the principle for centuries, making it normal and unquestioned. But elsewhere, the temptation to cut corners for immediate benefits and the tendency to superficialize democracy while the real wielders of power only make it a mask—these are phenomena that should make genuine votaries of the system sit up and think.

I may be forgiven for striking this new, if discordant note in the orchestra of prevailing opinion. I submit, sir, that the basic and most essential agenda of the world hereafter, perhaps through the next century, is the consolidation and concretization of democracy. On this single plank, directly or indirectly, will depend the prospects of peace, disarmament and development—in one word, the survival of humankind. I am not referring to the processes of democracy, but to its content which should, in essence, mean that the will of the ordinary citizen, as it is and not as it is manipulated for a given occasion, prevails. I do realize that this is a tall order; yet nothing less will do, if the dangers to democracy are to be met effectively. The 21st century must prove that development is best assured when democracy is assured.

The crux of the matter is, how much is the real stake in democracy that has

been created for all people of the world, not just some? How effective is democracy in solving the problems of the people where it has been newly adopted? This is a crucial question for the system to take root in what may be called somewhat alien soils.

In developing countries, government is a serious matter. A much larger proportion of people are affected by changes in government there than in affluent countries. This can be easily seen. It accounts for the heavier turnout of voters in developing countries when elections are held. By the same token, one could imagine the frustration and consequent erosion of faith in the system if the system fails to deliver. The success of democracy is therefore a very important part of political stability everywhere. The question therefore is: Since the bloc configuration which did not, and perhaps could not, put any great value on democracy then, is not such a compelling necessity now, what can the established democracies do for the success of their system in the world so that governments become transparent and are run according to the common aspirations of the common people everywhere? I have no ready-made answers, but I am sure that the task is worth taking note of. And I beseech your attention, as a tested and tempered person from the grassroots of a developing society who, in the footsteps of great stalwarts, struggled for freedom, attained freedom and has ever since been involved in consolidating that freedom in a vast and complex country where nothing has been easy through the long centuries, where life has been a perpetual walk on a razor's edge.

There is another matter in which we come face to face with the need for responsibility, in thought and in action. It is a similar sense that must inform our tending of our planet's resources. The pace of development often prompts the appropriation—or misappropriation—of what is not ours, this generation's alone, legitimately. I recall the felicity with which, I, in my campaign to be a State legislator, promised roads to my constituents 40 years ago. We built the roads, but lost the forests. That, perhaps, epitomizes the dilemma of a development that must sustain itself and sustain the heritage within which it is rooted. Today's easy options could prove to be tomorrow's regrets; so it is in the quest for technologies that allow development with responsibility that we have yet another critical area for the partnership between India and America, and our peoples.

Mr. Vice President, 2 years ago you authored a book which one critic, very aptly, described as remarkable for a political figure in that you wrote it yourself. Going through it, with an interest compelled as much by your style as your subject, I came across an anecdote about Mahatma Gandhi that I had not chanced upon earlier. It bears repetition, and I hope you will allow me. Gandhiji, you write, was approached one day by a woman, concerned that her son ate too much sugar. She requested him to counsel her son about its harmful effects. The Mahatma promised to do so but asked her to return after a fortnight. This they did and Gandhiji advised the boy as he had promised. The mother was profuse in her gratitude but could not conceal her puzzlement as to why Gandhiji had insisted on the interval of 2 weeks. He was honest in his reply, and said: "I needed the two weeks to stop eating sugar myself."

We are now in the closing years of a century ravaged by war, made heroic by the scientific, intellectual and creative attainments of man, enfeebled by want and deprivation and yet made strong by our collective capacity to identify solutions that had eluded us in the past. We recognize those solutions, but like Gandhiji, we will have to take our 2 weeks to practice them before we acquire the authority to prescribe them to others. That, in a sense, is what responsibility is all about.

Lala Lajat Rai, one of the great fighters for India's freedom, had written of the "numberless American men and women who stand for the freedom of the world, who know no distinctions of color, race, or creed and who prefer the religion of love, humanity, and justice." Mr. Vice President, Mr. Speaker, and distinguished friends, the people of India count upon those numberless women and men of this great country to work together with them to realize the vision that our shared experience and practice of democracy have made possible and the responsibilities of our times have rendered necessary.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., the Prime Minister of the Republic of India, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 43 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Ms. ENGLISH of Arizona. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 15 1-minutes on each side of the aisle.

GREAT BENEFITS SEEN FOR WOMEN WITH UNIVERSAL HEALTH CARE COVERAGE

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

Ms. ENGLISH of Arizona. Mr. Speaker, I rise to emphasize how universal health care coverage can have a real impact of the lives of millions of women.

Women now pay 68 percent more in out-of-pocket health costs than men. These high medical costs directly affect the health of low-income, and (un)insured women who can't even afford routine exams. An (un)insured woman with breast cancer is 50 percent more likely to die from the disease.

In Arizona, 2,500 women are diagnosed with breast cancer each year. One-fifth of those women die. But early detection can decrease the mortality rate by more than 30 percent.

My colleagues and I on the Education and Labor Committee are succeeding in improving health coverage for women—yet we are humbled by the long battle ahead of us.

In Chairman Williams' mark, we have made mammograms, pap smears, and other preventive services affordable for all women.

Mr. Speaker, I say to my colleagues, we need to show leadership and persistence in achieving universal health care coverage for all Americans.

CALLING FOR THE RECOGNITION OF TRUE FREEDOM, DEMOCRACY, AND HUMAN RIGHTS IN INDIA

(Mr. BURTON of Indiana asked and was given permission to address the

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

Mr. BURTON of Indiana. Mr. Speaker, the Prime Minister of India spoke very eloquently from this lectern just a few minutes ago, but some of the things he did not talk about need to be illuminated.

He talked about Martin Luther King, but he did not mention that in India, if you are black, you will never be able to rise above cleaning streets or cleaning toilets, and if you talk to anybody in a higher caste or even touch them, they can kill you.

He talked about freedom and democracy and human rights. He even quoted Thomas Jefferson, but he did not comment about the T.A.D.A. law, which allows the government to take people out of their homes in the middle of the night and throw them into jail without any due process of law for up to 2 years.

He did not talk about the 1.2 million Indian troops in Kashmir and Punjab and Jagaland and elsewhere persecuting Moslems, Sikhs, and Christians.

He did not talk about the torture and the gang rapes that are taking place at the hands of the Indian troops in those areas. He did not talk about the disemboweling that is taking place, this kind of torture that is taking place, under the guise of freedom, democracy, and human rights.

Mr. Speaker, we must tell the world the truth about what the Indian Government is sanctioning, and we must make sure that the world makes them change their policies, because freedom, democracy, and human rights truly should be recognized in India.

SMALL BUSINESS AND HEALTH CARE

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

Mr. DERRICK. Mr. Speaker, small businesses try to provide comprehensive health care for their workers, but they suffer a distinct competitive disadvantage. On average they pay 35 to 50 percent more just to provide the same coverage as larger businesses.

Most often this simply prohibits them from offering the coverage they would like to. Health care reform will ease the burdens heaped on these businesses, giving them choice and flexibility where they now have little.

Health care reform will allow small businesses to offer real, comprehensive coverage instead of having to settle for bare bones programs.

Reform will prevent insurance companies from shifting costs onto the backs of small businesses.

Reform will give small businesses more leverage in negotiating with insurance companies.

Small businesses will get a better deal out of reform. It will save them money, and give them the power to expand and create jobs with the savings.

NATIONAL LEADERSHIP, OR THE LACK OF IT

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

Mr. THOMAS of Wyoming. Mr. Speaker, the front page story in the Washington Post put it this way:

> President Clinton's stern threat to punish China with trade sanctions if it fails to improve its record on human rights has all but collapsed in a jumble of cross purposes, second thoughts and mistaken assumptions about the ease of reaching compromise with Beijing.

The President's policy with the world's largest country has been a complete failure. And it gets worse from there.

From Haiti to Bosnia, from Japan to Rwanda, the Clinton administration has failed to articulate a clear, consistent or logical foreign policy.

Remember when the President's campaign said, "It's the economy, stupid."

Well, if the President continues to neglect our relations with our competitors, trade partners, enemies, and friends, our economy will sink like a rock in the ocean.

Mr. Speaker, it is not only the economy. It is leadership, and right now the United States isn't showing much around the world.

HIGHER INTEREST RATES, AND TAX PAYMENTS BY CREDIT CARD

(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, once again the Fed has raised interest rates, this time one-half percentage point. They say, "Try it, Mikey, you will like it. It is good for you, Mikey. Pay more."

They said, "Even though we are raising these rates, in the long run, it is going to be cheaper for you, Mikey." Beam me up, Ivan Boesky.

I find it also very coincidental, at the same time the Fed is going to raise taxpayers' interest rates, Uncle Sam is going to allow them to pay their taxes and back taxes with their plastic weapon, a credit card. No more hassles, just use that Visa, American Express, Discover, MasterCard, and just pay all those back taxes.

Mr. Speaker, here is exactly how I feel, because I do not buy it. Anyone who is willing to give their Visa card number to the Internal Revenue Service is either smoking dope or should be counseled by Dr. Kevorkian. Beam me up. The IRS is already in our bedroom. Now do we want them in our checking accounts?

I yield back the balance of my credit card account, Mr. Speaker.

AS THE DEMOCRATS MEET

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

Mr. HOKE. Mr. Speaker, recently the ranking members of the Committee on Education and Labor, the Subcommittee on Health of the Committee on Energy and Commerce, and the Committee on Ways and Means in the House, sent a letter to the chairmen of those committees asking for some bipartisan support, and to get together and have a meeting on how they could all go with a Republican-Democrat approach to health care reform.

The chairman of the Subcommittee on Health in the Committee on Ways and Means scribbled across the top of the letter that he had received, and sent it back to the ranking committee member on the Committee on Ways and Means, that "This is pure, unadulterated * * *" and I cannot finish the sentence here in the House. Apparently the congressional Democrats and President Clinton are going to meet again next week to plot ways to pass health care reform without Republican help, because I guess they do not want it.

Since the Democrats seem to be so out of touch with what middle-class America wants from health care reform, let me give them some hints. First of all, the American people want reform that preserves the high quality of our current system. They want malpractice reform to keep health care dollars from going to lawyers. They want portability reform, a change in preexisting condition requirements, and other insurance reforms that will promote universal access to private health insurance.

The American people do not want to pay a huge payroll tax. They do not want 98,000 more Federal bureaucrats to run it.

Mr. Speaker, the people want reform now that fixes the problems of our current system without creating a whole new set of problems to be fixed later.

TRIBUTE TO ROBERT T. SECREST

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

Mr. APPLEGATE. Mr. Speaker, this week a giant of a man passed this scene: Robert T. Secrest, age 90, former Democratic Member, former Federal Trade Commission member, appointed by Dwight D. Eisenhower, former member of the Ohio House of Representatives and the State Senate, and a former Ohio Director of Commerce.

Bob Secrest came to this Congress in 1932 with Franklin Delano Roosevelt,

elected with Jennings Randolph of West Virginia. These were the two oldest former Members. Jennings Randolph still lives.

Bob Secrest was the first Member to leave Congress to join the service in World War II, joining the U.S. Navy. In Ohio, he was known as the veterans' veteran. He was called Mr. Veteran, and when he was a Member of this House, he served on the Committee on Veterans' Affairs.

He was the only person in the history of this Congress ever to be elected three times, one of the most admired and respected gentlemen that I have ever had the chance to meet. He was a confidant and a very personal friend.

He was preceded in death only recently by his beautiful wife, Virginia "Dutch" Secrest. He will be missed by all who knew him.

WHATEVER THE QUESTION, THE ANSWER IS ALWAYS TAXES

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

Mr. SMITH of Texas. Mr. Speaker, quietly the word has been coming out that the administration may need more taxes.

Amazing. With tax forms filed barely a month ago, the hand is already creeping out of their pockets and toward yours.

First, we hear the Social Security System needs fixing. Again. And the same team that fixed it last time, would like to fix it this time.

Next, it is the health care system that needs fixing. At one time, this fixing was supposed to save us money. Now it seems it will cost us money so a broad-based $40 billion tax is being mentioned.

If the same team of Mr. and Ms. Fixits kept coming to your house to fix what they had fixed before, at ever higher prices, you would slam the door.

Well, the same team is back. They are telling you they have found another problem for them to solve and all you have to do is pay for it.

The real problem is with this phalanx of Federal fixers. With them, whatever the question, the answer is always taxes.

SPECIAL INTEREST ORGANIZATIONS OPPOSE SPENDING CUTS

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

Mr. WALKER. Mr. Speaker, any time a Member of Congress has the audacity to suggest spending cuts in this body, the special interests pounce upon that Member of Congress with a vengeance. The latest target of special interest lobbying is cutting spending A to Z. This plan really has the big special interests upset, and there are certainly a lot of these special interests to get upset.

Let me give a listing that was recently sent to our offices, A to Z, of some of the special interests that are saying that they are opposed to cutting spending this time around:

AFSCME, the AIDS Action Council, the Air Force Association, the Air Force Sergeants Association, the Amalgamated Clothing and Textile Workers Union, the Amalgamated Transit Union, the American Arts Alliance, the American Association of Classified School Employees, the American Association of Community Colleges, the American Association of Dental Schools, the American Council on Education, the American Counseling Association, the American Educational Research Association, the American Ex-Prisoners of War, the American Federation of Government Employees, the American Federation of Teachers, the American Jewish Committee, the American Jewish Congress, the American Network of Community Options and Resources, the American Planning Association, the American Postal Workers Union, the American Public Health Association, the American Speech, Language and Hearing Association, the American Symphony Orchestra League, Americans for Democratic Action, the Association of Art Museum Directors.

Mr. Speaker, is my time up? I have not even gotten through the A's yet.

□ 1230

I am trying to do this A to Z with all of these special interest groups that are saying they are opposed to A to Z, and I have not gotten through the A's yet. I will have to continue later.

OPPORTUNITIES FOR CUTS IN DEFENSE SPENDING

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I heard a lot of Members say they want some opportunities to do some spending cuts, and today we are going to have some great opportunities to do spending cuts. We are coming forward with a $262.7 billion defense bill. That is more than the whole rest of the world is spending together, and I remind Members the cold war is over.

We have $3.7 billion in there for a nuclear powered submarine. There is $2.7 billion for ballistic missile defense, the old SDI. There are all sorts of other things that there will be amendments on so Members who really want to do some spending cuts, now is the time for real spending cuts, and let us see how this all comes out at the end of the day.

IT IS A QUESTION OF LEADERSHIP

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

Mr. GOSS. Mr. Speaker, Candidate Clinton promised laser-like focus on domestic issues. President Clinton is following through. But unfortunately the world isn't standing still while the President and his advisors scramble to catch up on international affairs.

While we tend to our knitting at home there is other knitting going on in the world, and there are now lots of loose ends, dangerous loose ends.

The nuclear standoff in North Korea, unrest and violence in Bosnia and crisis in Haiti, all provide startling pictures of the disarray our foreign policy finds itself in. President Clinton thinks the American people don't care—but the public is alarmed by the inconsistent and ineffective foreign policy we are witnessing. Only 13 percent believe, according to polls, the administration has a clear foreign policy, only 13 percent, and 53 percent outright oppose what he is doing. Mr. Speaker, the President must understand world events are too important for a passing glance. It is time to focus and it is a question of leadership.

WOMEN'S CONCERNS DEEMED CRUCIAL TO HEALTH CARE REFORM

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

Mrs. CLAYTON. Mr. Speaker, I want to take this opportunity this morning to commend my colleagues in the House who are tirelessly working to ensure that all women will receive adequate health care coverage under health care reform.

At a time when most everyone is recognizing the importance of preventive health care measures, it would be such a great loss to not have included in the benefits package screenings and tests that would alert women and their physicians to diseases such as breast and ovarian cancer. Also, we must ensure that every women has ready access to gynecological and obstetrical care as well as access to family planning services.

In the past, women's health concerns have not been readily addressed. The treatment of women's health concerns have lacked seriousness and aggressiveness. As we begin anew under health care reform, I look to the opportunity to have women's concerns form a central part of any comprehensive health benefits.

To go forward with a health care plan that does not provide adequate coverage for women would be disastrous for half of our Nation's citizens.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship from H.R. 3222, the Managed Competition Act of 1993.

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

There was no objection.

PRESIDENT CLINTON'S ENDORSEMENT OF ROWLAND-BILIRAKIS HEALTH CARE PLAN WOULD BRING QUICK ACTION

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

Mr. Speaker, I rise today to call attention to the man who has emerged as the greatest obstacle to health care reform—Bill Clinton. The American people do not want bigger government. They do not want more bureaucracy and they do not want health care reform to threaten choice or the quality of care their family receives. The American people now believe that is exactly what the Clinton plan will mean.

The flip-flops, wavering, and deceptions on the middle-class tax cut; Whitewater, Haiti, Bosnia, North Korea, China, and so forth have all contributed to a remarkable erosion in Bill Clinton's overall creditability. And now it turns out that Bill Clinton's biggest creditability problem is in health care. By introducing such a massive plan, Bill Clinton has asked the American people to trust him with their health care—and the American people simply do not trust Bill Clinton.

It is time for the President to accept the verdict of the American people and to show leadership by endorsing the Rowland-Bilirakis approach that can reach a bipartisan majority before the August recess.

AMERICA NEEDS DECISIVE LEADERSHIP

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

Mr. KNOLLENBERG. Mr. Speaker, yesterday's survey results on the public's faith in President Clinton's foreign policy skills were no surprise to me and my colleagues. We have known for some time that our country's once unquestioned role as leader of the free world is *now* in doubt.

Only 40 percent of all Americans approve of Mr. Clinton's handling of foreign affairs, and with the way we are headed in Haiti, Bosnia and North Korea, does anyone really believe that this number is going to improve?

It has become a question of leadership. Is the decisiveness there? Will we defend our strategic interests? These types of questions are getting louder, not just at home I remind you, but more and more from our allies abroad.

Mr. Speaker, what type of message is President Clinton sending our troops stationed at the border between North and South Korea?

What type of message do his weekly policy changes send to military dictators in Haiti?

And what type of message does his wavering send our NATO and UN allies when we do not deliver on our promises in Bosnia?

Mr. Speaker, I urge you and my colleagues in calling on President Clinton to be decisive and act out of conviction. The American people deserve it and our allies *demand* it!

America needs *decisive leadership*.

HOW THE CLINTON HEALTH CARE PLAN AFFECTS SMALL BUSINESSES

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

Mr. WISE. Mr. Speaker, I would remind my friends on the Republican side of the aisle who are referring to polls, apparently that is why Bill Clinton is in office and they are not, because George Bush was a weather vane on polls. He would not move without looking at what the polls showed, and so I think there is quite a statement there. We choose not to operate strictly on polls.

But, Mr. Speaker, I want to talk about small business and health care, because I have a feeling, and I just want to say to those who say that the Clinton health care plan and proposals being discussed are bad for small business that those who are lobbying, Mr. Speaker, telling their memberships for instance that this is bad for small business may themselves be out of office in a few short months if their members ever take a look at what some of these packages are.

For instance, does small business really know that under the Clinton plan that a minimum wage worker would only cost 19 cents to insure? The minimum wage increase was 90 cents in two installments in 1988, and yet here we get full coverage.

Does small business truly appreciate that in many cases thousands of dollars less in premiums would be charged under the Clinton plan than their present situation?

INTRODUCTION OF STOP-AND-FRISK LEGISLATION TO COMBAT GANG VIOLENCE

Mr. PORTMAN. Mr. Speaker, yesterday, I introduced, together with my colleague, the gentleman from California [Mr. CONDIT], legislation to help law enforcement officers combat rampant gang violence that is threatening our communities all across America. Our legislation clarifies that membership in a gang known for violent crime shall be a sufficient basis for a police officer to stop and frisk for a weapon. Gang violence is not only a problem plaguing our major cities; it is starting to creep into smaller communities. The New York Times today described on its front page a chilling gang murder in Davenport, IA.

Just days ago in my own congressional district, a carload of young men of one gang came into the small city of Norwood, OH, assaulted a group of teenagers of another gang and ended up shooting to death a 20-year-old.

We have to do all we can to stem the epidemic of gang violence in America. As noted criminologist James Q. Wilson recently stated,

> Our goal should be to reduce the number of people who carry guns unlawfully, especially * * * on streets * * * where the mere presence of a gun can increase the hazards we all face. The most effective way * * * is to encourage[e] the police to make street frisks.

Captain Tom Williams, assistant chief of the Norwood police, said,

> Your stop and frisk legislation will help make pat downs of gang members, routine. The risks involved in performing the pat downs are few and the costs of not doing so are high.

I urge you to cosponsor this legislation to help prevent the kind of violence we have seen in Norwood, OH, and Davenport, IA, creep into your own communities.

□ 1240

HMO CLAIMANTS ARE DENIED BENEFITS WHILE EXECUTIVES GET MILLIONS IN SALARIES AND BONUSES

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

Ms. ESHOO. Mr. Speaker, the San Francisco Chronicle recently reported that a Northern California for-profit HMO CEO received more than $4.3 million in salary and bonuses in 1 year, excluding stock options.

Foundation Health's CEO made more money than the CEO's of Chevron, Bank of America, or Hewlett-Packard.

In the same year, this HMO denied requests from several of its members for a $120,000 experimental bone marrow transplant to treat breast cancer.

Only after suing did one of the patients finally receive treatment and beat cancer.

This case demonstrates how lopsided, unfair, and sick the entire system is.

Paying seven figure salaries while providers duck payment of life-saving treatments cannot be defended.

Mr. Speaker, I believe our health care system must be competitive. But it must also be cost efficient. And most importantly, Mr. Speaker, its purpose must be to make Americans healthy—not a few HMO executives wealthy.

MILITARY BEING CUT TO THE BONE MARROW

Mr. CUNNINGHAM. Mr. Speaker, there are some of the Members who got up and said they need to cut defense. We have cut defense $177 billion.

Candidate Clinton said $60 billion would put us into bone marrow; $177 billion.

Let me tell you how the administration and the liberals are trying to kill defense. First of all, the base closure, the savings is supposed to go to pay for the military in 1995 and out. They are living on bone marrow through 1994. But they cannot use the money for 1993 base closure because this administration is not funding it.

We testified that environmental cleanup was going to cost much more. But it is costing more, and there is no savings from a lot of these bases. So our out years are being expanded.

The NTC in my district, the base commander had to spend $30,000 for plywood to board it up because President Clinton will not fund BRAC 1993.

The gentlewoman from California says we need to cut. There are $4 billion in social spending in the military bill, $45 million for pork barrel in her district.

Let us cut out that $45 million from the gentlewoman from Colorado.

WELCOME TO PARLIAMENTARY DELEGATION FROM KUWAIT

Mr. WELDON. Mr. Speaker, I rise today to welcome and pay tribute to the inaugural visit by a parliamentary delegation from the state of Kuwait. This is the first time we have been able to host 12 members of the new National Assembly in that country.

In fact, Mr. Speaker, during the debate before and after Desert Storm, there was much criticism on the floor of this body and the other body that Kuwait had not done enough to extend democracy to its people. In fact, the National Assembly has been in place for several years and is in fact taking separate positions from the Emir and is beginning to play its role representing the citizens of that nation.

The Speaker of the National Assembly, Ahmed Abdul-Aziz Al-Saadoon, is here leading that delegation.

We officially welcome that delegation and look forward to an ongoing dialog with Members of our Congress from both parties. I am extremely pleased to hear that our Speaker and leadership of the minority party are meeting with the delegation, and I would remind my colleagues that this evening between 5:30 and 7:30 my colleague from the other side, the gentleman from Texas [Mr. PETE GEREN], and I will be hosting a reception, and I would encourage all of our colleagues to come out and to interact with the leaders of the National Assembly from Kuwait.

INTRODUCTION OF LEGISLATION TO STOP THE SPACE STATION

Mr. ROEMER. Mr. Speaker, if you were investing in the stock market and you could invest in the space station, two of the things that you would evaluate would be, on the one hand, the track record, the past, and, on the other hand, the future prospects.

The track record of the space station has been for 10 years that we have invested $11 billion. We have redesigned it seven times, and we still barely have a name for it let alone any kind of hardware.

The future? Now we have a space station which we are supposed to invest with Russia on. We are losing jobs with this new space station. It is down approximately 20,000 jobs from the last Freedom space station, and we are turning the NASA budget into a foreign aid budget with $400 million going from NASA science to the Russians.

This space station must be stopped, and I am introducing a bill today to stop it, and I would encourage my colleagues to support this legislation.

THE BIPARTISAN BI-WAY

Mr. HASTERT. Mr. Speaker, there are two roads to health care reform. The partisan path is cluttered with extremist plans, conflicting ideologies, some stubborn chairmen, and far-off dreams.

Every good intention, every brilliant idea, every necessary reform on this path is bottled up in policy gridlock.

The bipartisan path is free of the partisan extremism found in the first road. It contains only those willing to put special interests aside for the national interest rather than building these useless bureaucratic loops. It promotes common sense and quick action.

Every single American will be impacted by the health care reform bill that Congress passes, and yet it appears that some remain willing to keep health care reform a partisan issue.

Let us put partisanship behind and craft a health care reform bill that can pass with over 300 votes in this House that will be real change.

SLAUGHTER IN RWANDA

Mr. MICA. Mr. Speaker, as history records this past month, unfortunately it will recall another sad chapter in President Clinton's foreign policy.

I am not talking about Bosnia, Haiti, North Korea, or China, I am speaking about Rwanda.

This time the United States failed to act to avert a genocide of our time. This administration not only ignored the wholesale slaughter in Rwanda, it delayed action on creating an international force and allowed the killing to continue.

Instead of leadership to stop the massacre we provided delay. Instead of demanding United Nations action—we offered an arms embargo after hundreds of thousands had been hacked to death by machetes, knives and spears.

When we say never again to a holocaust—we once again speak as hypocrites.

As we watch the rotting human corpses on our color TV screens we see before our eyes another failure in foreign policy and a sad chapter in the history of mankind.

Unfortunately whatever we do now is too little too late.

PROVIDING FOR CONSIDERATION OF H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 4 of this resolution. Except as specified in section 3, 4, or 5 of this resolution, each amendment printed in the report shall be considered only in the order printed

and may be offered only by a Member designated in the report. Each amendment printed in the report shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that pro forma amendments for the purpose of debate may be offered by the chairman or ranking minority member of the Committee on Armed Services). All points of order against amendments printed in the report are waived.

SEC. 3 (a) After disposition of or postponement of further proceedings on amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution, it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Such consideration shall begin with an additional period of general debate, which shall be confined to ballistic missile defense and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

(b) After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, it shall be in order to consider the amendments printed in part 3 of the report (relating to burdensharing).

(c) After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, it shall be in order to consider the amendments printed in part 4 of the report of the Committee on Rules accompanying this resolution. Such consideration shall begin with an additional period of general debate, which shall be confined to the Trident II (D–5) missile and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

(d) After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, it shall be in order to consider the amendment printed in part 5 of the report (relating to the *Seawolf* submarine).

(e) After disposition of or postponement of further proceedings on the amendment printed in part 5 of the report, it shall be in order to consider any amendment printed in part 1 of the report not previously considered.

SEC. 4. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendment en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 5. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration any amendment made in order by this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. After disposition of or continued postponement of further proceedings on each of the amendments printed in the report of the Committee on Rules accompanying this resolution and any amendments offered pursuant to section 4 of this resolution, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

□ 1250

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

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

Mr. FROST. Mr. Speaker, House Resolution 429 provides for the initial consideration of H.R. 4301, the National Defense Authorization Act for Fiscal Year 1995. This resolution provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. The rule makes in order the Armed Services Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment. The substitute shall be considered as read. All points of order are waived against consideration of both the bill and the substitute.

The rule makes in order only those amendments printed in the report to accompany the rule, certain amendments en bloc described in section 4, and pro forma amendments if offered by the chairman or ranking minority member of the Armed Services Committee. Except as specified in section 3, 4, or 5 of the rule, the amendments shall be considered in the order and manner specified in the report. The rule provides that unless otherwise specified in the report, each amendment is debatable for 10 minutes equally divided and controlled. The amendments shall be considered as read and are not subject to amendment nor a demand for a division of the question. All points of order are waived against the amendments in the report.

The rule provides for an additional period of 20 minutes of general debate on the subject of ballistic missile defense and an additional period of 20 minutes of general debate on the subject of the Trident II (D–5) missile. The amendments printed in part 2 of the report (relating to ballistic missile defense funding) will be considered under the king-of-the-hill procedures.

The chairman of the Armed Services Committee or his designee is authorized to offer amendments en bloc consisting of the amendments printed in part 1 of the report and germane modifications thereto. The amendments en bloc shall be considered as read except that modifications will be read. The amendments en bloc are debatable for 20 minutes equally divided and controlled by the chairman and the ranking minority member of the Armed Services Committee and are not subject to amendment nor a demand for a division of the question. The original proponents are permitted to insert statements in the RECORD. All points of order are waived against the amendments en bloc.

The chairman of the Committee of the Whole is permitted to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first series of votes.

The chairman of the Committee of the Whole is permitted to recognize for consideration of any amendment printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Armed Services Committee or a designee announces from the floor a request to that effect. Finally, the rule provides that no further consideration of the bill shall be in order except as subsequently ordered by the House.

Mr. Speaker, with adoption of this resolution we can begin the important debate on our Nation's defense policy. H.R. 4301 authorizes $262.8 billion for defense and for Department of Energy national security programs. This is about $900 million less than what was requested by the President, but $1.8 billion more than the amount appropriated for fiscal year 1994.

H.R. 4301 provides funding authorizations for our Nation's defense activities, including procurement, research, development, test and evaluation, operation and maintenance, military personnel, defense conversion, and other items necessary to our national defense efforts.

We are continuing to find our way in the post-cold-war era. In previous years, the threat to our national security was easy to recognize—quite simply, it was the Soviet Union. We crafted a defense policy based on this threat, procured weapons systems based on this threat, and trained our military forces to deal with this threat.

But the threat is changing. The former Soviet Union has undergone an extraordinary transformation, and is no longer the dominant military threat it once was. Instead, we are seeing other trouble spots breaking out throughout the world. Bosnia, Somalia, Korea, and Haiti all represent potential national security challenges to our country. And who knows where the next crisis will erupt?

Mr. Speaker, the world remains a dangerous place. We cannot deceive ourselves into thinking that, just because the former Soviet Union has broken up, we can let down our guard. Armed conflict can arise at any time, at any place, requiring the use of American power to protect our national security interests. We must remain prepared to deal with those threats.

H.R. 4301 provides the authorizations to ensure that we have the resources necessary to respond to threats to our national security. In ensures that the men and women who serve our Nation are well trained, and have the equipment and systems required to protect our shores and our interests in the world.

Of course, even with the fine work of the Armed Services Committee in bringing this bill to the floor, policy issues remain to be debated. By adopting this resolution, we can begin that debate on issues such as ballistic missile defense, burdensharing, the Trident II missile, and the *Seawolf* nuclear attack submarine. Members will have the opportunity to address other critical issues later during further consideration of this bill.

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

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

□ 1300

Mr. Speaker, I urge support for this rule.

Mr. Speaker, my friend, the gentleman from Texas [Mr. FROST], has adequately explained the rule, so I will not go into detail about that. The rule, however, does make in order an en bloc package of miscellaneous amendments, and it provides for the consideration of other amendments in the specific areas that the gentleman from Texas has mentioned.

I would like to assure the Members that this first rule is the byproduct of bipartisan consultation, and therefore, it deserves our support on this side of the aisle. I will be voting for this rule.

I would also like to make clear, however, that several of the more controversial amendments listed in the en bloc package will be subject to separate consideration and separate votes, and that is as it should be. These are the last three amendments listed on the handout provided to Members.

Having said all this, Mr. Speaker, I must also be very candid and let the Members know that Republican support for this rule today does not in any way bind us to support the next rule. If Members will recall, there were four rules last year on the defense bill. For this bill we expect only one additional rule, but indeed this present rule may very well be the calm before the storm. The really heavy lifting will come in the next rule. If that rule does not provide for a balanced consideration of the critical issues on which our Government must make some timely decisions, let me assure all the Members that all hell is going to break loose around here. I say that reluctantly, but with emphasis.

Mr. Speaker, I have great respect for the chairman of the Committee on Armed Services and for the ranking Republican member. Those two gentlemen have established a record of bipartisan cooperation that should serve as a model for other committees. In fact, we would have a much better Congress if other committees operated in the same way that the Committee on Armed Services does under the leadership of the chairman, the gentleman from California [Mr. DELLUMS]. However, the Committee on Armed Services unfortunately has been straitjacketed by a series of budget resolutions and reconciliation bills that have torn the guts out of the defense budget. Add to all that the indecision, the vacillation, and the outright cowardice shown by this administration, and we are presented with a formula for disaster as far as the national defense of this country is concerned.

Mr. Speaker, this defense authorization bill represents the latest installment in an ongoing effort to dismantle the security posture of the United States of America. The defense budget in real terms has declined by 35 percent since fiscal year 1985. That is 35 percent. And then the Clinton administration comes along and slashes another $120-plus billion out of the defense budget, cuts made above and beyond the 5-year phased reduction proposed by the previous administration. This year's defense cuts are so deep, and they are so unjustified in light of the global crises out there, that this President cannot meet the minimum spending levels his own Bottom-Up Review defined as necessary to protect the vital interests of the United States.

Mr. Speaker, this Congress will live to rue the day it decided to go along with this irresponsible nonsense.

Mr. Speaker, the ship of state is adrift. A lethal combination of factors is coming together. At the same time that defense cuts are disconnecting the ship's rudder, the administration, with the captain at the helm, cannot find a compass. I am not sure that he is even looking for one, if you look at his record on foreign policy. One thing we do know for sure, the administration is showing a growing intolerance of criticism and fervently wishes to squelch a congressional debate on peacekeeping, among other sensitive subjects.

The distinguished Republican leader has filed three amendments on peacekeeping that must be included in the next rule or else there will be unanimous Republican opposition to that rule and probably to the bill itself.

His first amendment would stop the shell game whereby the United Nations can charge the United States over 31 percent of the cost of the peacekeeping operation and then issue everybody a blue helmet without ever acknowledging the in-kind logistical and operational support that America is already providing and which makes the whole peacekeeping effort possible in the first place.

In other words, we provide all the transportation and we take all the blue-helmeted soldiers into a strategic area; then we come back, and because we are not wearing the blue helmets, we do not even get credit for having participated. But we still have to shell out of our own pockets, the pockets of the taxpayers, another 31 percent of the cost. That means we end up paying 50, 60, or 70 percent of all these peacekeeping efforts that are going on all over the world.

Why should we pay at both ends and never have our true contributions acknowledged, much less appreciated? I just think it is wrong.

BOB MICHEL's second amendment would end the monstrous folly of placing U.S. troops under the operational command and control of foreigners. If you have looked at the operations in Somalia and other areas around the world, you know that is an absolute disgrace. It is the first time in the history of the United States that we have ever put American troops under foreign control, the consequences of which can only get much, much worse.

The gentleman's third amendment would prohibit defense funds from going to the United Nations as payment for the U.S. assessment in support of a peacekeeping mission. Let the administration find that money somewhere else, preferably in the State Department budget. The pinstriped boys at the White House and the State Department might be a little less willing to sign up American troops for every misguided operation that comes along if they knew that they could not count on getting a blank check from the Pentagon, a blank check that the American taxpayers end up paying in the long run.

Mr. Speaker, there are many other issues that need to be debated, and I hope the next rule for this bill, which should reach the floor on Friday, will provide for a fair debate. This is the most important bill to come before this Congress this year or any other year.

It is the real reason why the Government of the United States was formed in the first place, to provide for a common defense. That is really what we are here for. I urge the Members to make sure that the rule next Friday is going to be a fair one. Again I urge support for this first rule today.

Mr. Speaker, I include with my remarks the following materials to appear in the RECORD:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	66	14	21	52	79

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

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

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

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 18, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994)
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994)
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		

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

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 15, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Department of Defense on H.R. 1055, 103d Congress, a bill "To direct the Secretary of Defense to issue a commendation to each individual exposed to mustard agents during World War II, and for other purposes."

H.R. 1055 would require the Secretary of Defense to issue a commendation to individuals exposed to mustard agents during World War II, and to notify these individuals of their exposure, the possible health effects of the exposure, and the options available to them for medical treatment for health effects resulting from the exposure. Further, if the bill were enacted the Secretary of Defense would be required to make available to the Secretary of Veterans Affairs any information regarding exposure to include the names of the individuals.

We fully support H.R. 1055. We do caution, however, that given the many years that have passed since some of these activities were carried out, and the format and dispersion of the records, it may not be possible for us fully to identify and notify all participants. In spite of the above obstacles, the Department of Defense is committed to doing everything possible to support the bill's provisions. We continue to pursue the review of records and we are determined to make as complete and thorough a review as possible and to share our findings with the Department of Veterans Affairs.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

STEPHEN W. PRESTON,
Acting General Counsel.

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

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have been voting for these defense bills, and I have listened to these arguments on both sides of the aisle. There is a lot of good in the defense bill, but each and every one of us has some problems with it, and I have some concerns myself.

I believe that the American taxpayers pay for the defense of Japan and Germany and Europe to the tune of about $100 billion. That is, "b", a hundred billion. Now, I know they say that protects American interests when we send all this money over there, but I want the Members to think about this.

The taxpayers of American send a check over to Frankfurt to an American soldier who cashes his check at a bank in Frankfurt. Then he goes out and he buys clothing in Heidelberg, or he goes to dinner in Dusseldorf, or in fact they may take in a theater at some point in Rome, or some American soldier may cash his check and buy sushi in Tokyo. This amazes me. And yet we have millions of illegal aliens running across our border, and Congress is feverishly trying to find money to finance new Border Patrol agents. I just cannot believe how dumb the Congress of the United States can be.

Now, I say to the gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. FROST] that I have a little amendment to offer. It has been on the books for 3 years, and I have been jacked around.

□ 1310

Here is what is says: The Traficant amendment says the Secretary of Defense can take some of these soldiers, who are falling out of chairs without armrests in Europe, and relocate them on our borders so we do not have to come up with more money and bankrupt American families and taxpayers. And they can work with immigration, they can work with the Border Patrol, they will not violate posse comitatus laws, and they will help to keep out illegal aliens, heroin, brown Mexican heroin, crack, guns, and people that end on welfare programs. And that is not a statement being made against Mexico and southern America. I know the problems we have. I want my amendment in the damn bill.

Mr. HUNTER. Will the gentleman yield?

Mr. TRAFICANT. I will yield to my good friend from California.

Mr. HUNTER. I thank my friend from Ohio for his amendment. I think it is an excellent amendment, and I think the Republican side of the aisle will do everything it can to see that the gentleman's amendment is made in order. The gentleman is right on point with respect to the massive smuggling that is taking place on the border.

We are knocking out 1,700 young people a week out of the military, taking them out of uniform. We are, in fact, supporting a great deal of the rest of the free world with American taxpayer dollars. We could make some common sense decisions, and I think the gentleman's amendment is excellent.

Mr. TRAFICANT. Mr. Speaker reclaiming my time, I appreciate the support of the gentleman from California [Mr. HUNTER]. I have voted to support the gentleman on every one of his border initiatives. The gentleman has been a leader in the Congress.

Mr. Speaker, the Traficant amendment does not say "shall," because I do not want to frighten away the Democrats. I would say to the gentleman from Texas [Mr. FROST], this is important: The Traficant amendment says the Secretary of Defense may relocate and restation these troops.

Now, let me say this to you: I say we are sending our money overseas, they are cashing our check over there, going to theaters in Rome, and we have some big problems in our country. Why do not we take it easy on the taxpayers? Allow us to bring some of our troops already trained, put them on the border. Maybe after they are done with their service, we might be able to keep them in the Border Patrol and they will understand the significance of those particular problems.

So I would like my amendment included in the second round, or else I declare war here today in this defense bill. And the gentleman from Illinois [Mr. COSTELLO] and the gentleman from Illinois [Mr. LIPINSKI] are saying yes, sir, they are all going to support me, and the gentleman from California [Mr. HUNTER] and the gentleman from New York [Mr. SOLOMON] and we are going to overrun the Democrats and the gentleman from Pennsylvania [Mr. WALKER]. So I would say to the gentleman from Florida [Mr. GOSS] you have to make it happen. I would appreciate it, Mr. Chairman, if you would put my amendment in this bill.

Mr. SOLOMON. Mr. Speaker, let me just assure the previous speaker that we always support his amendments. We believe in open rules and open debate on this floor.

Mr. Speaker, I yield 3½ minutes to a very distinguished Member of the Committee on Rules, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, today we begin the arduous but crucial task of establishing our Nation's defense priorities for the coming fiscal year. Today's rule is the first cut, attempting to address some of the major issues while leaving room for further discussion down the road. I take heart in the notice at the top of today's list of amendments, which reads "any amendment not printed on this list is still available and may be included in the next rule" because there are massive gaps. One area of tremendous concern is the President's latest policy shift on Haiti—another zag in the ongoing zigzag of administration attempts to resolve the Haitian crisis. The President has announced we will begin processing Haitian refugee claims on the high seas, or perhaps in third countries, but the Coast Guard has no instructions on implementing this policy shift. Many of my colleagues believe this new policy is a bad idea and, coupled with the impending tightened the U.N. embargo, will lead to mass exodus from Haiti. There is real disbelief about renting cruise ships as processing centers, especially when cheaper and safer solutions exist. Meanwhile, this policy does nothing to address the long-term problem of stability in Haiti. The administration is sliding ever further down the slippery slope toward military intervention, without a clear mission and with no clue about how to extract ourselves once we are there. This would be a tragic mistake. Several Members, including myself, have offered amendments to the DOD bill regarding Haiti, presenting alternative solutions to the

current crisis. My suggestion deals with using a large Haitian island as a safe haven. Mr. SHAW of Florida has raised the possibility of training Haitians to take back their country. And Mr. KYL has sought to put the Congress on record as opposing a United States invasion of Haiti. In addition, I have an amendment to ensure that DOD resources are not used to pursue the unworkable and dangerous policy of refugee processing on the high seas. These are important subjects that Members have a right to consider. I hope the majority will make them in order in the second rule. Lastly, Mr. Speaker, I draw Members' attention to one small provision in this massive bill; sense of Congress language in title X pertaining to a DOD commendation for all the victims of World War II mustard gas tests. This language comes from my bill, H.R. 1055, which has more than 70 bipartisan cosponsors and has DOD support. I am grateful to my friends Mr. SKELTON and Mr. KYL for their help in securing this provision. We have been assured that such matters are normally handled by Sense of Congress language, and I submit for my colleagues review a letter underscoring the Department of Defense's support for this effort and commitment to providing long-overdue recognition and gratitude to victims of those secret Government tests. How appropriate that we get this done before the 50th anniversary of the invasion of Normandy.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the very distinguished gentleman from California [Mr. CUNNINGHAM], a member of the Committee on Armed Services.

Mr. CUNNINGHAM. Mr. Speaker, the Speaker is one of those strong supporters of defense, and I would like to recognize that.

I would like to go through several different ways in which this administration is attempting to kill defense. First of all, there was a $50 billion cut under the 102d Congress, and candidate Clinton said $60 billion would put us into bone marrow. Immediately in his budget he put $127 billion additional cuts in defense, which brought it to $177 billion.

Why? Because then he could reduce the deficit. He could show the American people how he is reducing the deficit. But he is doing it on the backs of the men and women who serve this country.

The military through 1994 is operating by the skin of its teeth. It has very little funding for training and operations, and with us still in Iraq and Bosnia and trying to get into Haiti, and even in Somalia, it affects us. It affects our readiness back here at home as well.

The funding for all services through 1995 and out, 1994 is taken care of, but 1995 and out is dependent on closing the ordinary bases ordered under BRAC'93. But the administration is not funding BRAC'93, and there is no savings, so there is no funding of the military 1995 on out.

What is happening in my own district, the commanding officer of NTC just took $30,000 out of training and operations to buy plywood to board up the buildings he is trying to close, but he cannot do it. That is affecting our readiness, Mr. Speaker.

The President needs to fund BRAC'93. It is killing the military. They are eating themselves from within.

I testified before the BRAC that the environmental cleanup cost of those bases would far exceed their estimates. That has come to fruition. In many cases, Mr. Speaker, there is no savings from those bases. So again, in the out years.

A fourth way that the administration is attempting to kill defense, they have ordered early demise of F-14's, F-15's, F-16's, and even ordered the cancellation and demise of the A-6, our only all-weather fighting plane. In the meantime, they keep extending the research and development of a joint airplane beyond the year 2000. Our inventory is going downhill, and there is no replacement. The F-18-EF has been delayed, and it is killing us and killing our support.

□ 1320

BRAC'93 and the military expansion funds and training and maintenance and operation is killing us. The liberal House has ordered that we spend $4 billion in social programs out of the defense budget, $4 billion, when the gentlewoman from Colorado said we need to kill and cut defense even more above the $177 billion, and she herself stuck in millions of dollars of pork barrel projects in her own district on social spending out of the defense budget. That is a crime.

They are trying to kill the inventory. The administration is risking national security in the United States by costing the lives of our men and women. I look at the defense cuts with a faulty foreign policy. I look at 22 rangers in Somalia and 77 wounded that did not have to die. No, it is not Les Aspin's fault. It is the President of the United States.

I make that statement because I disagreed with our capabilities in Lebanon. I disagreed with those liberals that turned their backs on us in Vietnam while we fought that battle and got us killed, and they are doing the same thing today. It is like deja vu. On one side of a combat weapon and looking back and say, "Don't they know what they are doing to us in Congress?"

And today, being part of that and seeing in many cases the same liberals that are trying to get us killed, not only today but in the future. Do they not realize what the demise of the defense industry in the research and development? Research and development has kept us on the technical edge. The F-14, for example, is the greatest airplane ever built, and we had that technical edge.

But that research and development will be diminished, and we will not have that edge. We are drawing down our troops. We are cutting training.

I coined a phrase, "You fight like you train." That training is going away. They want to kill defense. They are killing our men and women and, damn it, I am quite tired of it.

Mr. President, fund BRAC'93, quit taking social spending out of the defense bill and quit the hyprocritic statements that we have too much defense.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would advise the gentleman that he is to address the Chair, and not the President, directly.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I have become increasingly concerned in recent weeks that the House is not going to proceed with the basic reform legislation some of us who worked on a committee for almost a year developing those reforms had expected. It becomes clear from what the Speaker is saying on a daily basis that at the most we are going to get reforms out here of a very minor nature.

One of the things that we in the minority felt strongly about was the fact that we need to end the proxy voting in the House of Representatives. Proxy voting is when Members do not show up at committee but their votes are cast for them anyway.

What I am wondering is, as I hear the debate on this very complicated issue that literally involves the lives of men and women in our service, whether or not we had a situation in this committee where some of these fundamental issues as they were decided in committee were decided by proxy vote, whether or not that was even important enough to be raised at the Committee on Rules.

I have been up at the Committee on Rules on a number of cases and testified and at no time were questions asked about whether or not the bill was reported using a lot of proxy votes, whether or not proxy votes were used in the deliberations and in the amendments that came to the floor.

I have to tell my colleagues, if we are not going to have reform in the House of Representatives, if in fact, once again, the Democratic leadership is going to try to fool the American people and have them believe that somehow reform has been done when, in fact, nothing has been done, that we are going to have to, it seems to me, begin to raise those issues.

My guess is it was not raised in this particular matter, but it ought to be raised in the future.

Each time committees come before the Committee on Rules, it seems to me that one of the questions that needs to be asked is whether or not proxy votes were used to bring forward the legislation in any way, shape or form. The American people deserve to know whether or not we have ghost voting in the committees. The American people sent Representatives here not to have someone else cast their vote for them but to have that vote cast by the person who was elected.

Time and time again what we are finding is that the Democrats in this institution are allowing their power structures to spread so that no one can show up at committees and then justifying proxy voting on the basis of, "Well, Members are too busy to be there and cast their votes."

It is time we reform the body and it is time one of the issues that we raise is whether or not Members are showing up for work in their committees. Showing up for work means casting your vote. It is not being done and, as we sit here and listen to the complicated issues that this committee took up, I sure hope that there were not votes cast by proxy. I am sure that there were not questions asked about that in this round. But in the future, I sure hope those questions will be asked, because it is high time that the Committee on Rules and the House as an institution asked the questions of whether or not Members are casting their votes for real in committee or whether this is being done for them by committee chairmen and others who may be casting ghost votes.

It is wrong. It ought to be stopped, and just the nature of the issues that we are hearing about today, what the gentleman from California just said about the decisions that we are making in the Congress that involve very life and death issues, those ought not be done by proxy votes.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER], a very distinguished member of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time to me and for the great leadership he has shown in this rules debate.

My colleagues, we are reliving a very tragic history. It is a history that follows American victories in major conflicts.

After World War II, when we were disassembling our military, General Marshall was asked how was the demobilization going. He said, "This isn't a demobilization. This is a rout."

He was right, and America discovered that he was right when in Korea a few years after having the most massive, effective military in the history of the world, we found that we could not hold our ground in Korea because we had done away with the personnel and with the equipment that was necessary to subject American power effectively.

We won World War II and we demobilized too quickly. We demobilized too quickly after Korea, and I would submit that we have demobilized too quickly after this perceived victory in the cold war.

We are cutting 1,700 young people free per week from the military, cashiering 1,700 people out of the military. We have cut back our fighter strength already to about 50 percent of what it was a few years ago. We are replacing fighter aircraft and combat aircraft at the rate of only 1 to 100 in inventory on an annual basis.

That means we are obsolescing our fighters at five times the rate that took place during the 1980's. And against this backdrop of military slashing, of destroying the military that President Clinton has embarked upon, we have a remaining dangerous world with North Korea acquiring nuclear weapons, continued instability in the Soviet Union, continued problems and potential conflicts in the Middle East, the Balkans are exploding. There is massive death in Africa, and Communist China is attempting to assert itself into the position of superpower status formerly enjoyed by the Soviet Union.

I have President Clinton's statement in front of me in which he says, with respect to this bill, the White House says, "The bill is most objectionable in the deep and arbitrary reductions it would impose on readiness."

Let me just say, the deep and arbitrary cuts and reductions that have been imposed on military readiness have been imposed by President Clinton, because he has cut defense $127 billion initially below the line that was established by President Bush.

He has massacred national defense.

And what he does when he does that is not just deal a body blow to a bunch of people in the Pentagon or in administrative positions around the United States at military bases. What he does is undermine the credibility of the 30,000-plus American soldiers who occupy the Korean Peninsula whose real defense is the credibility of America's military power.

What he does is cut back on the credibility of Americans who are trying to see to it that nuclear weapons do not proliferate and that this country remains strong.

Now, let me just say that there is a strong disagreement. While we in the Committee on Armed Services voted this bill out so we could get on the floor, there is not a bipartisan agreement on this defense bill with respect to the amount of dollars we spend on defense, because we are devastating national security with this bill. And Republicans do not agree with it.

I think Members are going to see in the end of this debate a strong position by the Republicans in this House. I think by Democrats, conservative Democrats, pro-defense Democrats who have been talking to enlisted people, who have been talking to people at the bases, who have been talking to people in the field, they know defense is being cut too much. They are going to join to oppose this bill.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Speaker, I rise in support of this rule. During the regular debate I will be acknowledging the leadership of our committee chairman and our ranking Republican who I think have done an admirable job, certainly have been fair and have worked with us in a truly bipartisan spirit. But I have four major problems with where we are in terms of defense spending, Mr. Speaker.

First of all, the perception is that we have not cut defense spending. Members are going to hear that over and over again by our colleagues particularly on the other side. Nothing could be further from the truth. If we look at what we were spending on defense in the 1960's after the Korean war but before the Vietnam war, we were spending 9 percent of our GNP on defense. We were spending 55 cents of every dollar on the military. In this year's budget we will be spending 3 percent of our GNP on defense and roughly 17 cents of every dollar on the military. Any Member who gets up here and says we have not cut defense is just lying to the American people.

My second problem is this President stood up at this podium, our President, and made the promise to the American people, as he pounded the table, "I will not cut defense further."

I will include his quote where he said, "The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of our forces * * * We must not cut defense further."

I include that entire quote, as follows:

> Last year I proposed a defense plan that maintains our post-Cold War security at a lower cost. This year many people urged me to cut our defense spending further to pay for other government programs. I said no. The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of our forces.
>
> Ultimately, the best strategy is to do that. We must not cut defense further. I hope the Congress without regard to party.

Mr. Speaker, what do the numbers show? In each of the next 4 years we cut defense spending not at the rate of inflation, but we cut defense spending in real terms. The administration has

just not been truthful with the American people, and I have a real problem with that.

The third major problem I have with where we are in defense is this bill is not based upon the threat. Mr. Speaker, as you know, the Members of the Committee on Armed Services are given the responsibility by our colleagues to look at this threat that is out there, where the problem areas are, where the hot spots are and how we can respond, and then we are supposed to come up with what we think would be necessary to defend America and our allies. That is not what happened this year. This year we were given a number, as SAM NUNN said, pulled out of the air. That number was given to us as our budget number for this fiscal year. This budget and this defense bill is not based on the real threat that is out there, and we will be discussing that during the regular debate on the full bill.

My fourth concern with where we are in terms of defense is the defense bill, because of its size, is becoming the cash cow for the country. Members who cannot justify programs and priorities that have nothing to do with the military are inserting them in defense spending through the appropriations process, through the authorization process. Senator MCCAIN estimated that there were $4 billion last year of items tacked on to defense spending that had nothing to do with the military, things that were stuck in by Members who could not get their priorities addressed through legitimate channels.

That has got to end, and when our colleagues on the other side say cut defense spending, they ought to start by cutting out those items that have nothing to do with national security.

Mr. Speaker, this is in fact a major piece of legislation, and while I support the overall attempt at what we are doing with limited funds, I have major problems, and I ask our colleagues to look seriously at these issues as we debate the national defense bill for next year.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to clarify from our side of the aisle that when speakers say the Members on the other side of the aisle, there are a lot of Members, including yourself, Mr. Speaker, who help us on defense issues and realize what the needs are of this country.

But I would like my liberal colleagues, some on the other side, as well as the conservatives and moderates across the board, to get a security briefing from our submariners. While in all of Russia today the lights are going out and they have economic troubles, they are dropping four, to five to six *Typhoon* class submarines, nuclear submarines a year. They have three submarines, and I cannot quote the depth because it is classified, that go thousands and thousands of feet. They use molded titanium. Those submarines cost $5 billion to $10 billion, and they are spending $50 billion in nuclear submarines while we are giving them billions of dollars in Russia. I would ask if we really want to save money, let us take a look at where those kinds of dollars are going, and we can save a lot of money. And that does affect our national security.

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

Mr. Speaker, as I said at the outset of this debate, I urge support for this rule. It is a rule that has been negotiated on a bipartisan basis between the majority and minority. We were treated fairly on this rule. We have a lot of reservations about the second rule, but we will get to that in due time.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Georgia [Mr. GINGRICH], our Republican whip.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Georgia [Mr. GINGRICH] is recognized for 3 minutes.

Mr. GINGRICH. Mr. Speaker, I think I can say what needs to be said in about 3 minutes. I think there are only three points that we need to make.

The first point is for those watching who care about America's young men and young women in uniform, those who are worried about America's strength around the world, this bill, when it comes to the floor, is a very dangerous bill. It is dramatically under President Clinton's request. President Clinton's request was dramatically under President Bush's request.

My fear is that some day in the next couple of years we are going to see young men and women in American uniforms killed because they are not going to have the right equipment, they are not going to have the right training, they are not going to have the airlift capability. And while I think the committee has tried very hard, and I want to say that I think my good friend, Chairman DELLUMS, has been very fair, and I think there has been a very serious effort to try to do the best they can, the fact is when we cut defense as deeply as we are cutting it over the next 5 years, we are weakening America, and this bill is a major step. This year they do everything they can to keep it up as far as they can, but if we look at the outyears, the year after and the year after, by 1999 we have a radical cut in our defense capabilities. That is my first point, that this bill moves us down the road to weakening America which is going to endanger the lives of American men and women around the planet.

My second point would be that once again our friends in the Democratic Party, who have run this House for 40 years, are trying to produce a rule that does not make in order very major amendments. And I want to talk about those amendments as my third point.

But I want every American to understand, and I want my colleagues to understand that there is something profoundly wrong when the Democrats, who have been in charge for 40 years, find the only way they can get a bill through is to rig the rules, to bring to the floor a rule which blocks important, legitimate amendments. The American people deserve to see our vote on key issues, and that gets me to my third point.

Mr. SOLOMON. Mr. Speaker, will the gentleman from Texas [Mr. FROST] please yield time to the gentleman in the well, because we were constrained, and the gentleman has not used up his time yet. Could he yield the gentleman a couple of minutes?

Mr. FROST. No, Mr. Speaker. The gentleman has had his full time on his side. He had his full 30 minutes.

Mr. GINGRICH. Mr. Speaker, I would not expect the machine to yield us any extra time. I understand the machine is not going to yield any extra time. It wants a closed rule, and a closed debate, and it wants to hide and keep power.

Mr. Speaker, let me say on the issue of Haiti we are about to make some major decisions in this country that are going to risk the lives of American young men and women that this House has an obligation to debate, and this bill is a legitimate place to debate that. This is about the use of Americans in uniform, about the use of the American Navy, and we deserve, and the American people deserve, to have those amendments made in order.

Mr. Speaker, I am going to oppose this rule, and I am going to oppose the next rule if the Democratic machine, after 40 years, insists on gagging the House so the American people do not get a fair debate and a recorded vote on an immediate issue that involves real foreign policy questions that involves the potential threat to the lives of America's men and women in uniform.

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

Mr. Speaker, I would only point out to the minority whip who has just been speaking that there is ample general debate time provided under this rule, and the minority whip or anyone else on his side will have ample time during general debate to express their concern about the issues that the gentleman has raised.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 49, not voting 15, as follows:

[Roll No. 178]

YEAS—369

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—49

Allard
Archer
Armey
Baker (CA)
Ballenger
Barton
Bunning
Burton
Buyer
Coble
Combest
Crapo
Cunningham
DeLay
Dornan
Duncan
Ehlers
Fawell
Fields (TX)
Franks (NJ)
Gallegly
Gallo
Gekas
Grams
Hancock
Hoekstra
Huffington
Hunter
Kasich
Kim
Klug
Lewis (CA)
McCandless
McCrery
McHugh
McKeon
Miller (FL)
Packard
Petri
Pombo
Ramstad
Roberts
Roth
Royce
Sensenbrenner
Stearns
Stump
Thomas (CA)
Zimmer

NOT VOTING—15

Ackerman
Boucher
Crane
Dicks
Emerson
Ewing
Grandy
Hall (OH)
Hochbrueckner
McDermott
Neal (NC)
Rangel
Towns
Washington
Whitten

□ 1401

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR PRINTING OF MILITARY CONSTRUCTION PROJECT TABLE OMITTED FROM HOUSE REPORT 103–499

Mr. DELLUMS. Mr. Speaker, a page from the military construction project table, listed by State, was inadvertently omitted from the original table contained in House Report 103–499. I ask unanimous consent that this page, to be inserted after page 326 in the report, be printed in the RECORD at this point for the convenience of Members of the House.

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

There was no objection.

The table referred to is as follows:

	No.—Location	Service	Installation	Project	Budget request	Change to request House	Committee recommendation
156	Minnesota	Army National Guard	Camp Ripley	Combined support maintenace shop	0	5,000	+,000
157	Minnesota	Air National Guard	Minneaplis/St. Paul Intern'l Airport	Operations/Aeromedical building	0	8,000	8,000
158	Mississippi	Air Force	Columbus AFB	Bachelor enlisted quarters	0	10,000	10,000
159	Mississippi	Air Force	Keesler AFB	7-level training dormitory	8,800	0	8,800
160	Mississippi	Air Force	Keesler AFB	7-level training classrooms	1,800	0	1,800
161	Mississippi	Air Force	Keesler AFB	Ungrade fire suppression system	640	0	640
162	Mississippi	Army National Guard	Camp Shelby	Regional school facility	0	7,000	7,000
163	Mississippi	Army National Guard	Crystal Springs	Armory	0	2,250	2,250
164	Mississippi	Army National Guard	Winona	Armory	0	1,650	1,650
165	Mississippi	Air National Guard	Gulfport	Troop camp quarters	0	5,800	5,800
166	Mississippi	Air National Guard	Thompson Air National Guard Field	Fire station	0	2,400	2,400
167	Missouri	Air Force	Whiteman AFB	Storm drainage facilities	1,290	0	1,290
168	Missouri	Air Force	Whiteman AFB	B–2 ADAL dock & hangar fire protection sys.	3,400	0	3,400
169	Missouri	Air Force	Whiteman AFB	B–2 aircraft maint docks/hydrant fueling	15,000	0	15,000
170	Missouri	Air Force	Whiteman AFB	B–2 ADAL apron, taxiway, & convoy roads	4,600	0	4,600

No.—Location	Service	Installation	Project	Budget request	Change to request House	Committee recommendation
171 Missouri	Army National Guard	Columbia	Armory	0	1,415	1,415
172 Missouri	Army National Guard	Skelton Training Center, Jefferson City	Defense access road	0	1,500	1,500
173 Missouri	Air National Guard	Jefferson Barracks ANG Site	Replace fuel tanks/upgrade refuel booth	500	0	500
174 Missouri	Air National Guard	St. Louis-Lambert Field	Replace undergound fuel storage tanks	440	0	440
175 Missouri	Air National Guard	St. Joseph	Civil engineering facility	0	3,000	3,000
176 Montana	Air Force	Malmstrom AFB	Ungd fuel storage tanks minuteman III Facs	4,000	0	4,000
177 Montana	Air Force	Malmstrom AFB	Underground fuel storage tanks	3,200	0	3,200
178 Montana	Air National Guard	Great Falls IAP	ADAL fuel cell and corrosion control hang	1,150	0	1,150
179 Nebraska	Air Force	Offutt AFB	Storm drainage facilities	1,500	0	1,500
180 Nebraska	Air Force	Offutt AFB	Underground fuel storage tanks	760	0	760
181 Nebraska	Air National Guard	Lincoln MAP	Parking apron, jet fuel stor and opting com	14,274	0	14,274
182 Nebraska	Air National Guard	Lincoln MAP	Replace underground fuel storage tanks	500	0	500
183 Nevada	Army National Guard	Washoe County	Armory	0	5,500	5,500
184 Nevada	Army Reserve	Las Vegas	Armed Forces Reserve Center	0	20,000	20,000
185 New Jersey	Army	Mil Ocean Tern Bayonne	Pave cargo staging and holding area	4,050	0	4,050
186 New Jersey	Navy	Lakehurst Navairwarefare Ctr Aircraft Div.	Potable water distribution system adon	2,950	0	2,950

CHANGE IN ORDER OF CONSIDERATION OF AMENDMENT PRINTED IN PART 5 OF HOUSE REPORT 103–509 ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4301 pursuant to House Resolution 429 the amendment printed in part 5 of House Report 103–509 may be considered as though printed in part 1 of that report.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 429 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4301), to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

The Chair designates the gentleman from Illinois [Mr. DURBIN] as Chairman of the Committee of the Whole and requests the gentleman from New Jersey [Mr. MENENDEZ] to assume the chair temporarily.

□ 1405

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4301, with Mr. MENENDEZ, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 429, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 1 hour, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mr. Chairman, this year the Armed Services Committee again faced the task of authorizing national defense programs in a time of continuing transition and strategic uncertainty, a period of continuing analysis and development of fundamental defense doctrine, and in the face of increasingly severe Federal budgetary constraints.

The committee held a number of hearings to explore these issues, in order to build an analytical base for the on going defense debate. We heard testimony on the situations unfolding in the former Soviet Union and Yugoslavia, and on the Korean peninsula. We analyzed DOD's Bottom-Up Review and its planning scenarios, the Navy's ship acquisition strategy, and our military airlift requirements. We employed the emergence and importance of peace operations in this changed environment.

Although broad differences of opinion exist within the committee regarding the pace and scale of the post-cold-war force changes, we reported H.R. 4301 on a 55–1 vote. This near unanimity reflects a determination to fill the bill within budget limitations, while structuring programs to provide the training and material necessary so our forces can meet their missions. The future will require an even more vigorous debate, to answer the many remaining questions.

What military role remains for nuclear weapons in our arsenal, if any? What constitutes critical defense industrial base skills demanding a constant procurement or research stream, and in what areas can we rely upon our general industrial and technological base to meet our military needs? What size and type of force do we need for this period, and how does it relate to other military and nonmilitary resource needs? How should we train and equip them? These are but a few of the questions which must be answered in the future.

Although important matters have been deferred, the committee undertook a number of significant measures to address the national security challenges facing the Nation. The President requested $263.7 billion in defense spending for fiscal year 1995. The budget authority implications of the committee bill are $262.7 billion, an amount consistent with the results of the Budget Conference and the allocation process within the House Appropriations Committee.

The committee successfully grappled with the issue of acquisition reform; confronted the debilitating problems of sexual harassment and the effects of race and sex discrimination; provided for a vigorous and robust training and operations program to ensure readiness; broadened the missions of our national laboratories to reflect emerging national security priorities; and further developed our previous commitment to defense economic reinvestment and conversion.

In addition, we recommended initial steps to protect important industrial base assets, pending a thorough analysis of long-term industrial base needs; provided for needed environmental cleanup programs; and continued a reassessment and realignment of strategic forces in line with the dramatic transformation of the strategic threat.

Here are some additional highlights of the committee bill that exemplify these and other initiatives:

The bill ensures readiness by protecting the substance of the administration's 13.5 percent increase per active duty service member for training, operations and maintenance.

The bill continues our dual-use technology reinvestment program and matures the initiatives begun earlier in defense conversion.

With the growing recognition of the need for our military to act in compliance with environmental regulations, and because advance planning may ultimately reduce the significant costs associated with cleanup, the bill requires the Secretary of Defense to conduct an analysis in compliance with the National Environmental Policy Act of the life-cycle environmental costs of major defense acquisition programs, before development commences.

In order to ensure that DOD programs are open to full and fair competition, the bill directs GAO to conduct a study of the participation of women-owned small business in defense contracting; it also directs the Secretary of Defense to reevaluate the accounting method now used to assess compliance with DOD's 5-percent minority contracting goal.

The acquisition subcommittee—and then the full committee—faced a number of important decisions regarding weapons and other systems. What follows are some of the major items in the acquisition area:

The C–17 is one of the larger issues confronted by the committee this year. Unfortunately, DOD did not provide sufficient information to us regarding the C–17, which forced us to craft a solution to the several problems presented by the current airlift modernization strategy. We sought to preserve options and ensure an expansion of needed airlift capability, which we do not believe can be provided effectively by the C–17 alone. The committee recommends a complementary mix of four C–17 aircraft plus $550 million for the acquisition of nondevelopmental alternative aircraft that would be procured under competitive procedures. Such planes may more appropriately fill part of the airlift need and the early startup of this acquisition process will guard against the airlift capability shortfall associated with a C–17-only approach.

The committee faced a dilemma regarding the nuclear aircraft carrier (CVN–76), which the Navy sought to fund partially through the utilization of unobligated funds from a prior year appropriation. The committee chose instead to provide full funding, $3.6 billion, for the aircraft carrier from fiscal year 1995 accounts. It also provided advance procurement, $100 million, for the large-deck amphibious ship LHD–7. The projected acquisition of the LHD–7 ahead of the LX, reverses the Navy's proposed acquisition sequence but seems better suited to Marine Corps needs and industrial base preservation strategies.

In recognition that the perceived imperatives of the cold war have evaporated with regard to the strategic conflict with the former Soviet Union, the bill prohibits modification of Trident submarines currently carrying C–4 missiles to enable them to carry D–5 missiles.

The committee continues to work with the Government Operations Committee to move a separate, comprehensive acquisition reform bill. This should be done in the very near future. In the meantime, the committee has recommended taking action on some defense-unique requirements relating to reporting and weapons testing and other service specific considerations. These proposals are based on the recommendations of the advisory report on streamlining defense acquisition laws.

The bill also provides for a bridge on Apache procurement that will preserve the production line between the end of the planned AH–64A program and the initiation of AH–64D deliveries.

Because of problems with all aspects of the program the committee bill would terminate the costly and chronically troubled Tri-Service Standoff Attack Missile [TSSAM].

Recognizing that cold war space systems purchased to manage that strategic environment are costly for our current needs, the committee undertook to accelerate the MILSTAR III communications satellite program, which may allow it to replace the last two MILSTAR II satellites. We have requested that DOD provide us with a military communications master plan, and we have fenced $50 million until it does so.

In addition, the committee proposes that a ballistic missile early warning satellite assurance fund of $300 million be established to reduce the risk associated with the transition from the DSP satellite program to the initial availability of the followon ALARM satellite program.

The bill contains a package of Guard and Reserve procurement initiatives totaling $785 million.

The committee bill includes $100 million for a bomber force upgrade fund to maintain operational B–1 or B–52's, or to purchase B–1 conventional upgrades.

The overall thrust of these provisions is an effort to realign our forces to meet the threats and realities of the post-cold war world in which they must operate. It reflects a prudent, perhaps conservative, view of how to meet those needs.

Some committee members fear, though, that we are cutting too quickly in the face of continuing strategic uncertainties and that we will face an inability to meet the mission requirements posited in the Bottom-Up Review. It bears noting that the Congressional Budget Office testified before the committee that the Bottom-Up Review force was generally affordable within the 5-year defense plan.

Beyond that, the Bottom-Up Review commits the United States to meet a much more stringent planning requirement than was being planned for under the Bush administration. And, it would have us plan to be able to meet two major regional contingencies without benefit of allied participation. Finally, it must be noted that the administration's current plans will provide significant force enhancements, an actual expansion of military capability in the midterm.

There are those on the committee, including this gentleman, who believe that we have not gone far enough in implementing a realignment made possible by the end of the cold war. I believe that the information garnered in our hearings will allow us in the future to make substantial further cuts in force structure and to reduce and realign important acquisition programs. A failure to do so threatens to carry forward too large a force structure that is organized for the wrong purposes. This will hamper both our ability to meet our urgent and desperate civilian needs and the more practical requirements of our defense forces.

This is the debate that ensues, both with the amendments that are now before you and with the committee bills that will come forward in the future.

□ 1420

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

Mr. Chairman, before commencing I want to thank Chairman DELLUMS for the way in which he has led the committee this year. The fact that the committee reported a bill that codifies the President's controversial defense budget figure on a nearly unanimous vote speaks volumes about the chairman's respect for the process and the rights of his colleagues.

If you are able to take H.R. 4301 out of its broader context, namely an insufficient top-line spending figure, then the committee bill represents a reasonable balance of political realities and substantive requirements. There is much that is good about this bill. For instance, it explicitly rejects the President's proposal to pay the U.S. share of U.N. peacekeeping costs out of the Department of Defense budget instead of the State Department budget. It provides for a military pay raise of 2.6 percent, which is consistent with the requirements of current law. The President had proposed a pay raise of only 1.6 percent. It readjusts the schedule on which military retirees receive their COLA's in fiscal year 1995 to make it consistent with the schedule for all other Federal civilian COLA's.

In the broader context of the President's national security strategy, there is much to be troubled about. The world has not become any friendlier, nor the administration's foreign policy any more reassuring since the House debated the fiscal year 1994 defense authorization bill last September.

North Korea has transitioned from rattling their nuclear sabers to playing nuclear brinkmanship. If last weekend's report that the North Koreans have started to remove fuel rods from their experimental reactor is accurate, it would represent a major escalation of the crisis—an escalation that must be responded to with stiff economic sanctions. As Secretary Perry has indicated on numerous occasions, it is not clear how long the road is between sanctions and the possibility of armed conflict.

The United States has stumbled further down the slippery slope of direct

military involvement in the civil war in Bosnia—an involvement that may ultimately include the stationing of 20,000–30,000 U.S. ground troops for a period of years.

The administration's expanded policy in Somalia, including the manhunt for General Aideed, resulted in the tragic October deaths of 18 U.S. military personnel and ultimately ended in failure.

Ethnic, religious, and nationalist-inspired violence around the periphery of the former Soviet Union grows, while Russian nationalism is on the rise.

To anyone who believes that the post cold war will be a kinder and gentler world, one has only to consider the hatred and inhumanity that has characterized the Rwandan tribal violence of the past month—it defies description.

CLINTON DEFENSE SPENDING REDUCTIONS

Despite the violence, turmoil, and instability that characterize the post cold war world, President Clinton continues to call for the deepest defense spending reductions since World War II. The fiscal year 1995 defense budget request is almost $9 billion in outlays below current fiscal year 1994 spending levels, and follows on the heels of 9 consecutive years of declining defense budgets. In a broader sense, the fiscal year 1995 defense request is only the second installment in the President's 6-year plan to reduce defense spending by approximately $156 billion. By 1999, the defense budget will represent only 2.8 percent of U.S. gross domestic product—the lowest level since the Great Depression. By comparison, over the same timeframe, the President's budget would have domestic spending increase by 12 percent and entitlements by 38 percent.

We often become impervious to these kinds of statistics because we rarely gain an understanding of their day-to-day implications. Therefore, to help put the Clinton administration's defense spending reductions into some perspective: In fiscal year 1994, on average DOD is releasing almost 12,000 active duty, reserve, and civilians each month. In fiscal year 1995, the monthly average will increase to 15,000.

Over the 5-year period from fiscal year 1992 to 1997, Bureau of Labor Statistics information indicates that an average of 20,000 private sector defense-related jobs will be lost each month. The U.S. aerospace industry has not employed so few workers since Jimmy Carter was President.

In fiscal year 1995, on average, DOD will retire 1 ship, 37 primary authorized aircraft and 1 combat battalion each month.

By fiscal year 1999, active duty military will be down 32 percent, selected reserves down 20 percent, DOD civilians down 29 percent, Army divisions down 45 percent, Navy battle force ships down 37 percent, and attack/fighter aircraft down 40 percent compared to fiscal year 1985 levels.

No matter how you look at these various Clinton defense budget indicators, the trends are all down.

DOD BUDGET SHORTFALLS

The fact that the Clinton 5-year defense plan is substantially underfunded only compounds these already troubling trends. Secretary Perry has testified that the 5-year budget shortfall is approximately $20 billion, although I believe that the shortfall resulting from discrepancies between the Bottom-Up Review and the Clinton defense spending plan is much larger. Some analysts contend that the budget shortfall is as large as $100 billion.

The 5-year shortfall results from the Bottom-Up Review's overstated estimates of personnel, modernization, and infrastructure savings and its understated costs that include the congressionally endorsed military pay rise, full funding of the Odeen Panel-identified management reform shortfall, and underestimated inflation.

NONDEFENSE SPENDING

Still further compounding the problems is the proliferation of nondefense initiatives funded out of the defense budget that have the effect of cannibalizing an already declining budget from within. Examples of these numerous nondefense initiatives abound, but examples include environmental cleanup, defense conversion programs, that simply transfer defense funds to other executive branch agencies, foreign assistance programs, so-called conversion programs to provide for troops to health care workers, troops to teachers and troops to policeman programs.

The dramatic decline in defense spending, coupled with budget shortfalls and the growth of nondefense initiatives funded in the defense budget make protecting readiness an increasingly difficult proposition.

READINESS

Since taking office, a principal rhetorical theme emphasized by the Clinton administration in the area of national security has been the protection of U.S. military readiness. yet all defense budget trends point in the direction of an impending readiness problem. As demonstrated by last year's divisive debates over the President's proposals on allowing homosexuals to serve in the military and denying the military a pay raise, readiness has come to mean more than OPTEMPO activities such as tank miles, aircraft flying hours, and ship steaming days. The magnitude of the Clinton administration's proposed defense spending reductions, following on the heels of cutbacks in defense spending since the mid-1980s, has served to expand the definition of, and debate over, readiness.

PEOPLE

The readiness of a high-quality, all-volunteer force places a premium, first and foremost, on people. However, the administration's continued insistence on reducing pay, for example, is having a negative effect on men and women in the military who are already justifiably concerned about their futures. The early indicators of a personnel problem are evident as the propensity among young people to enlist in the armed services is down, the quality of recruits is declining, and the services are having a difficult time meeting their recruiting objectives. Unfortunately, I am not surprised since the Clinton administration has demonstrated an insensitivity to the importance of people and the central role our men and women in uniform play in maintaining a ready force.

MODERNIZATION

While the debate over readiness grows, the linkage between modernization and maintenance of a ready force has also become apparent. As Chairman of the Joint Chiefs of Staff, General Shalikashvili, recently testified, "modernization is the key to future readiness." Protecting a viable industrial base will, of course, be integral to any cost-effective modernization of U.S. military forces in the future. Unfortunately, the administration's approach to preservation of the industrial base and force modernization is not a strategy for success.

Despite a 67-percent real reduction in procurement spending and a 20-percent real reduction in research and development spending since the mid-1980s, President Clinton's defense budget nevertheless projects spending $93 billion less on modernization than the Bush administration proposed over the next 5 years. As noted earlier, these reductions are in part responsible for the average monthly loss of 20,000 private sector defense jobs under the Clinton budget from fiscal year 1992 to 1997.

The administration's modernization plan will delay any significant force modernization until next century, will dramatically increase the costs associated with any such modernization effort, and will pass the responsibility for building a political consensus and securing the requisite funding to some future administration. The lack of modernization spending and the quantity and quality of defense-related jobs being lost over the remainder of this decade as a consequence raises disconcerting questions about the state in which our defense industrial base will be in by the time a future administration is confronted with the necessity of having to modernize the force. A force in desperate need of modernization early in the next century will not be a ready force.

CONCLUSION

Last year I expressed my fear that the Clinton defense spending plan would damage U.S. military preparedness and, in the long-term, would reduce our capability to employ military force as an effective foreign policy tool

to protect and promote U.S. national interests. Since that time, the debacles in Somalia, Haiti, and even Bosnia have vividly reinforced my initial fears.

In the absence of a commitment to reverse course and increase the defense budget, the Clinton administration will be hard pressed to continue demanding that the military do more with less without ensuring a return to the hollow military of the late 1970's.

I reserve the balance of my time.

□ 1430

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

Mr. SPENCE. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, the process by which the Military Forces and Personnel Subcommittee provisions were put together was open and fair and gave full consideration to Republican concerns. Since this is the last time I will report to the full House as the ranking Republican of the subcommittee, I want to thank Chairman SKELTON for his consideration and leadership. As a result, the section is a strong, positive effort that addresses issues critical to the men and women of the Armed Forces.

Of the approximately 60 legislative provisions in the Military Forces and Personnel section, let me just highlight a few.

Pay raise: We did the right thing by providing a full 2.6 percent pay raise for the military. We cannot shirk our responsibility to provide adequate compensation to those men and women.

Retiree COLA equity: I am gratified that the committee unanimously accepted my amendment to restore the payment of military retiree cost-of-living allowances in fiscal year 1995 to the same schedule as Federal civilian retirees. This is a matter of fairness and civilian retirees will now be treated the same.

Desert storm mystery illness: Mr. BUYER's efforts to focus us on the plight of sick active duty veterans of the Persian Gulf war resulted in what I think is one of the major provisions from our subcommittee. With this legislation, DOD should have the impetus to begin correcting the inattentive, uncoordinated, and ineffective care it was providing to service members.

Victim's advocates and whistleblower protection: The need to protect a person from retaliation after sexual harassment or unlawful discrimination was made abundantly clear to the committee by the women who testified. What happened to them should not ever again be allowed. Similarly, our legislation meets one more glaring need: To provide victims of sexual harassment, sexual and domestic violence, and unlawful discrimination an advocate in the process.

Active end strength: I know that Chairman SKELTON would have increased end strength if resources had been available. Unfortunately, those resources were not available and so this bill does not provide the end strength necessary to adequately man the forces needed for two major regional contingencies. In fact, end strength decreases 85,000 from fiscal year 1994 levels. That decrement leaves the Army at least 30,000 personnel short of what would be required to adequately man its forces. That decrement only increases the risk of failure in war and higher casualties. Those are risks we should have avoided.

Mr. Chairman, in closing, I again commend Mr. SKELTON for the way he conducted business this year. I voted to report the bill out of committee largely because of the provisions in our portion of the bill.

DEPARTMENT OF ENERGY NUCLEAR PROGRAMS

I am pleased to join JOHN SPRATT in recommending that the House support the DOE portion of the fiscal year 1995 DOD authorization bill. Overall, I am supportive of the funding levels provided for Department of Energy national security programs and environmental restoration and waste management.

As this will be my last time addressing the House as ranking member of the DOE Nuclear Facilities Panel, I want to take this opportunity to voice my strong concern about the welfare of defense nuclear programs within the Clinton Department of Energy. For the past 2 years a number of policy decisions have been made which, in my opinion, indicate that the Clinton administration is pursuing a policy of nuclear atrophy.

When combined with decisions from last year that weakened the nuclear weapons development and production infrastructure, it is clear to me that the United States risks losing the competency and capabilities necessary to field and maintain a credible nuclear deterrent. It appears to me that this administration has brought the weapons complex perilously close to collapsing from neglect.

The Clinton administration has extended the moratorium on nuclear testing through September 1994, despite concrete evidence that confidence in our nuclear stockpile will erode without testing; and, the Clinton administration has decided to virtually abandon Complex 21, providing the United States with minimal capability to manufacture nuclear weapons, if necessary, in the future.

Additionally, I am concerned about the lack of any tritium production capability. Without immediate action to establish a reliable source of tritium, the United States will lose the capability to maintain the nuclear weapons in our stockpile.

I strongly urge all of my colleagues to pay attention to the decisions emanating from the Clinton Department of Energy. The future of our nuclear deterrent depends on it.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], chairwoman of the Subcommittee on Research and Technology.

Mrs. SCHROEDER. Mr. Chairman, I am pleased to discuss the research and technology portions, including the defense conversion provisions, of H.R. 4301, the defense authorization bill.

This year we focused on three broad themes that allowed the subcommittee to gauge the content of the administration's request. The first is the maturing initiatives in defense conversion which the Congress began 2 years ago.

The committee is recommending over $3.6 billion to fund the Department of Defense's reinvestment and economic growth initiatives. This is the major part of the President's overall $4.8 billion multiagency conversion program. We are authorizing roughly $600 million for the Technology Reinvestment Project [TRP], bringing the total investment to date to over $1½ billion. The tremendous response to the Technology Reinvestment Project attests to its role as the cornerstone of conversion efforts. Our title makes some modifications in the current TRP program to encourage greater defense worker and small business participation. We are also recommending a mandatory loan guarantee program for defense diversification and conversion activities and linked the program to defense worker skill retention to complement technology reinvestment activities. We expect this $50 million loan guarantee initiative to generate up to $1 billion in loan volume to capitalize commercial markets and stimulate near-term job creation.

The second element of our recommendation is ensuring the continued transformation of technology programs from those which supported the cold war to those which support the post-cold-war environment.

The committee supported the new Air Force/Navy Joint Advanced Strike Technology Aircraft Program, called JAST. That hopefully will lead to lower cost and greater commonality in the next generation strike aircraft.

The committee also supported the Navy's new attack submarine that will be an important acquisition to replace the expensive *Seawolf* Program.

We also supported the Army's Comanche helicopter program and provided some redirection to the Armored Systems Modernization Program to ensure the Army will be able to field the next generation of field artillery as rapidly as possible.

The bill maintains the bottom-up review priorities for the Ballistic Missile Defense Organization [BMDO], but authorizes and overall funding level of $2.9 billion, a decrease of approximately $350 million from the administration's request.

I wish we had had more time to review carefully the many special access programs in the DOD to make sure these programs are still necessary and should be continued. Why are there so many in 1994? Secretary O'Leary at DOE is way ahead of DOD on declassifying.

The committee provided recommendations in technologies and industries essential for both strong national defense and economic security. Of particular mention is our space launch capability which seems to suffer from lack of leadership, priority, and a general lack of national focus. Our electronics programs, particularly lithography, are essential to our next generation of electronics systems that will both put us on the information

highway and guarantee our success on the battlefield. These programs, however, also suffer from a lack of coordinated leadership and vision. Our committee strengthened these programs and legislatively called for the development of goals, strategies, and coordinated programs to repair deficiencies and provide a clear path toward achievement.

Finally, Mr. Chairman, I want to report that we are protecting our technology base and manufacturing programs from unwanted earmarks that have plagued our university-related research and manufacturing technology programs in the past. Earmarking impedes the expenditure of scarce defense resources in pursuit of our overall strategic objectives. Therefore, we have provided a means to ensure open competition for these programs.

The committee reported a strong bill that reflects the realities we face today. I urge my colleagues to support the committee's reported bill.

□ 1440

Mr. SPENCE. Mr. Chairman, I yield 5½ minutes to the gentleman from California [Mr. HUNTER], the ranking member on the Subcommittee on Military Installations and Facilities.

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

Mr. HUNTER. I yield to the gentleman from San Diego, CA.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentlewoman from Colorado, I have never heard such bunk. I have a paper that when we go into the full House I am going to submit on what a joke the conversion is. Conversion dollars is a liberal's way of cutting defense. We do have a couple of good programs. There is one at the university which they are looking at bridges that they use composite materials. But that is not going to replace 1 in 1,000 jobs. It is expenditures for a way to cut defense.

Mr. Chairman, I would like to submit it when we go into the full House. Conversion is a joke.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his statement.

My colleagues, let me talk about my subcommittee that I have the privilege of being the ranking member on and serving with the gentleman from Oklahoma [Mr. MCCURDY], our chairman. I want to talk about that, about MILCON, the budget that we have worked up this year, and also talk about the big picture, because I think as never before the big picture is important in this defense debate and that is the top line and the number of dollars we are spending or cutting from national defense.

First my colleague and our chairman of the MILCON subcommittee is not up right now but I want to commend him for the work that he did and for all the members on this subcommittee and in the full House and on the committee who worked with us with respect to various projects that they thought were important in their districts, they thought were important for national security, and I think we have on balance a fairly good MILCON budget under the budgetary constraints that came down from the administration.

Mr. Chairman, there are a couple of problem areas, though. One problem area right now is environmental compliance. We have built an industry of lawyers, engineers, analysts, consultants who now are drawing down literally billions of dollars out of the Department of Defense budget for these compliance projects on military bases, and we have seen that in some cases in excess of 50 percent of these projects that involve million-dollar reports, in the end no pollution is found on the particular base.

Mr. Chairman, we are supporting a major industry that in many cases has very little to do with national security. And the dollars, while massive dollars are going to environmental compliance, we still have in many, many areas, especially in the wake of BRAC, of base closing, we have a deficiency in family housing and a deficiency in military-oriented projects, mission-oriented projects. We are going to have to work on that.

Mr. Chairman, I would submit that unless we make some radical changes, we will once again have developed this new area, this environmental area, that is sucking money away from the moneys that are available for military commanders, for base commanders to be using on mission readiness. That is going to be a bad thing.

Mr. Chairman, the average base commander today, if he is really going to be up to speed and the EPA has come in and testified to us that it is important for commanders to know what they need to comply environmentally, but if a commander really is going to learn what he has to do to comply with the environmental regulations, the average base commander of a Marine base or an air base or a Navy base has to know about 10,000 pages of regulations. What that means is that he has to take time away from preparing his soldiers or sailors or marines for war to go over and become an environmental expert of sorts to make sure that his base is in compliance with this massive regulatory bureaucracy that we have built in the EPA and at the same time it feeds this new industry of lawyers and accountants and analysts and consultants who feed on military bases on environmental compliance.

Mr. Chairman, having said that, let me go to the big picture. We are undertaking a tragic recurrence of history with this defense bill, because we are massively cutting national security and there is no deep thinker in the Pentagon or elsewhere who really knows exactly what we are going to need a few years from now, who really knows how the Korean threat is going to play out, whether that is going to move other nations in that region, such as Japan, to start developing nuclear systems, what it is going to do with respect to Communist China. Nobody knows where China is going in the South China Sea with their claim to all of the territories that lie there. Nobody knows what is going to happen ultimately in the Balkans, nobody knows what is going to happen with the four former states of the Soviet Union which have nuclear weapons still aimed at the United States and have, to understate it, very unstable political systems.

Mr. Chairman, I think everybody who believes that we are not spending enough on national security should vote no on this defense bill, Republican and Democrat.

It is only by doing that, not by talking in the hallways, not by talking in small groups but by saying that on the House floor, by voting no on President Clinton's defense bill that we can send a message to him that he is forgetting this most important of national priorities, the defense of this country.

□ 1450

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Florida [Mr. HUTTO], who chairs the Subcommittee on Readiness.

Mr. HUTTO. Mr. Chairman, I rise in support of H.R. 4301, the fiscal year 1995 defense authorization bill.

This package represents several items to enhance the readiness of our forces as our dedicated people are being asked to meet more frequent and diverse challenges in the protection of freedom around the globe.

Readiness increases include mobilization enhancements, $600 million in equipment repair increases, and $67 million for recruiting, funding for safety training, and protection against friendly fire, mobility enhancements, and measures to free up thousands of military positions to return to combat units by replacing military and administrative and support positions with civilians.

This bill identifies offsets to the budget to enable funding of an otherwise unfunded pay raise for our troops.

Most importantly, we have restricted the amount of funding that can be moved out of the readiness OPTEMPO accounts for track miles, steaming days, and flying hours, and provided for friendly fire training. The Readiness Subcommittee and, in fact, the full HASC has fought hard, in the face of this drawdown, to make sure we maintain the readiness OPTEMPO of our forces.

Again, we have tackled the expensive and critical area of financial management with tight sanctions over the operation of the Defense Business Operations Fund.

We provided additional funding for the DOD Inspector General oversight. For many years the Readiness Subcommittee has been in the forefront of moving DOD toward a better financial system.

Secretary of Defense Bill Perry and Comptroller John Hamre have assured me this is a top priority with them and that they are committed to bringing about a more efficient financial accounting system for our Department of Defense.

This year the subcommittee has included a number of provisions aimed at preserving the organic capacity of the Department of Defense's ability to repair equipment and to assist those depots that have been forced to close.

We have several provisions aimed at ensuring the effectiveness and accountability of the most important efforts on cooperative threat reduction for former Soviet nuclear arms. We have stressed burdensharing with the provision that encourages our negotiators to get a better deal and transfer those savings back to U.S. installations.

But as the leader of the free world, we must not pull the rug from under our uniformed service people wherever they serve us around the world.

In summary, the list is long, but I believe that it fulfills our charter to ensure effective oversight over the largest and growing segment of the DOD budget and ensure that our forces have what they need to meet any adversary safely and effectively. Readiness is vital to our defense effort.

I have been concerned that the drawdown is too much too quick. Witnesses before our subcommittee have testified about problems they are already having. In view of this, I am encouraged that the need for increased O and M funding is being recognized. We simply must provide our troops with what they need to do their jobs.

I want to congratulate the chairman, the gentleman from California [Mr. DELLUMS], and the ranking member, the gentleman from South Carolina [Mr. SPENCE], for their leadership.

I urge support for this bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

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

Mr. Chairman, I rise in opposition to H.R. 4301.

Mr. Chairman, I would like to begin by commending Chairwoman PAT SCHROEDER for her continued leadership and management of the Research and Technology Subcommittee of our committee. Given the budget that the administration has proposed and all of the factors involved, the subcommittee has done about as well as could be done in recommending what is in the bill before us today.

However, while there are a lot of reasons to support this bill, there are even more reasons to vote against this bill.

I have never said the Pentagon is a model of efficiency and every program that they request should be funded. But I do say that we have vital national security interests and the threats to those interests are just as potentially threatening as they ever were. I believe the defense program posed by the administration is inadequate to meet those potential future threats.

The threat of near-instantaneous annihilation from Soviet missiles is greatly reduced. However, regional threats, proliferation of chemical, biological, and nuclear weapons and technology and our lost credibility to do anything about these threats and capabilities pose major threats to our Armed Forces personnel and our vital interests.

This administration's defense policy is like a Hollywood back lot—great facades and scripts, but nothing behind them—step through the doors, look through the windows and there is nothing there. After the script is read and the lights go down, nothing happens, its over.

The President stood in this Chamber in January and pronounced that there would be no further cuts in defense spending. Over the intervening 4 months we've witnessed one innovative scheme after another in the form of a supplemental, a rescission, reprogrammings, and the defense budget itself, posing new and innovative ways of using money that should go for national defense for nondefense purposes.

The bill before us, that is supposed to fund our defense programs for the next fiscal year, is inadequate to fund the administration's own national military strategy. This is not my opinion; this is the administration's own admission. In addition, this bill includes $15 to $20 billion in programs that have little or no direct relationship to providing, training, and equipping our Armed Forces.

In addition, the administration doesn't appear to be satisfied with 800-percent increases in non-DOD technology program funding. It continues to propose new ways to use more and more DOD dollars for such nondefense purposes. Robert Samuelson, in today's Washington Post which I ask be included in the RECORD after my statement, describes how the administration is asking the Pentagon to pay for a $600 million industrial policy program in flat panel displays. At most, DOD purchases of such displays represent 3 percent of the market, yet DOD is being directed to fund the entire cost of the program.

Procurement spending has been cut by two-thirds since the late- to mid-1980's. For the first time in the history of the Air Force, its budget does not include a request for a single fighter aircraft. If it were not for foreign military sales, the fighter industrial base and the associated jobs would be in serious jeopardy.

While procurement has taken a two-thirds cut, research and development appears next on the list. In just two budget cycles—since 1993—DOD's overall basic research budget is down 12 percent, exploratory research is down 22 percent, and advanced development is down 24 percent. The Army is looking at a 40-percent reduction in R&D funding over the next 5 years.

There was a time when this country was the world leader in space launch and had 100 percent of the commercial space launch market as well. Now, we are a fourth rate producer of space launch vehicles and are lucky to get 40 percent of the commercial market. Yet we can't get the administration or the Pentagon to spend the money we have authorized and appropriated to try to turn this situation around. Nor is the administration willing to provide focus to the space launch program by putting someone in charge to sort out the conflicting goals, priorities, and budgets of the various departments and agencies.

There is example after example of the continuing deterioration of the defense industrial base and our military capability. While the committee has sought to fashion a credible bill, it amounts to fiddling on the margins while our defense industrial base, military capability, and international credibility continue to deteriorate. I cannot support such policies and therefore cannot support this bill.

[From the Washington Post, May 18, 1994]

FLAT SCREENS AND SUBSIDIES

(By Robert J. Samuelson)

The Clinton administration's latest excursion into industrial policy is its most troubling. The Pentagon proposes spending $587 million over five years to enable U.S. companies to capture 15 percent of the world market for "flat-panel displays." These are used for laptop computers, video games, advanced instruments—and cockpit displays for jet fighters. The plan is a huge overreaction to a real problem, ensuring adequate supplies of vital components. The whole effort smacks of political grandstanding to show that the Clinton administration is championing U.S. industry and jobs.

It's true that flat-panel displays will be a part of future weapons systems—everything from displays in tanks to, possibly, hand-held mapping devices for soldiers—and that there are now no major U.S. suppliers. Japanese companies control about 95 percent of the $5.6 billion world market, which is forecast to grow to $14 billion by 2000, according to Stanford Resources Inc., a research firm. The Japanese haven't cooperated on defense projects, says the Pentagon. The remedy, then, is to create a new U.S. industry that would exist mainly to serve civilian markets.

This is novel. Previously the Defense Department has financed civilian research and development in the hope that military applications might result; and obviously, it also has supported defense contractors directly. But it has never before invoked "dual use" technologies—that is, technologies that have civilian and defense applications—as the reason to subsidize an entire nondefense industry. It would do this through subsidies that, though granted for R&D, would require companies to build commercial factories. In practice, they're production subsidies.

No one denies that these factories would aim primarily at civilian markets. Consider the numbers. Between 1995 and 2000, the Pentagon may buy 15,000 flat displays annually. By contrast, world production of displays now totals 33 million units and should rise to 84 million units by 2000, says Stanford Resources. The U.S. market is about 6.5 million units. Defense needs, then, account for about two-tenths of one percent of U.S. demand in units, though in dollar value the military displays—which cost more because they have to be customized for combat conditions—might represent one percent to 3 percent of sales.

The White House is plainly eager to use the Pentagon as a vehicle for "technology policy." (That's the newest variant of "industrial policy.") Not surprisingly, the first suggestion for a flat-panel program came from Laura Tyson, chairwoman of the Council of Economic Advisers, who raised it with White House economic adviser Robert Rubin, according to a Business Week story that Tyson confirms. Rubin then urged the Pentagon, which had been financing R&D in display technology, to study the matter.

Technology policy is politically seductive because it appeals to raw nationalism and Americans' faith in gadgetry. The lesson isn't lost on Commerce Secretary Ronald Brown, former chairman of the Democratic Party. He's sharply expanded Commerce's Advanced Technology Program, which subsidizes projects involving, for instance, advanced materials or computer software. In 1990 the ATP spent $10 million. For 1995 Brown wants to spend $451 million on the way to $744 million by 1997.

Unfortunately, the popular appeal of technology policy rests on two widespread misconceptions.

The first is that a few "critical" technologies determine living standards and global economic success. "It's a totally wrong notion," says science specialist Bruce Smith of the Brookings Institution. What matters is a complex mix of many technologies, management practices, work habits, culture and government policies that is too intricate to control. Technology is only one influence. Consider a simple example: airlines. Americans and Europeans fly the same jets; yet, U.S. carriers are vastly more efficient (in 1989, they handled twice as many passengers with only 25 percent more workers).

The second myth is that Japan successfully practices technology policy and that we must follow suit or be shut out of high-tech industries. True, some Japanese industries have benefited from government aid; so have some U.S. industries. But in general, Japanese government support for R&D is less than ours, reports economist Gary Saxonhouse. Less than 2 percent of nondefense business R&D is financed by government in Japan compared with 22 percent in the United States. And some recent Japanese technology projects have failed badly; notably, high-definition TV.

The point is that, in encouraging new commercial technologies, it's hard for government to improve consistently on the "market," which is simply many companies trying many things until someone discovers what works best. This does not mean that all government projects will flop. But on average, they will waste money, fall prey to political pressure and distort competition. Sadly, business groups don't oppose these boon doggles on principle, because no one wants to offend the White House needlessly, and companies that might benefit will "take the money if government is dumb enough to give it away, as one lobbyist says.

The potential harm goes beyond waste. If America expands its free wheeling subsidies, other countries may do likewise. Indeed, the Clinton administration had global trade rules modified to permit bigger subsidies. Now, the Pentagon is creating a mechanism to transform alleged R&D subsidies into subsidies to build commercial factories. Perversely, this may make it harder for many U.S. companies to plan their investments, because they won't know whether foreign competitors may be subsidized.

None of this means the Pentagon should ignore flat-panel displays; they are an important technology with military uses. But the response should be less extravagant and more patient. Some U.S. firms are beginning or expanding production; in the future, foreign companies are likely to establish U.S. plants. And in any case, today's tiny U.S. production capacity is still large enough to meet the Pentagon's small needs many times over in an emergency. The situation, in short, is not as desperate as the Pentagon says. The rush to create a commercial industry suggests, as Brookings' Smith puts it, that "they almost forget that the Defense Department has a defense mission."

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank my friend, the gentleman from South Carolina [Mr. SPENCE], very much for yielding me this time.

Mr. Chairman, I would like to commend both the chairman of the Committee on Armed Services and the ranking member for the, I think, exemplary manner in which they lead the transaction of the committee's business. I have served now on the Committee on Armed Services long enough to have served under three chairmen. In my experience, it has never been presided over with the same measure of fairness and absolute zeal for the protection of the rights of every member to be able to participate in the debate, in the deliberations within the committee, and a full opportunity to be heard; that someone can do this when they are in strong policy disagreement and preside over a committee is a refreshing change in this body, and I cannot commend the gentleman from California enough. And it is the same spirit in which the gentleman from South Carolina [Mr. SPENCE] approaches his responsibilities. As wide as the policy gap between them, the operating relationship is an example for every committee in the House of Representatives.

Mr. Chairman, I feel something of a quandary besets me today. It is my view that the committee has done very substantially a commendable job with what it was given to work with. My concern, however, is that the committee was not given enough to work with.

I am one of those like my colleague, the gentleman from California, and my colleague, the gentleman from South Carolina, who believe that we are underfunding the Nation's national security requirements.

We have gone through the Bottom-Up Review. There are some of us who feel that the force structure called for by that review is not adequate to these very unstable times through which we are moving. But even if you concede that the Bottom-Up Review is correct, with the force structure it contemplates, we all have to face up to and admit the fact that it is being seriously underfunded in this budget.

And in the outer years, in terms of the now announced 5-year defense plan, that underfunding will become increasingly more dramatically inadequate. I think we have got to reverse that trend.

Let me say this bill does have in it, and I think it is very important that it does, the 2.6-percent pay raise for our military personnel, something that we must do throughout our deliberations in connection with the Department of Defense, protect the well-being of the people who make up our Armed Forces. It is commendable that our bill resolves the disparity, the inequitable disparity between the way the military retirees have been treated for purposes of cost-of-living adjustments versus other Federal retirees, something that I think is unconscionable and is being addressed.

Let me say finally, in terms of a particular weapons system, this bill includes within it the authorization for a new aircraft carrier. It is the No. 1 priority program for the U.S. Navy in the fiscal year 1995 budget. It is as requested by our President. It is as required if you are going to follow Bottom-Up Review. It represents the Nation's most awesome, effective, and flexible platform from which to project our power and to deter aggression. It is the vehicle, it is the instrument that every President for 40 years has always called for first when a time of crisis arose.

A new carrier would replace a conventional-powered carrier which, by the time this one is completed, would be more than 40 years old. It will need to be retired, and we will have to have this carrier.

It sustains a vital industrial capability for this Nation which would be entirely lost unless, in a regular program way, as this bill contemplates, we go forth with the authorization and funding of that new carrier. I hope it will be the pleasure of the House to pass this bill with the provision upholding the necessity for the building of CVN–76, a new carrier for America which someone recently described as a 90,000-ton piece of diplomacy. It is our most valuable platform in all of our military establishment.

Mr. Chairman, I hope in the next sessions of Congress that we will see a reversal of the trend which has brought the Defense budget down now for every fiscal year since 1985, and brings it to a point where I think we are in jeopardy of imperiling America's security.

We started with a budget resolution that did not take into account our needs, our threats, our requirements, but we went through that debate and that process, and we arrived at a budget resolution.

And then we have ended up with an allocation of budget authority to our committee not really with regard to what our national security requirements are. But that is something our committee has been unable to do anything about.

I hope that in the next session of Congress we will do something about it and that we will not starve our defense.

□ 1500

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON], who very ably chairs the Subcommittee on Military Forces and Personnel.

Mr. SKELTON. Mr. Chairman, first let me mention that I rise in strong support of this bill and also I wish to commend our chairman, the gentleman from California [Mr. DELLUMS] for his evenhanded leadership, for his ability to listen and for his interest in the troops. It also appears, Mr. Chairman, that the efforts of the gentleman from California, together with mine, will bear fruition concerning the tax problem of moving our soldiers as they must do from time to time overseas. I certainly commend him for his efforts in that regard.

I also thank the gentleman from South Carolina [Mr. SPENCE] for his courtesy. Let me also mention it is pleasing to see the new aircraft carrier in this bill and I look forward to a positive debate, hopefully with a favorable outcome concerning the C–17.

Mr. Chairman, as chairman of the Subcommittee on Military Forces and Personnel, I rise in support of the manpower portions of H.R. 4301, the Defense authorization bill for fiscal year 1995.

At the outset, I want to commend all the members of the subcommittee—and especially the ranking member, JON KYL—for their diligence and hard work on the difficult issues before us. The subcommittee has held 11 hearings so far this year, on top of 27 hearings last year, on a wide variety of force structure and manpower issues.

On the issue of end strengths, the committee approved the budget request for an active duty end strength reduction of 85,584 and a drilling reserve reduction of 45,803 below the fiscal year 1994 level. Many members would have preferred a smaller end strength cut, but unfortunately the dollars simply are not there.

The centerpiece of the personnel portion of H.R. 4301 is a 2.6-percent pay raise, the full amount authorized by current law, effective January 1, 1995. In this time of great uncertainty with the force drawdown, it is important to reassure our young men and women in uniform that we haven't forgotten them. High morale is critical to maintaining the quality force we have today.

Maintaining the quality of the force is clearly a theme for H.R. 4301. For over a year now I have been voicing my concerns to my colleagues, to the military, and to the administration about the debilitating impact of defense cuts. Since the cold war ended, we have geometrically increased the peacetime operations of our forces—in Somalia, Macedonia, northern Iraq, southern Iraq, and on and on—while cutting them to the bone. Our military services are experiencing significant problems in readiness, retention, morale, and operations and maintenance. These difficulties will continue to become more even more acute in the future and will erode the Armed Forces ability to wage war if we don't act. We cannot afford to sit idly by as spectators and observers.

In no service are the problems more evident than in the Army. Consequently, H.R. 4301 contains a provision intended to safeguard the Army contingency force's ability to respond quickly to a major regional conflict. In addition, the report on the bill contains a committee recommendation which I proposed that would maintain the Army at 12 divisions by relying more heavily on the National Guard.

The contingency force consists of the Army's five highest trained, best-equipped, and fastest deploying divisions. The contingency force provision reflects the committee's concern that the current practice of assigning units from the Army's premiere divisions to peacekeeping operations is significantly degrading the Army's ability to respond quickly to a major regional conflict. Under the administration's Bottom-Up Review, those divisions are supposed to be prepared at all times to deploy immediately in case of a conflict anywhere.

Although the Army assigned the personnel equivalent of little more than one division to Somalia, units from throughout the contingency force participated. Moreover, additional contingency force elements were simultaneously engaged in other peacetime operations. As a result, the force we called upon first in the Persian Gulf war would have been unable to deploy quickly in robust numbers in the event of a crisis or regional conflict.

The provision recommended by the committee would limit the assignment of contingency force units for peacekeeping and other peacetime operations. Elements from no more than one of the five contingency force divisions could be engaged in peacetime operations at any given time unless elements of all other Army divisions were already engaged in such operations.

Whereas the contingency force provision focuses on the Army's capability to respond to 1 regional conflict, the committee's recommended 12-division active-reserve Army force structure focuses on retaining a credible 2-war capability. The present national military strategy calls or our Armed Forces to be capable of fighting and winning two major regional conflicts nearly simultaneously. The Bottom-Up Review recommends a 10-division all-active Army to support the strategy.

I agree with a two-war strategy. It is needed to discourage a second, opportunistic aggression after we commit our forces to an initial conflict. But in my view, the Army planned under the Bottom-Up Review cannot meet that requirement. In fact, I am not sure today's Army could repeat Operation Desert Storm, let alone fight a major conflict in a second theater. We sent eight divisions to the Persian Gulf in 1990 and are now being told to depend on force enhancements that will allow us to fight two similar contingencies with only five divisions each. The 10-division Army planned under the Bottom-Up Review leaves the Army with little margin for error or capability to fight a protracted war.

The committee report, instead, recommends returning the Army to its pre-Desert Storm organization by integrating National Guard combat units with Active Forces in later deploying divisions. Eight divisions would be composed entirely of active personnel. The remaining active combat elements would be integrated with National Guard units in at least four roundout divisions. All 12 division headquarters would be composed primarily of active personnel. The committee recommendation would afford the Army the flexibility to generate combat power seamlessly and continuously with all-active units deploying first, mixed, active, and National Guard units next—after 3 or 4 months of post-mobilization training—and finally, the eight remaining National Guard divisions.

Mr. Speaker, in addition to the force structure proposals the committee approved a number of additional measures intended to maintain the quality of the force.

We heard repeated testimony before the subcommittee and the full committee that the recruiting market is getting much tighter with the declining propensity of young people to serve in the military. As a result, H.R. 4301 repeals a statutory reduction on the number of recruiters that came from the Senate several years ago and pluses up recruiting resources.

In addition, H.R. 4301 maintains faith with those who served in the past by equalizing the fiscal year 1995 cost-of-living adjustment for military retirees with their civilian counterparts.

Reflecting the lessons learned from Desert Storm, the committee approved DOD's request for two modifications to the selected reserve call-up authority:

First, we approved an increase in the Presidential call-up authority of 200,000 selected reservists from the current 90 days with an additional 90-day extension to 180 plus an additional 180-day extension.

Second, we approved, with modification, the authorization request to permit the President to authorize the Secretary of Defense to call up to 25,000 selected reservists when the President determines that this action may be

necessary to augment the Active Forces for an operational mission.

Finally, H.R. 4301 extends whistleblower protection to service members who file unlawful discrimination or sexual harassment complaints, thereby requiring an investigation of any allegation of retaliatory action against those members. This provision, proposed by Chairman DELLUMS and cosponsored by many of us on the committee, results from the compelling testimony of the four young current or former servicewomen who testified before the full committee in early March.

I believe the committee has worked extraordinarily hard to maintain its longstanding commitment to the welfare of young men and women in uniform and their families and urge my colleagues' support for the manpower portions of H.R. 4301.

Mr. Chairman, the committee has worked long and hard and I certainly urge a favorable vote on these provisions.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Utah [Mr. HANSEN], the ranking member of the Subcommittee on Investigations.

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

Mr. Chairman, in the eighties we passed a piece of legislation that we know as the base closing law. That is gone. We have gone through three rounds. 1988, 1989, 1991. Right now we are asking the Rules Committee to consider whether or not there should be a pause or delay in the base closing law from 1995 to 1997. We will not know the outcome of that until the next time they meet.

What did we find during this time of 1988, 1991 and 1993? Let me tell you some of the findings that we came up with. One was that we found that it cost a lot more than ever anticipated to close those bases. We also found that the savings is an awfully long way down the pike, 15 to 20 years and in cases of big depots 100 years they anticipate.

We found that the environmental cleanup was a lot more than anybody anticipated and we found that the economy of the areas that we were looking at was an awful lot of money to take care of. All of those things have now been documented. They are true and they are findings that we have come up with.

So with all this savings we were supposed to save, apparently it is just not there.

I would like to read, if I may, Mr. Chairman, some of the statements that have come from the Pentagon, "We haven't saved a whole lot," says the Deputy Assistant Secretary of the Army. General Accounting Office: "Environmental cleanup costs are substantially higher than originally anticipated." It goes on and on with people talking that way.

The next question we have, as a member of the Committee on Intelligence and listening to the Director of CIA, the very able Jim Woolsey, it is interesting to hear his comments. He talked about the old Soviet Union, how tough they were and that we had a contingency plan to take care of every problem that may come up. The contingency plan, he said, this was the old Soviet Union, was a big dragon out in the jungle but we knew how to handle it.

Now it is split apart and we have 50 poisonous snakes. We have heard about those today: North Korea, Bosnia, the problems in the Middle East, the resurgency, possibly, of the Soviet Union; all of those sitting there waiting to come up.

I remember years ago when I went on this particular Committee on Armed Services, I still remember what was said: We set the budget predicated on the threat.

Now, I ask you the question, can anybody in here tell me what the threat is? No one seems to know at the particular time.

So number 1, Mr. Chairman we are asking that we look very, very carefully at the savings. Is there really a savings?

Number 2, we are saying: Do we really know where we are going? I ask the committee and Members of this House and the Committee on Rules to give some thought to taking a pause, not to stop; base closing is necessary, let us have a delay, not a stop. Let us let the dust settle, find out where we are headed in this area so we will know where we are going. I think it would be a wise and prudent thing to let us have a vote up or down on this in order to find out whether we should continue with this base closing idea.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY], who ably chairs the Subcommittee on Investigations.

Mr. SISISKY. Before I start, Mr. Chairman, may I congratulate the distinguished committee chairman, the gentleman from California [Mr. DELLUMS] and also the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE]. We have had a very difficult year. Yes, it is true that many of us on the committee, both Democrat and Republican, think that this bill is underfunded and our national security is underfunded. This may be the wrong place to debate this issue. The place to debate this issue really is when we submit our budgets and in the budget debate.

Mr. Chairman, I want to take a moment to note that the House Armed Services Committee included full funding for the carrier, CVN-76, in fiscal year 1995.

This decision makes sense in terms of national security, in terms of budget responsibilities, and in terms of preserving the nuclear and non-nuclear industrial base.

I have said before that the carrier is the centerpiece of Navy forward presence, and forward presence is the centerpiece of U.S. foreign policy.

With the drawdown of American forces overseas, and the reluctance of many nations to host our military forces, we need the flexibility and versatility of carriers.

Carrier battle groups provide visible, unmistakable evidence of America's resolve to preserve peace, and to assist the victims of civil strife or international aggression.

All of us can anticipate what carriers will do if the crisis in Korea comes to a head—just as we can remember what carriers did in conflicts ranging from World War II to Desert Storm.

But even more important than wars in which they participated were wars that were prevented—because the presence of carriers made aggressors think twice before they attacked their neighbor.

In 50 years after World War II, the Navy responded to nearly 200 overseas crises. Carriers, usually more than one, were involved two-third to three-quarters of the time.

The average has been higher in recent years. That's why it is important to not put ourselves in the box of trying to divide their warfighting from their peacekeeping mission.

If anything, peacekeeping mission may have greater long-term importance—because peacekeeping saves American lives. That is where our priority should be.

Building CVN-76 now is also the right decision in terms of our budget responsibilities. Additional delays result in additional costs.

And the option of SLEPing a conventional carrier gets us a less capable ship, with only 10 or 15 years additional service—but at a cost of $2.6 billion.

It makes sense to procure a new, more capable carrier, with a service life of 40+ years, and which represents a more prudent investment.

As far as the nuclear industrial base, I will only recount that the company recently went looking for 200 nuclear welders and could only find 6—in the whole United States.

In sum, funding the carrier in this year's budget is a prudent, responsible decision.

I also want to note several other provisions in the bill.

During markup of this year's defense authorization bill, the oversight and investigations subcommittee, which I chair, handled organizational issues and general provisions.

Of the dozens of items we considered, five stand out that I would like to bring to the attention of the House.

First, our National Guard Bureau language is a modified version of a bill

introduced by Representative MONTGOMERY to establish the Guard Bureau in the law.

I view the result before you as a fair and reasonable compromise that addresses the interests and concerns of all parties.

Second, this bill provides $714.2 million for counter-drug activities—the sum requested by the administration.

The bill reflects the administration's changed priorities: reducing funding for drug interdiction efforts in the Caribbean, while placing more emphasis on demand reduction and on stopping drugs at their source in the Andes.

Third, the administration requested $300 million to pay assessments for many U.N. peacekeeping operations.

The language before you, however, places $300 million into the cash fund the Congress created last year to pay the start-up costs of unanticipated U.S. operations.

These include peacekeeping operations, disaster relief, Desert Storm, the L.A. riots—any kind of operation that could not be anticipated and budgeted for in advance.

There is nothing in here to pay the United Nations, though the funds would pay start-up costs for U.S. participation in a U.N. operation.

Fourth, the administration requested $72 million for humanitarian assistance.

We reduced that to $60 million and fenced half the money until the Department provides documentation we ordered last year and which was due by March.

Humanitarian programs have been fragmented. This bill puts them together in one all-encompassing program.

The intent is to minimize micromanagement and give the Pentagon flexibility as it tries to get its hands around these programs.

Finally, we killed a Pentagon plan that smacks of a subsidy for private business.

The Department recently said that under certain conditions a defense firm buying another firm could charge some of the restructuring costs off to the Government. This was announced as a clarification.

Our subcommittee report would require the Department to come to the Congress if it wishes to institute such a major change in policy.

Mr. Chairman, that is a summary of portions of the bill my subcommittee worked on.

I think they are good provisions—well thought out and helpful in framing an efficient, responsive and cost-effective Defense Department.

The other subcommittees and the full committee have worked similarly hard at crafting what I believe is an excellent bill.

One final example of the difficulty we faced was in the area of burdensharing. The committee made the tough decision to reduce the overseas O&M request by $400 million.

I urge my colleagues to take a cautious, balanced, reasoned approach. Additional reductions in troop strength or funding are not warranted.

We have made steady, measured progress toward goals already established by this body. Let's not risk the stability of Europe or other regions by hasty, precipitous reductions and withdrawals.

That is the wrong signal to send to the rest of the world.

In conclusion, I commend the bill as reported and urge all Members to support the bill.

□ 1510

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield I would like to commend the gentleman from Virginia [Mr. SISISKY] especially on the carrier. That is a front line of defense. They are out there, and I certainly want to thank him for his hard work and also for what he did on updating the reserve headquarters that is in this legislation. It makes a lot of sense to improve the Reserves, and I thank him for taking on this obligation.

Mr. SISISKY. Mr. Chairman, it has been my pleasure, and I thank the gentleman from Mississippi.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, in the 8 years that I served in this body and been a member of the Committee on Armed Services I will start out by saying I have never seen the committee work more closely together than this year, but I say that also acknowledging that I do not think the committee, in my opinion, has ever worked under conditions that have been worse than this year in terms of our responsibility and our obligation to the full House in reporting on what our defense posture is and what it should be.

I want to start off by acknowledging the work of the chairman. He, as everyone else has said, is eminently fair and has done a fantastic job working with our leader, the gentleman from South Carolina [Mr. SPENCE], in crafting the best that we could get out of a terrible situation, and that is this defense bill. Let me also acknowledge the work of the subcommittee chairmen and the ranking members. They also have done a fine job, and there are some good things in this bill. There are things in here that we can be proud of:

The efforts to begin the process of acquisition reform which the chairman is carrying on in cooperation with other committees, the work to restore the pay raise for our troops, the COLA reform that we were able to put in limiting the use of the State Department's access to DOD dollars for initiatives, some of the efforts in the conversion area which I have supported and which will be talked about in the conversion section of this bill, the support of the chairman and ranking member on a specific project I included dealing with Russian naval vessels and military hardware for the peace initiative, the acquisition fairness that occurred in the acquisition subcommittee where we came together, Republicans and Democrats, with the dollars we had and made decisions that almost all of us agreed on.

Mr. Chairman, I applaud all of those efforts, and I certainly would be remiss if I did not mention I applaud the fact that the V–22 is in there again and, in fact, is not an issue this year, which makes me even happier, but I must sound the warning, Mr. Chairman. I must sound the warning.

Let me say that President Clinton, when he stood at the podium up here, deserved an A. He deserved an A, and I say that as a former teacher because he pounded the podium very well, and he made the point to the American people that he was not going to stand for any more defense cuts. This was in January of this year, and the American people all across the country said, "This President has really now finally gotten that we're not going to cut defense any further."

But I have to give him an F for followup because, I say to my colleagues, "If you look at his budget, not just this year, but for the next 4 years, he cuts defense spending in real terms every year," and I have to tell my colleagues, Mr. Chairman, I have great problems with that. These are real cuts, real dollars, not cutting the rate of increase, real hard cuts in defense spending. One million men and women are loosing their jobs in the military over 5 years, and, for all of those out there who are in the defense industry, the Office of Technology Assessment and the General Accounting Office estimate that up to 2.5 million of them will lose their jobs over the next 5 years. I ask:

"Where are we going to put you? What kind of job are we going to move you into?" No one knows, but all we can say is under this budget scenario they are going to lose their jobs. One out of every two people working in the military-industrial complex in America over the next 5 years will lose their job.

This budget is not based on real threats. Goodness knows the security briefings we have had. There are over 60 situations around the world where there are hostilities taking place today where factions are fighting factions, ethnic groups are fighting ethnic groups, country fighting country, any one of which could draw us into a regional conflict.

Some would say the world is safer today. Many of us feel that is not the case. The nuclear warheads are still in the Soviet Union, the former Soviet

Union, and still pose a real threat to us.

Look at history and see what happened as we have made massive cuts in defense. After every major confrontation we found ourselves in a situation where we have not been able to respond quickly to deter aggression and that is the ultimate job of our committee and the military in this country, is to be able to deter aggression. My fear is that we do not do this.

As a matter of fact, Mr. Chairman, looking at the President's own Bottom-Up Review, this budget does not meet the President's own Bottom-Up Review. The administration presented a budget which cuts the Air Force structure by 20 percent from that recommended in the Bottom-Up Review; the Navy, 16 percent fewer ships than the Bottom-Up Review, the Marine Corps has only 77 percent of the troop strength recommended by the Bottom-Up Review. So, the President's own Bottom-Up Review is not, in fact, maintained by this bill that we are voting on today.

Now I could go to the charts, Mr. Chairman, and the charts are nice because they depict in pictorial terms what we know to be true, but that is not the bottom line here. The bottom line is what do we do to men and women who serve in the military.

A year ago in January I was in Somalia. I was in Mogadishu and Baidoa, and in talking to the young Marines there who were doing a fantastic job I said to them, "What do you want us to take back to our committee and to the Congress?"

They said, "Mr. Congressman, there is one thing please tell them, that we just can't keep continuing to go to all these different missions and responsibilities and not have the backup support that we need."

□ 1520

One young Marine told me he had been deployed three of the last four holiday seasons because we do not have the backup commitment and support to go back home. That is what our defense cuts are causing, and we have to understand that. When we cut the military, we are hurting real people and real families. That is my concern with this bill.

Mr. Chairman, we need to deter aggression with a strong military, and we now have to send a signal to this President that this has to be the last year for these kinds of defense cuts.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the remaining time for both sides of the aisle?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] has 30½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 21 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentlewoman from Tennessee [Mrs. LLOYD].

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

Mr. Chairman, I certainly rise in support of this legislation. Every member of the committee would love to have had more money, more funding and certainly to have achieved greater goals, but it is a good bill, and certainly we acted responsibly.

Mr. Chairman, I want to commend the chairman of the full committee and the gentleman from South Carolina [Mr. SPENCE] for their leadership, as well as the staff.

I would like to spend my time commending the legislation for recognizing and seeking to maintain the relationship of the United States with its NATO allies. Clearly the cold war has ended and certain reductions in our Nation's defense budget have been appropriate. We now have the opportunity to use this funding to accomplish other goals, both foreign and domestic.

However, we must not and we cannot walk away from nor diminish the importance of the work that we began over 50 years ago. Our alliance with our North Atlantic neighbors must not be forgotten. That relationship with our European allies was the catalyst for establishing the North Atlantic Treaty Organization, the most successful alliance in the history of civilization.

So we must continue to actively participate in that alliance and contribute to the common security that is the hallmark of NATO.

In that regard, I strongly urge this great body to support the ceiling that was set by last year's defense bill of maintaining 100,000 U.S. troops in Europe by the end of 1996. Any efforts or any amendments offered here today to reduce these numbers would seriously undermine NATO's goal of common defense and undermine the ability of this Nation to secure our vital interests overseas.

The United States can be proud of its initiative embraced by NATO to establish a partnership for peace, and now, as NATO forges this partnership with our former adversaries in Eastern Europe, we share the responsibility of overseeing this effort and maintaining a presence that is representative of our position in NATO's strong and successful democrat community. We must not jeopardize our country's ability to sustain its strategic interests abroad.

Mr. SPENCE. Mr. Chairman, I am proud to yield 3½ minutes to the gentleman from Colorado [Mr. HEFLEY].

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

Mr. Chairman, let me say that I was extremely pleased this year with the way this bill was handled in committee. The chairman of the committee and I would have never dreamed when we started out together in this body, with our many philosophical differences, that we would ever in our lifetime work well together. But we do work well together. I think we have a mutual respect. We still do not agree on a lot of things, but we have a mutual respect and we work well together, and we work well across the aisle.

I saw something I have seen very seldom in all my experience here in Congress in terms of procurement reform, the way that the chairman and the ranking member sat down together and worked this out, and the two sides agreed to it almost without any dissension whatsoever. I think that is a wonderful example for the rest of Congress.

But let me say that I think the defense cuts embodied in this bill are too drastic. I think, Mr. Chairman, that I must rise in strong protest to the Clinton administration's plans for national defense.

This bill is an unusual one for Congress. In most instances we do not handle bills in this way. Instead of adding to the President's requests, as we do with most bills, we are cutting from his requests. Instead of spending over the last year's level, as we do with most bills, we are decreasing spending. It is just too bad that Congress does not want to dismantle the deficit with the same fervor that it wants to dismantle the defense structure of this country.

Certainly the changes in this world call for a look at and a possible reduction in defense spending. We no longer see the Soviet Union as the same kind of threat to national security. The changes in Eastern Europe allow us to drawdown our forces.

But, Mr. Chairman, just because the Soviet Union is no longer a superpower does not mean that we do not have any enemies out there. In a number of ways, our world may be a more dangerous place than ever. If you know who your enemy is, you can prepare for him. It is much more difficult to prepare for an enemy that may pop up anywhere at any time.

In a conversation with the CIA Director sometime ago, he mentioned that we used to know where the dragon was, now we have a hundred snakes that can pop up everywhere. We do not have the same dragon anymore.

We all witnessed the magnificent victory of our troops in the Persian Gulf war. We can conclude that our victory in the Gulf stemmed from two things: our technological advantage and the training of our soldiers. The technology used in the war was developed primarily in the 1960's and the 1970's. Technology is not developed overnight, and we must stay ahead of our future adversaries. Our soldiers' training will certainly suffer from declining defense dollars since O&M defense dollars are short. We have a moral obligation to send our sons and daughters on the battlefield with the best training and with a technological advantage.

Additionally, there is a disturbing trend toward using the defense budget as a cash cow. This body must awaken to the fact that our budget deficit was not caused by defense spending; rather, it was caused by out-of-control social spending.

Mr. Chairman, I believe that we are laying the groundwork for a very dangerous situation. We are in fact cutting too fast and too deep. This committee did the best it could given the budget environment. Anyone who believed that we could fight North Korea and Bosnia with the forces called for in the administration's budget this year is simply fooling themselves.

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

Mr. Chairman, I am compelled to point out that my colleague is absolutely correct, but it is very interesting that two of my distinguished colleagues who are very eloquent, very articulate, and very bright continue to refer to "the Soviet Union."

I know that that was a slip, but the point is that what I am trying to suggest is that the world has changed in powerful and profound ways. Yet is it extremely difficult for us to make the change. We still see the Soviet Union. There is no such thing as the Soviet Union. We are no longer in a Cold-War environment; we are in a post-Cold-War environment.

This forces us to trigger our minds, our brains, our perspectives, and our perceptions in fundamentally different ways. The world is different. It is without precedent. It is very difficult for many of us to let go of the past, Mr. Chairman, but there are some of us here who are suggesting in very powerful terms that it is precisely that which we must do—let go of the past as we come to terms with the myriad of priorities that affect our people, not simply the issue of national security, which in the 1990's has a much broader definition than many of my colleagues were prepared to define as "national security" in the context of the 1960's or the 1970's.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who serves as the ranking member of our full committee.

Mr. MONTGOMERY. Mr. Chairman, I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I join my colleagues in commending our chairman, the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE], and the staff for the great work they have done. This bill has gone about as smoothly as any I can recall, Mr. Chairman.

The bill treats the National Guard and the Reserve in a fair manner. End strengths are sufficient. The major armories around this country will not have to be closed because the Guard and Reserve have not been treated fairly.

□ 1530

Also pertaining to the reserve equipment package, there is about $800 million to go to the reserve forces to buy trucks, guns, and parts. Nothing fancy, but what they need to do is a better job.

Mr. Chairman, I am concerned about an amendment that will be offered that would eliminate registration in the Selective Service System. If adopted, this amendment would make the system ineffective and with nothing to do. President Clinton did not ask for this Selective Service amendment, and I am expecting a letter from him in opposition.

We need to keep the Selective Service System as an inexpensive insurance policy, to ensure that we have enough manpower to fight a major conflict.

Mr. Chairman, I urge my colleagues to oppose this Selective Service amendment.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I want to join with a number of other colleagues who have complimented the chairman, the gentleman from California, [Mr. DELLUMS], on the way this bill has been handled and reported. In particular, he knows we have had some very difficult and contentious issues, particularly related to the C–17 and other matters. I appreciate very much the way that has been handled. That goes, of course, for the ranking member, the gentleman from South Carolina [Mr. SPENCE], as well.

However, there is room for disagreement. I stand today in deep frustration over the defense authorization bill we are here discussing. I am frustrated because of the legislative and budgetary constraints we face in attempting to craft a defense bill which will adequately address our national security. I am frustrated also because our military is constantly being asked to do more with less. I am very reluctant to support this bill because it simply does not meet our military requirements nor strengthen our national security.

This chart to my left points this out very well. In just a quick glance, it shows what is going to happen with the growth in mandatory spending. It shows also in green what happens to the growth in domestic discretionary spending. Of course, on the far right of the chart it shows what happens to the decrease, more than 35 percent over the next few years, a 35 percent decrease in real military defense spending.

Last fall the administration released its blueprint of the post-Cold War defense force structure. It called it the so-called bottoms up review. Although many seasoned defense analysts questioned the wisdom of this strategy, especially in light of the growing turmoil around the world, the Pentagon has cemented it and developed plans to support two major regional contingency scenarios. Yet this defense budget falls short of supporting that minimum requirement. My fear, and the fear of many who have thought seriously about our Nation's defense, is we are returning to the hollow force that was much talked about in the 1970's.

As a member of the Joint Economic Committee, I am well aware of the need to reduce Government spending. But deficit reduction cannot be done solely on the back of our defense establishment. Since 1985, Mr. Chairman, defense spending has decreased by 35 percent. During that period we have cut military personnel by 600,000 and closed over 130 military bases.

Mr. Chairman, enough is enough.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to our distinguished colleague, the gentleman from Oklahoma [Mr. MCCURDY], who chairs the Subcommittee on Military Installations and Facilities.

(Mr. MCCURDY asked and was given permission to revise and extend his remarks.)

Mr. MCCURDY. Mr. Chairman, in January 1993, when President Clinton proposed cuts in defense spending twice as large as those he had called for during the campaign, the defense budget seemed like a convenient source of deficit reduction.

Russia maintained an openly pro-Western foreign policy. Iraq had been defeated. There were no imminent military threats to U.S. interests.

But since that time, events abroad and at home have reminded us yet again of our chief responsibility as a government: to provide for a strong defense.

Today in Russia, hostile nationalists are gaining strength and influence. Today in the Middle East, Iraq is rebuilding its army, and Iran continues to reject the peace process and threaten the stability of that critical region.

As we stand here today, a crisis is brewing in Korea that may call for decisive military action sooner than any of us had feared.

And even today, the Bottom Up Review's funding shortfall is evident in the declining readiness and morale of our armed services.

So as we consider the defense bill, I ask my colleagues to remember our solemn responsibility to the American people. The end of the cold war has not meant an end to all war, or all threats to American interests. It was right to cut defense spending, but it is wrong to destroy our military capabilities.

As the President has said, we have cut enough from defense. We cannot cut any more.

And I would remind my colleagues that, unless we are willing to add more resources to the budget, the next round

of base closures, painful as they may be, must go ahead as scheduled. Any delay would thrust a fiscal dagger into the heart of our military.

I am pleased to rise in support of the H.R. 4301, the National Defense Authorization Act for fiscal year 1995, as reported by the Committee on Armed Services.

I take this opportunity as chairman of the Subcommittee on Military Installations and Facilities to report to the House the actions of the Subcommittee. The committee has authorized $17.5 billion for programs under the subcommittees' jurisdiction. This authorization includes $5.3 billion for military construction for active installations and those funded in the base closure accounts, $3.4 billion for family housing construction and support, $4 billion for repair and maintenance purposes, $2.1 billion for the Defense Environmental Restoration Account, $2.0 billion for environmental compliance, $106 million for conservation and $392 million for pollution prevention.

The committee's additional authorization of $500 million attempts to bolster the administration's military construction request, better known as the Priority Investment Program [PIP]. This program, established to not prejudice the last authorized base closure round scheduled for 1995, funds only minimal infrastructure needs of the Department of Defense. In doing so, however, the administration has failed to realize the importance of retaining the robust infrastructure that must be funded in order to meet the requirements set forth in the Bottom Up Review. The committee is hopeful that this additional authorization will help meet these unfunded requirements necessary in the years ahead.

The committee has also taken action to provide additional authorization to the Base Closure and Realignment or BRAC III account to alleviate the fiscal pressures and delays that could have been caused by Congress' recent actions to rescind $508 million from this account. The committee's action will ensure that the closure process will not slow and that needed infrastructure will be in place to keep faith with the decisions of the 1993 Base Realignment and Closure Commission.

While we are on the subject of base closure, let me inform my colleagues of my ardent opposition to the proposal by Mr. HANSEN of Utah to delay the 1995 base closure round until 1997. On May 11, Secretary Perry and General Shalikashvili issued a statement, indicating their intention to conduct the 1995 round of base closures. Let me repeat their words,

> We must proceed to close bases to save money, managing the process in a way that recognizes that base closing costs money before it saves money. Too much too soon jeopardizes our current program; too little, too late jeopardizes our future program.

We must get on with the next round, as scheduled, in order that we not risk the readiness of our forces in exchange for short term political gain.

The general provisions contained in Division B of the bill range from land conveyances to military construction program changes that will ensure effective oversight of the military construction process by the Congress.

This product has received the unanimous support of the subcommittee and full committee. I would like to take this opportunity to thank the ranking member, Mr. HUNTER, for his assistance and thoughtful counsel, the members of the committee, and Chairman DELLUMS for his mastery in guiding this legislation to the full House for its consideration. I urge its adoption.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, there is much good in this defense bill, but I will invariably be voting against it because of the message it sends to the world, and that is that we are voluntarily withdrawing our role as the world's only superpower.

As we continue cuts down to far below the Pearl Harbor era as a percentage of our gross domestic product, I watch a dangerous world, and turn to the metaphor of the current Secretary of Defense, which I think says it with perfect clarity: "We have killed the dragon. No one wants to go back to a nuclear standoff between an evil Soviet empire and an armed-to-the-teeth United States."

But then the Secretary of Defense said, "We now have a garden filled with poisonous snakes."

I was stunned last week when I realized that more human beings, including mothers with babies in their arms, more human beings, most of them by knife and by machete, were killed in a tiny little country named Rwanda in only five weeks, than died in four of the six Nazi death camps. Not labor camps, like Plaszow in the great movie "Schindler's List." Not concentration camps, where several million died. But instead death camps, set up in Poland, with all the science and technology they could muster under Hitler's evil regime, to kill human beings, at the rate of 10,000 a day at Auschwitz toward the end of the war. But four of those camps, Maidanek, Belzec, Chelmno, and Sobibor, killed less people in three years than were killed in Rwanda in five weeks.

□ 1540

And we cannot seem to do a bloody thing about it. Isolationist voices are rising up in my party just as they dominated my party in the 1920's and up to the middle 1930's. And they almost destroyed Great Britain and caused it to be overrun by Nazi forces less than half a decade later. The other party, which has always been the isolationist party, now under a President that says no more defense cuts, continues to cut and yet does this to us.

Despite these savage defense cuts, we are still putting American men and now women in harm's way. Sixteen Special Forces and Rangers killed on the October 3 last, and two the next morning in a rescue mission of BOB DOLE'S 10th Mountain Division. U.S. Marines are now being stationed off Haiti. The *Wasp* sailed yesterday. It is in the papers.

I was told by the Navy, day before yesterday, they are not going, Congressman. Those wives who called you were wrong. They are just back from a deployment.

But the *Wasp* sailed today. It is in the papers. A young F–18 Hornet pilot, where we almost say, thank God he was a bachelor, died launching off the *Saratoga* in the Gulf.

Air Force crews on alert against possible aggression from North Korea and Army helicopter crews, in two UH–60 Blackhawks, killed by friendly fire over Iraq. And the list goes on and on and on where we are possibly going to put people in harm's way. Yet 86,000 personnel were cut out of the military in this very budget.

There will be a ceremony at the White House within days, actually the Commander in Chief has sat on this for days, even weeks, where the Medal of Honor will go to two of the brave Special Forces personnel from Fort Bragg, First Sergeant Randy Shughart and Master Sergeant Gary Gordon.

Yet despite those savage cuts, we are still asking men to give their lives for their comrades, for their country and even for some of those starving women and children in Somalia.

It is a very dangerous world, Mr. Chairman. We just cannot drain any more of the energy and strength out of our national security and our military to put it into phony titles like "defense conversion," into more social programs. Are we a superpower or are we a pitiable giant that is going to sit around and watch children slaughtered all over the world?

Mr. Chairman, let us put defense spending and defense requirements in perspective. There are constant defense cuts with no end in sight; 1995 will represent the 10th straight year of real decline for the defense budget. In real terms, the 1995 DOD budget is 35 percent smaller than 1985. Personnel cuts continue: 1995 budget reduces 86,000 active duty personnel; Clinton defense plan will reduce additional 200,000 personnel over the Bush defense plan through 1999; and since 1987, nearly 650,000 troops have been cut, a 30 percent cut.

Meanwhile, despite savage defense cuts, this administration continues to place American troops in harm's way to correct foreign policy mistakes. Sixteen U.S. Special Forces and Rangers were killed during the "manhunt" in Somalia, with two Tenth Mountain Division young men killed in the rescue attempt. U.S. Marines are now off Haiti. The U.S.S. *Wasp*, LHD–1, sailed today on exercise. A Navy F/A–18 Hornet pilot was killed off Bosnia in a bad flight launch. Air Force crews are on alert against possible aggression from North Korea. Army helicopter crews on two UH–60 Blackhawks were killed by friendly fire over Iraq.

We have only two choices, neither considered by the administration:

Properly man, maintain, and equip a combat force to be used proactively around the world, or cut defense spending drastically and keep U.S. troops out of action.

Instead, we continue to cut defense while at the same time sending our brave soldiers, sailors, Marines, pilots, and aircrewmen to the far corners of the globe as policemen of the world. Fund the force or don't deploy—those are the real choices.

We've done some positive things in this bill, but not enough. First, naval upper-tier ballistic missile defense, a near-term, inexpensive program building upon existing systems, is not even made a core program by this administration. The committee nearly doubled funding, but it is still not even half of what is needed to build hardware, hardware that could protect our allies and ground forces from attack in places such as Korea.

Second, friendly fire is still a growing problem of modern warfare, causing one-quarter of Desert Storm casualties. There is no procurement funding by Administration for an off-the-shelf system-committee funded 150 units for a brigade size test at Ft. Irwin but we still need more systems to test and more systems in the field.

Third, the B–1B/B–2 bomber fleet is modern, but still needs conventional enhancements such as precious guided smart bombs. The committee provided additional $100 million for B–1B Lancer. However, with no further funding for B–2 industrial base, what happens when we need more bombers?

Last, the C–17 post-cold-war system can carry troops into combat or food to the starving and can operate on 10,000 more airfields [unimproved] than other aircraft, but the committee funded only 4 instead of 6 C–17 aircraft for 1995. We've done some good, but halfway is not good enough; we need to fully fund our requirements or pay the cost on the battlefield.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], a top-gun fighter pilot.

Mr. CUNNINGHAM. Mr. Chairman, I would like to extend my congratulations to the chairman, that of all the times and the issues that we have met on, I think there was only one time the question of fairness came up. And even then, we resolved it fairly.

Although we disagree on some issues and the amount that defense should be cut, the process at which the chairman conducted, as a matter of fact, I was amazed, and I think the other Members were, and the complicity at which Members on both sides of the aisle worked together on a lot of these projects really, I think, in my 3 years since I have been here, have been exemplary.

Where the chairman did mention that the world had changed, I agree with him. But I would like the chairman and the other Members to take a look at some real, my real concerns.

I mentioned earlier that what used to be called the Soviet Union, while all the lights are out in economic prosperity that is going on in Russia today, three Soviet shipbuilding bases have actually increased their tempo in producing nuclear submarines. I cannot give the exact number, because that is classified. But those are highly capable nuclear submarines that they are investing in and producing at a higher rate than they were in the cold war, nuclear submarines that far exceed the capabilities of our own submarines.

I would include everybody in the Chamber to get that classified briefing. *Typhoon* class submarines and subs that go much far beyond, and they have three subs that actually cripple our defense system at great depth. I cannot give Members those depths, because they are classified, but it is a real concern.

The wars that we have fought have never been against the Soviet Union and are not directed at Russia. Vietnam was a classic example. We look at Somalia, where we invested billions of dollars and we had a lot of people die there. We are still in Iraq, defending the Kurds, Kuwait, which in Desert Storm, and we still have interests there. Saddam Hussein is still around, and North Korea, and even the conflict that we might get into in Bosnia.

My heartburn comes from the defense cuts, not just $177 billion but the additional ways that defense is being cut.

BRAC 1993 was supposed to close bases and reap those savings to carry over so we could fund our military. That is not happening. Either environmental costs or because BRAC is not funded, the military is having to take it out of their hide in many cases, which is cutting even lower their readiness.

I look at the order of demise of some of our top-line fighters, of F–14's. F–15's, F–16's. And yet out new joint airplane is being pushed out until the year 2000. Our assets are dwindling there. That is going to reduce our readiness.

There are good parts in this thing. The defense conversion that I spoke of, and I have here the Armed Forces Journal. This is the journal from the Armed Forces. As I said, later I would like to submit it for the RECORD. It tells what a tragedy the conversion program is.

Mr. Chairman, I include for the RECORD the following information.

DEFENSE CONVERSION: TRAGEDY OR FARCE?

(By David Silverberg)

Experts may disagree on whether the American defense conversion effort is tragedy or farce, but they all seem to agree on one thing. It is no resounding success.

"It is more farce than tragedy," Murray Weidenbaum, the first chairman of the Council of Economic Advisers and currently director of the Center for the Study of American Business at Washington University, St. Louis, MO, told AFJI. "I expect a very low return on this investment."

"It is a tragedy," Erik Pages, a policy associate at Business Executives for National Security (BENS) and a conversion expert, said in an interview. "There are a lot of high expectations, and I'm afraid that whatever is done, the conversion effort in general, particularly the TRP [Technology Reinvestment Project]. won't live up to them."

There have been successes, but they have been isolated, the result of the foresight and effort of individual executives and companies. By contrast, the overall state of defense conversion offers ample doses of both farce and tragedy. Those who see life as a comedy can point to conversion funding going to centers for all sorts of arcane studies. Civic projects, university institutes and policy centers, technological schemes, and training programs completely unrelated to defense are taking shape in the bowels of the Pentagon budget.

For the tragic-minded, there is the sad spectacle of the already stretched Defense Department being forced to fund utterly unrelated projects out of its critical operations and maintenance account, or its equally important research, development, testing and engineering (RDT&E) account. Furthermore, the congressional earmarking that is taking place is also beginning to pervert the entire conversion effort into just another pork barrel.

THE NEED, THE STAKES, THE RESPONSE

American industry needs to convert out of its Cold War mode—this is undisputed. The transition is difficult and painful—this is also obvious. That some form of bridge between the Cold War and New World Order economies would be necessary became apparent almost as soon as the Soviet Union dissolved in 1991.

The idea of a grand conversion effort gained ground in 1992. President Bush's administration was indifferent to the idea, but the concept provided a useful Democratic campaign plank that appealed to defense workers, particularly in key political states like California and Texas. Defying the Republican executive branch, Congress passed the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, which created new programs and increased funding for existing ones.

In March 1993, President Clinton announced a conversion plan that would spend $20 billion over five years. Of that, $1.7 billion would be spent in the remainder of Fiscal Year 1993, a $3.3 billion in FY94, and by FY97 funding would be increased to $5.3 billion. This money was to help people find new jobs, create technologies with both civilian and military uses (dual-use technologies), and assist civilian technologies of national importance.

Congress appropriated $1.8 billion for conversion in FY94. Of this amount, $217 million was earmarked or made "an item of special congressional interest, a funding decrease to which requires prior congressional approval"—meaning that the Pentagon had no control over the money or how it was spent.

Of earmarked conversion funds in the FY94 budget, appropriators from the House and Senate, meeting in their traditional secret session to negotiate the Defense appropriation bill, recommended that $113.6 million in earmarked funds come out of DOD's operations and maintenance budget and $103.8 million come out of the RDT&E account.

The Pentagon does not have to take those funds out of the targeted accounts, but it must fund the projects.

The 1995 defense budget perpetuates the Clinton conversion plan. According to figures from the Office of Management and Budget, it provides $2.6 billion for defense reinvestment and economic growth initiatives. This has three components: $1.4 billion will be spent investing in dual-use technologies; $1 billion will be spent helping people retrain and adjust; and nearly $200 million will be spent assisting communities hard-hit by the drawdown, either because of military base or plant closings.

AT THE TROUGH

Earmarking is a vice in itself but one that Congress will likely never give up because of the power it bestows. The practice has traditionally been used to force the Pentagon to purchase specific weapons or equipment from favored congressional districts or companies. With procurement accounts way down, conversion funds are serving the purpose instead.

Earmarking—and its extension to defense conversion—has been denounced in Congress. In November, Sen.——— ———, who has long denounced earmarking, passionately attacked the pork in the FY94 budget. "What we are doing is not acceptable,"———raged, adding, "My greatest fears about defense conversion were that the money for [it] that we appropriated would not be used to help with conversion of industries that need help but . . . would be used for pork barrel projects."

Then———began a litany of earmarked conversion projects: "The World Language and Cultural Study Center in Pfeiffer College is going to get $250,000. What is the requirement for defense conversion? New London State pier. I do not know what that has to do with defense conversion. It is earmarked . . . I am sure that the Paiute Indians need to have something paid for and cleaned up. What do the Paiute Indians have to do with national defense?"

Not only is earmarking injuring the Defense Department, it is hurting the conversion effort. "Earmarking has always been a problem," Dorothy Robyn, who handles conversion issues for the White House, said at a February conference in Washington on defense conversion sponsored by the Medill School of Journalism and the MacArthur Foundation.

"The MANTECH program has been destroyed by earmarking," she said, referring to a federal program to support manufacturing processes. But Robyn also acknowledged the political reality: "Politically, you cannot thumb your nose at ——— ——— [D-PA] or Senator ——— ——— [D-HI]," she said, referring to the powerful chairmen of the House and Senate defense appropriations subcommittees, who control the earmarks.

——— in an interview with AFJI, defended the practice. "I don't know any better than the [individual] members what is needed [for defense conversion]," he stated emphatically. "So many times the bureaucrats don't know what needs to be done, and if we feel it is justified, we will do what we can to make sure it is done."

INDUSTRY'S SHOCK THERAPY

The irony is that government conversion money is becoming available while industry, which it was designed to help, is either completing its consolidation or is well on the way to diversification. And when government money is available to an individual company—during the research and development stages of a product—the company needs it least. The most pressing need is for additional financing during production.

Corporate consolidation occurred with surprising speed. Industry executives mostly eyed the defense downsizing with grim determination. Many weak, defense-dependent subsidiaries already have been sold off. Layoffs have largely stabilized. Companies like Lockheed, Martin Marietta, and Loral are concentrating on the core defense business that remains.

The Bottom-Up Review has introduced some stability into defense planning.

Virtually all defense producers have plans to diversify their product lines and raise the proportion of their nondefense products. Experienced industry executives already are aware that developing, producing, and marketing civilian or dual-use technologies will take a long time and require fundamental changes to business and corporate culture.

"In the US it is going to be slow," James Wilson, president and chief executive officer of Thiokol Corporation, told AFJI. "It is difficult for a company to take new products into new markets. That's just the nature of the business. It's hard for defense companies to be competitive in many commercial markets with the kind of overhead structures they have geared toward defense."

Thiokol should know. "One of the classic technological spinoffs [developed by Thiokol] is the automobile airbag, a spinoff of the rocket business," said Wilson. "It took 20 years of very patient effort to make that a viable business," Conversion efforts in general "take a long time, and the probability of success is uncertain."

It is also difficult to measure the current success of the overall conversion effort. While all the evidence is anecdotal, it seems to indicate that federal programs work slowly at best.

Witness the fate of 650 New Jersey workers laid off by Unisys in 1991 who applied for federal assistance. According to a Rutgers University study, "Retraining For What?," by April 1993 73 percent of the workers were still unemployed, and those who were working were employed at far below their previous wages. On the other hand, a 1992 study of successful conversion projects, "Weathering The Defense Transition," issued by Erik Pages at Business Executives for National Security, found a number of small firms had successfully diversified. But these firms had done so thanks to strategic planning, strong management commitment, and realism—not government funding.

IS THERE HOPE?

Does conversion's current dismal record mean that it should be abandoned? No, but expectations have to become realistic, investment has to be made where there is some anticipation of return, and some control must be imposed on congressional appropriations for conversion projects.

Part of the problem with the conversion effort is that it is seeking an elusive panacea to magically create jobs and production on the same scale as the defense production that preceded it. Such guarantees aren't likely. Defense production was massive because threats were massive. The NATO allies faced the seven industrialized nations of the Warsaw Pact. Civilian demand for material does not exist on the same scale, and where there is huge demand, the field is already crowded with producers.

Nor will conversions happen immediately. Conversion advocates look back nostalgically on the immediate post-World War II years when American industry abruptly switched from defense production to filling civilian needs. However, in an article in the 30 January New York Times Magazine titled "But Can They Make Cars?," author Les Daly, a former defense industry executive, writes, "Those companies were simply recapturing markets they had served before the war." The postwar "conversion" was largely "reversion." Furthermore, this "conversion" occurred after only 4 years of war production, not 40. Results from the current conversion effort—for example, investment in new technologies—could take decades to appear.

Government programs are unlikely ever to restore the scale of defense employment or production or provide any quick fixes. Once we accept these facts, there are some hopeful signs.

The administration's technology programs appear to be relatively sound. These include the work done by DOD's Advanced Research Projects Agency (ARPA), which identifies and encourages promising dual-use technologies and awards funds on a competitive basis. These are funded through the Technology Reinvestment Project (TRP), budgeted at $575 million in 1994. In 1995, the administration is proposing to spend $2.1 billion in dual-use technologies.

"There is excitement in the technology community to put their minds together to apply for the money [for dual-use technology development]," John Deutch, undersecretary of defense for procurement, told the Medill conversion conference. The beauty of the TRP, he said, is that projects require a matching investment from industry, so the risk is spread out. "This one smells to me like it is going to be successful," he said.

The TRP, however, deals only with technology development and favors large firms. Furthermore, even here there are congressional moves afoot to earmark TRP funds or intervene on behalf of firms that lose in the competitive grant process. So far the administration has successfully resisted this congressional pressure, but it will be interesting to see if it can continue to do so.

THE ENTREPRENEURSHIP SOLUTION

Conversion analysts are beginning to see that assistance to small, startup companies will probably bring greater results in terms of technology development, employment, and economic contribution than big government programs. The concept of entrepreneurship as a form of conversion is gaining ground. As a result there are proposals to encourage conversion entrepreneurship through export assistance and management advice.

One recommendation is to give credit assistance to new and innovative companies. The Clinton administration has provided good support for dual-use research, according to Erik Pages of BENS, "But all this effort will be wasted if the research isn't turned into products that help build new companies and create new jobs. Right now, there simply isn't enough working capital to move good ideas from the lab into the marketplace," he said.

In 1992, Bernard Schwartz, chief executive officer of Loral Corporation, proposed a Fund for Defense Conversion to make venture capital available to startup firms. The federal government would be the initial investor, but private investments would match the government funding.

CLARIFYING ROLES

Government may not have the greatest success in supporting companies, but it has played a constructive role in setting standards of performance and achievement, according to George Donahue, vice president of

the Rand Corporation, the California-based think tank. As long as government sticks to the roles it can play successfully, it can be constructive in the conversion effort.

Another suggestion is to take the conversion account out of the Defense Department and have it appropriated separately. This, however, would take several billion dollars out of the hands of the defense appropriators in the House and Senate, so it is unlikely to be enacted without a struggle.

On a different level, it would be worthwhile to open up the conversion appropriation process to the public. The defense budgets are traditionally marked up or revised in secret to protect national security. Sen. McCain already is leading an effort to change that. But even if most of the negotiations on the defense budget are kept secret, there is nothing secret about conversion funds or the conversion effort. At the very least, the conversion portion of the defense budget should be marked up, and the House and Senate conferees should negotiate it in public. The public should know which legislator is doing what and who is pursuing pork for the hometown.

To date, defense conversion as currently conceived has few successes to show. Nonetheless, it is still early in the game, and corrective action is possible. Diversification already is well under way in the private sector. In the governmental realm, if the less savory and parochial impulses of politic do not succeed, defense conversion need not veer off further into either tragedy or farce. Who knows, it may turn into a triumph instead.

CALIFORNIA DREAMING

Nowhere has the concept of defense conversion taken hold more strongly or its dollars been pursued more ardently than among the California congressional delegation. California was very hard hit by the defense drawdown, so an effort to convert is a natural response.

But defense conversion also is a comfortable crusade for California's congressional delegation whose more liberal members eschew any military connections or support for defense on an ideological basis.

Democratic Sen. ——— ——— campaigned in 1992 with a call for 50-percent cuts in the defense budget but now has to help create jobs in a state that is in the process of losing an estimated 650,000 defense-related jobs. Creating an Economic Conversion Clearinghouse to provide conversion information was her legislative triumph in this area in 1993. California's other Democratic Senator ——— ———, tried to ensure that conversion dollars would be apportioned by region, with the hardest hit regions (i.e., California) getting the most money.

After calling for cutbacks in defense for 23 years, Rep. ——— ——— was confronted with closure of four major military installations in his district that could cost over 50,000 jobs. He inserted $300 million in conversion money into the 1994 Defense Authorization Bill and managed to squeeze out $150 million.

Interestingly, a survey of 358 high-technology companies in the Los Angeles area conducted by the Economic Roundtable, a nonprofit research corporation, found that California companies, particularly aerospace, had become more dependent on defense contracting in the last two years. Commercial aviation orders declined at a faster rate than military sales. Moreover, "defense conversion efforts have not opened significant new commercial markets for the region's major defense contractors," the Economic Roundtable report stated.

The firms surveyed were overwhelmingly critical of government responses to the defense downturn, whether at the local, state, or national level. Indeed, 88 percent rated every level of government as ineffective. At the same time, they were very clear about what they wanted: a stable regulatory environment; long-term, conventional financing; and information about new markets.

"The principal thing government can do is improve education and provide a stable tax and regulatory environment. It can't help because all its information is yesterday's information. That's why the jobs it worries about losing are in yesterday's industries," wrote one small company in Costa Mesa. Some 80 percent of its sales were defense-related, and it had experienced a 40-percent growth in employment. "If defense contractors don't know what to do to survive, what does a bureaucrat or cooperative group of defense contractors who are competing against each other, bring to the table?"

Based on the survey, one might conclude that while earmarked appropriations and conversion programs might play well to the galleries, it is not what California industry is seeking. ———, at least seems to have gotten the message. In February she introduced a bill, S-1830, to provide loan guarantees to small businesses through the Small Business Administration.

SUCCESSFUL CONVERSION—AT A PRICE

It would be wrong to see defense conversion in only a negative light. There have been success stories, even if they are rare. For example, there is the potential of the V-22, which could revolutionize commercial transport. And there are big corporations, like Westinghouse, which have steadily increased their share of commercial work.

But even the success stories demonstrate the limits of defense conversion as currently practiced.

Take CMS Inc., a Tampa, FL, subsidiary of Daimler-Benz. Primarily a maker of rocket and missile components, CMS embarked on civilian projects, including clearing hazardous sites (in Kuwait), mapping, and environmental restoration. In 1994 it began using its defense expertise to make the propellant for automobile air bags. Between 1990 and 1994 it changed its revenue base from one wholly dependent on defense to one with a 50-50 mix of civilian and military contracts.

Despite this success, CMS' personnel roster has declined from a high of 1,000 two years ago, to 500 today, according to Fred Dibella, CMS' vice president. Not only has CMS been forced to lay off workers, profit margins are "razor slim" when compared to its more robust defense profits in the past.

Another success story belongs to Frisby Airborne Hydraulics, Inc. of Freeport, NY. Frisby successfully altered its product mix from 90 percent defense in 1980 to 75 percent in 1990.

After securing some significant contracts from the Boeing Co., Frisby Airborne entered 1993 with the largest backlog in its history—a year that also saw the first layoffs in the company's 50-year history, when 25 percent of the work force was dismissed.

Greg Frisby, chief executive officer of both companies, attributes the layoffs to a lack of working capital for defense conversion. While the military provided progress payments for defense contracts, commercial aerospace contracts require continuous access to commercial capital to keep going. Furthermore, Frisby Aerospace lost a potentially lucrative contract to a Canadian firm because the Canadian firm had government financial backing.

"People in Washington are really focused on the research and development phase of conversion and that's not where you need the capital," Frisby told AFJI in an interview. "You really need it when you go into production."

Frisby's experience is echoed in a survey of the 125 small- to medium-size New York-based companies that are members of the Aerospace and Defense Diversification Alliance in Peacetime Transition (ADDAPT), which he chairs. Many of ADDAPT's member companies already have diversified, the successful ones by concentrating on core products and technologies rather than seeking out new ones. The members felt that adequate assistance for conversion was available from existing federal programs. However, the real obstacle was the lack of capital for commercial production.

"Cash flow," Frisby concluded, "is the true casualty of conversion."

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a very valuable new member of our committee.

Mr. BUYER. Mr. Chairman, I join a number of my colleagues in admiration and applause to the gentleman from California [Mr. DELLUMS] and to the gentleman from South Carolina [Mr. SPENCE].

The gentleman from California [Mr. DELLUMS] is an individual who is very fair and actually prides himself on fairness. I have to admit, Mr. Chairman, I was tickled in his remarks a little bit ago when he decided to take a 1 minute, because he loves to challenge the Members to think anew. And it does prove that we do not have to be just young men like myself to think anew and to be very challenging such as the gentleman. I extend that as a compliment to him.

But what I found was interesting in his comments was when he mentioned that quit saying the Soviet Union, because the Soviet Union is dead. And it is forever gone. Do not think back in the 1960's and 1970's.

Something that jumped into my mind was that part of the characteristics of the movement in the 1960's for peace, love, and harmony is a very strong characteristic in the White House. They are more sophisticated though today. They do not call it that. They call it multilateralism. It is that harmony, that placing our foreign policy under the homogeneous community of nations.

And I believe that that is a strong characteristic for which now this White House, being more sophisticated, is falling back to the era of the 1960's and allowing us not to think anew but to think in that 1960's movement. So it is difficult to talk about the defense bill without also talking about foreign policy and the posture for which we should have in our country.

To me, President Clinton fiddles while the world in fact smolders. Of all the hot spots throughout the world, not only in Europe, with the winds of change that fan various world hot spots into true brush fires, with the collapse of the Soviet Union, with the

building of China into a superpower and how their dire needs, some of the Russians dire needs for hard currency and the sell of military hardware to China places fears into the Pacific rim. How the hot spots are still in the Middle East. How the hot spots are still in Africa.

But here we are in a budget free fall in the defense bill which is very bad. So our inconsistent foreign policy coupled with the President's propensity to always defer to the United Nations, this homogeneous community of nations, on tough decisions overseas makes today's consideration of the defense authorization bill all the more disturbing.

While we are driven more and more towards participation in dubious United Nations peacekeeping operations, we face the 10th straight year of defense cuts. So over the next 5, actually now 4 years, President Clinton will in fact have cut, over that 5-year period, $127 billion out of defense on top of President Bush's 50 billion in cuts.

The results we have not yet seen, folks. The so-called bottom-up review, the bottom-up review designated to implement this Nation's strategy of fighting two nearly simultaneous major regional conflicts, it has become obvious that the review was nothing more than a justification for the Administration's emasculation of the defense budget. Unable to meet the stated strategy, we now find that even an inadequate force is underfunded and will require further cuts. It is absolutely wrong. We need a new assessment of the strategy for this country based on a realistic assessment.

□ 1550

Mr. SPENCE. Mr. Chairman, we are indeed blessed on our committee with having on our side of the aisle a wealth of new talent, and another one is the gentleman from Missouri [Mr. TALENT].

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

Mr. TALENT. I thank the gentleman for his very kind remarks. I think two minutes is enough time for me to state my view on the overall issues.

Mr. Chairman, if we want to look at what we need to spend on defense, we have to look first at what the national military strategy is. The military strategy of the United States, which was the strategy of the Bush administration and now the Clinton administration, is that we should have an armed service capable of fighting two Desert Storm like contingencies, which is a fancy name for a war, at the same time, while also doing peacekeeping around the world like we did in Somalia, like perhaps we may do in the Balkans and in other places.

That is the national military strategy of the United States. The administration conducted a review of our defense establishment and decided that a force structure consistent with what it calls its Bottom-Up Review, and a force structure is the end strength, the final strength of the Army, Navy, Air Force, and Marines, was adequate in order to accomplish that national military strategy.

I have not been in the Congress for 16 months, we have had numerous hearings, a lot of consideration of this issue, and I am convinced of the following truths:

The first is that there is no question that in this bill we are not funding the administration's request. We are under their request.

Second, even if we were, the administration's budgets for the next 5 years are not adequate to fund the Bottom-Up Review end strength level for the Army and the Navy.

Third, even if it was, the Bottom-Up Review end strength is not adequate to meet the national military strategy as we have now designated it.

I believe that based on statements by Members of both parties in committee hearings, hearings of the subcommittee of the distinguished gentleman from Missouri [Mr. SKELTON], my own studies and discussions with a number of top level military officers, there are two options we can take reasonably now, two intellectually honest options.

The first is to reexamine the national military strategy, that is what the distinguished chairman of this committee was just talking about a minute ago, reexamine the kind of force structure we need in light of the realities of the world regarding foreign policy. That is one intellectually honest option. I do not think I would end up in the same place he would end up, but it is an honest way of approaching the issue.

The second option we have that is honest is to fund the American military at the level necessary to meet the current national military strategy. We must do one or the other, if we are to be faithful to our constituents and faithful to the men and women of America's military.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise today to express my deep concern that the Department of Defense budget we are now debating is inadequate to meet our agreed upon strategy of being able to fight and win two near-simultaneous major regional conflicts. Because the budget we are debating is inadequate to allow our men and women in uniform to fulfill the missions we may give them, I ask all my colleagues to join with me in opposing the further cuts this budget would inflict.

The dissolution of the Soviet Union as our main global rival has not ushered in an era of tranquility. Instead, the demise of the cold war has brought with it a period of heightened ethnic antagonism, civil strife, and regional conflicts that have contributed to wide scale starvation, inexpressible atrocities, and outright murder.

As the tension of the cold war has decreased, the instability of multiple, regional crises and conflicts have increased.

As a result, the United States is challenged to develop a force structure that meets the full spectrum of very different, but still significant, near term and future threats to our national security interests. While we do not need to spend as much money as we did in the mid 1980's, we must spend enough to allow our men and women in uniform to complete the missions we give them—both military and humanitarian—as safely and efficiently as possible.

The Bottom-Up Review developed by the Clinton administration outlines a strategy that hedges against future threats to U.S. national security interests. It is a stopgap strategy with a commensurate stopgap budget. It only works if all assumptions are met, and no additional cuts are made.

The previous Base Force as proposed by then Secretary of Defense Cheney outlined a 1997 force of 1.64 million active military personnel, 451 ships, and 39 active and reserve air wings. The current force structure as outlined in the Clinton Bottom-Up Review further cuts the number of ships by 105, further cuts the numbers of airwings by 8, and further cuts the number of personnel by 200,000, but still asks our personnel to fight and win two near-simultaneous major regional conflicts.

For our military to meet the continuing demands we place on them with these greatly reduced resources will be extremely difficult, if not impossible. I ask my colleagues to vote against this authorization, as it will make further cuts to the very stringent ones proposed by President Clinton.

We cannot and should not defend an antiquated notion of cold-war-era threats. We must face the very different and still serious challenges to our national security that we face today.

While we all applaud the end of the cold war, and the greater freedom that has allowed all of us, the shackles of the cold war have also been removed from many of the world's pariahs—the dictators in Iran, Iraq, and North Korea to name a few.

The accelerated flow of technology and proliferation of weapons of mass destruction make the threats to our national security very real. North Korea is just the prime example, with an unstable government possessing a 1 million man army, potentially possessing nuclear weapons, and constantly making threats of invasion. We cannot ignore the threats of North Korea, nor

can we ask our men and women in uniform to take a role without the best in training and equipment.

And while I personally believe it would be a mistake to commit United States ground forces in Haiti, there are many in both chambers who are advocating precisely that type of intervention.

It is ironic that at a time when we are asking our troops to do more, by being deployed in greater numbers, at greater intervals and into far more areas, at the same time we are debating further cuts, over and above what President Clinton has recommended.

Mr. Chairman, as a member of the Armed Services Committee, I urge my colleagues to consider the consequences of these constant cuts in the defense budget, at the same time we are making nearly unlimited demands on our men and women in uniform. I urge my colleagues to vote no on the further cuts to President Clinton's defense budget.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of H.R. 4301, the fiscal year 1995 defense authorization bill. As a member of the Armed Services Committee, I am proud that we have stepped up, in the words of our chairman, to the job of funding a strong national defense in a time of uncertainty and transition.

Chairman DELLUMS has led the committee through many complex discussions and pulled it together to deal with tough issues. Every view has been heard, and we will agree that it is a privilege to serve on his committee.

This bill has been shaped under tight spending limits and amid continuing crises that test both our political will and our military resources. We have seen some peaceful transitions of power in the past few weeks in South Africa and the occupied territories, and it is important to celebrate those successes. But other countries are still pursuing weapons of mass destruction, and ethnic conflict has produced horrific results in the former Yugoslav republics and Rwanda. Our military leaders have to plan and budget for missions that are hard to predict, and their resources are stretched ever thinner. In short, now is exactly the time to worry about a strong defense.

I support a strong national defense, one that has the capabilities to deal with post-cold-war threats and uncertainties. This bill preserves America's options in key areas, including early warning of ballistic missile launches, and airlift so we can respond quickly and massively to regional conflicts. It maintains our current level of investment in defense transition programs, so we can build a strong and flexible industrial base. And it invests in people: It provides a full 2.6-percent pay raise, a cost-of-living adjustment for troops stationed in high-cost regions of the United States like southern California, and funds to help ex-servicemembers become teachers, firefighters, and law enforcement officers.

Like many of my colleagues, I would like to do more, and there are several issues I hope to address here on the House floor. Yesterday the Armed Services Committee held an in-depth hearing with DOD and Air Force officials on the C–17 program. Many of us believe that we now have the information we need to consider the full request of six planes and authority to settle outstanding disputes between DOD and McDonnell Douglas. I will also support the amendment to be offered by Mr. HEFLEY to restore ballistic missile defense funding to the administration's request.

In addition, I will offer an amendment to strike section 534, which would require the discharge of certain servicemembers who cannot be assigned worldwide due to permanent medical conditions. It was not requested by the services, and DOD representatives have testified that they can handle the problem through the current system. I and many of my colleagues see this language as a discriminatory measure that would end the careers of people who are still performing their jobs up to military standards. As we reduce the size of our Armed Forces, we must ensure that everyone who is willing and able to serve has that opportunity.

Finally, I want to state my strong support for the amendment to be offered by the chairman that will restore funds to dismantle nuclear weapons in the former Soviet republics, provide humanitarian and disaster assistance overseas, and clear landmines around the world. These programs were dropped from the committee bill because of jurisdiction issues, which I am informed are now resolved. As an advocate of a strong defense, I think these programs are crucial. National security is not secured only by weapons. It also comes through proactive action around the world to handle threats like the former Soviet arsenal without fighting them. Chairman DELLUMS has given these programs and others, such as military-to-military contacts, high priority. I urge my colleagues to do the same, and to support this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, for several years, I have introduced legislation to eliminate a better than 100-year-old law that requires an offset between military retirement pay and VA disability compensation. Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability.

For those who are unfamiliar with this offset, let me give an example of its negative impact on military retirees. It is possible to have two Federal retirees with the same service-connected disability suffered in the same battle who have worked the same number of years in Federal service treated differently. Why? Because one served all his years in the military and the other served only 2 years in the military and the remainder in civil service.

The military retiree must pay for his disability benefits from his retirement check. But the civil service retiree may receive both his civil service retirement and his VA disability in spite of the fact that his military service in included in calculating his civil service retirement and in spite of the fact that he had been receiving VA disability during all his years as a civil servant.

The military retiree is unjustly penalized by the fact that he chose military service as his career. In effect, the military retiree is singled out solely because of his career choice.

H.R. 65, my legislation to eliminate this inequitable offset, has received wide bipartisan support. In fact, H.R. 65 has 140 cosponsors, including 26 members of the Armed Services Committee. Moreover, this legislation is backed by the Nation's veterans organizations.

Last year, Congress took the first steps toward correcting the injustice penalizing military retirees. The conference report to the fiscal year 1994 DOD authorization bill contained a provision that authorized the concurrent receipt of military retirement pay and VA disability compensation for those retirees who have a disability rated by the VA as being total and permanent in nature.

However, the conference report also contained language that allowed DOD to nullify this provision if the Department issued a report prior to January 1, 1994. DOD issued this report on December 28, 1993, and, consequently, the special pay provisions did not go into effect.

This week, I submitted an amendment to the Rules Committee that would have continued the congressional action taken in 1993. Unfortunately, the Rules Committee did not make my amendment in order.

My amendment would have authorized a military retiree who has a service-connected disability rated as total, to be paid a special pay equal to the amount of monthly retired pay that would be payable to such person but for the person's receipt of disability compensation from the Department of Veterans Affairs.

There are approximately 7,100 military retirees with a 100-percent disability rating. How can we turn our backs on the men and women who have sacrificed so much in service of their country?

I have been trying to eliminate the inequitable offset between military retirement pay and VA disability compensation for over 8 years. Throughout the years, I have been told that allowing military retirees to receive retired pay and VA disability compensation concurrently is just too expensive. I have been told, "Mike, we would like to help you out but we simply cannot afford it." But, no one would ever accuse Congress of being thrifty.

I find it incredulous that Congress can find the money to bail out the savings and loan industry—which will cost each military retiree $2,600, but we cannot find the money to provide these retirees with the benefits they deserve.

It is ironic that we will soon be commemorating the 50th anniversary of D-day. Many Members of Congress will soon be traveling to Europe to take part in the commemoration ceremonies. We are very good at commemorating the accomplishments of our Armed Forces. Yet, we tend to overlook the needs of the brave men and women who have sacrificed so much in service to their country.

Despite strong bipartisan support for my bill and repeated requests, I have been unsuccessful in gaining committee consideration of this legislation. Given this situation, I have taken the further step of introducing a special rule to force H.R. 65 from committee. My rule would bring H.R. 65 to the House floor for consideration by the full House of Representatives

On March 24, 1994, I additionally filed a discharge petition on House Resolution 382. This petition will discharge the rule from committee and will allow House Resolution 65 to be considered on the House floor.

I had hoped that the committees of jurisdiction would act on my legislation without this action. However, given that this legislation and other bills have obtained widespread cosponsorship in the past—without committee consideration—I felt I had no other choice. The discharge petition appears to be the only available course of action.

Mr. Chairman, the overwhelming support in Congress and in the veterans' community should compel us to take action on this matter. I hope my colleagues will join me in my efforts to eliminate the inequitable offset between military retirement pay and VA disability compensation and sign discharge petition No. 15.

□ 1600

Mr. DELLUMS. Mr. Chairman, pursuant to section 5 of House Resolution 429, I request that the Chair recognize for consideration amendment No. 2 printed in part 3 of House Report 103-509 before amendment No. 1 printed in that part of the report.

The CHAIRMAN. The Chair will grant the gentleman's request.

Mr. DELLUMS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I appreciate the remarks of many of my colleagues with respect to the process that we undertook to bring this bill to the floor of Congress. I have tried to carry out my responsibilities as chair of the committee as diligently and as openly and as fairly as possible. It is not always easy given the political perspective that this gentleman brings to these Chambers and to the committee. I have attempted to discharge my responsibilities as chairman of the committee. At this point I simply would like to speak as Representative DELLUMS who represents the Ninth Congressional District and comment to some of the remarks that many of my colleagues have made suggesting that the military budget has been cut too quickly, that there are major threats out there, and that in some way we have become a second-rate power.

First, Mr. Chairman, let me point out to my colleagues that at the time when we were spending in excess of $300 billion per year, we were spending between 50 and 70 percent of those dollars contemplating waging war with the Warsaw Pact and the Soviet Union, two geographic and political entities that no longer exist. There is no longer a Warsaw Pact, there is no longer a Soviet Union. But we were spending between 50 and 70 percent of our national dollars budgeted for the purposes of national security to deal with those two scenarios. Quick mathematics means that annually we were spending between $150 and $210 billion per year for the possibilities of waging war in two places that no longer exist.

Mr. Chairman, one does not have to be a brilliant Ph.D. or great scholar to realize that at the time that the Berlin Wall fell and that the cold war was over that we could look at the military budget with fresh eyes, with a different perspective, with a different set of responsibilities.

I challenge us each day, Mr. Chairman, to do just that. We find ourselves in a very different world now, unchartered waters, unprecedented environment, an avenue of significant change.

Mr. Chairman, remember this: There are no experts in what to do in a post-cold war world. We developed many scholars and experts as we contemplated what to do in the context of the cold war. Great scholars wrote brilliant articles and books and papers, delivered great lectures on being experts in the cold war. But suddenly it was over. And now where are the experts? There are none. Each of us must grapple together and individually, with new ideas in a new environment, lay down old ideologies, lay down old paradigms, and reach to new ideas.

Mr. Chairman, I would suggest that there are two possibilities here. We could step up to this unprecedented moment of change, change that none of us could have contemplated just a few short years ago. One possibility is to paint bold strokes across the canvas of time. Think boldly, think about relationships that we could not have contemplated just a while back, begin to move across the lines of adversity and the lines that created enemies and obliterate the lines and begin to communicate, to talk, to use the power of ideas.

If Nelson Mandela could become the President of a great nation in South Africa without violence and without anger and without accusation, could we do less? Do we need to continue to spend billions and billions of dollars contemplating waging war when I believe, Mr. Chairman, that the scenarios of the future is not waging war with Korea or waging war with Iraq, low-intensity conflicts and peacekeeping, peacemaking and peace enforcement activities in the Somalias, the Bosnias, and the Haitis and Rwandas of the world.

The challenge before us, Mr. Chairman, is not how to frighten the American people about becoming a second-rate power but, rather, to determine what is indeed the threat that is out there. My colleagues say the world is now no longer one big dragon but several snakes. We have got to define the nature of the snakes. Arguing by analogy has its own inherent weaknesses.

When the world was a bipolar world and very simple, us and them and the bear and us, the Soviet Union and the United States, East versus West, it was very easy. But once we stripped away the thin veneer of the cold war that overshadowed this world, what are we now seeing? What are we now confronted with? The harsh and unfortunately ugly reality of the human condition, where people kill and maim each other on the basis of ethnic violence and ethnic conflicts, where groups maim and kill each other on the basis of tribalism.

Mr. Chairman, the question before us is not how to go back into the cold war but how do we march forward into the 21st century and contemplate a force that deals with the reality of what we are going to be confronting out there.

Mr. Chairman, I walked in the door 24 years ago standing here as a man of peace. Twenty-four years later, I still believe in the power of peace, the power of negotiation, the power of political and diplomatic and economic solution to problems. Out children demand that we move away from war as a way of solving our problems. Our people demand that we radically alter the priorities in this country so that we deal with the problems of poverty and hunger and disease and homelessness and hopelessness that permeate our environment.

If America is becoming second rate, it is not second rate in terms of our national security apparatus, it is second

rate in terms of the quality of life that we are providing for our children and our children's children. That is because of our incredible preoccupation with the desire not to give up the old baggage of the cold war and walk forward into this moment and paint bold strokes and bring new changes.

Let us not have our grandchildren look at this generation of us and say they frittered away our future by tinkering at the margins of change because they lacked the wisdom, they lacked the vision and at the end of the day they lacked the courage to go forward boldly.

Mr. Chairman, we are the only superpower in the world. We are, as Colin Powell said, the bully on the block. But when you are the biggest and the baddest, it requires two responsibilities: Walk gently among the people and show other people that there are alternative ways to operate than the blatant use of force and violence as a way of solving problems.

Mr. Chairman, we have the moment now. I believe that our committee, given an opportunity in these Chambers, given the opportunity to seriously address and discuss these matters, will find ourselves moving away from $260 some odd billion budgets because there are other ways to deal with it, there are other force structures that we can develop that move us forward dealing with the reality of the threat that is out there as opposed to a political analysis of what we think the threat is.

This is the moment that we have, Mr. Chairman, and in the course of the next several days that we are on the floor, let us challenge each other to a higher and better standard. Our children demand it, our grandchildren demand it, and our great grandchildren will thank us for stepping up to this moment.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair asks our visitors in the gallery to please refrain from demonstrations of approval or disapproval. We are happy to have our guests, but the rules preclude that activity.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH], the ranking member of the Subcommittee on Readiness.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I want to say that I did listen intently to the gentleman from California, my colleague who as many know we are friends and I want to salute the gentleman for his commitment to idealism in the world, along with my colleague, the gentleman from South Carolina, who has the same kind of view, an idealism about what he sees as a safer world.

□ 1610

I want to say a couple of things that I think the people need to understand in this debate. When Bill Clinton ran for President of the United States, you might remember that, unlike previous Presidential elections, defense never became an issue. The reason why defense never became a real issue in the campaign is because the differences between George Bush and Bill Clinton, as laid out in that campaign, were essentially minimal.

The problem was that Bill Clinton got elected President and said that he wanted to continue to downsize the U.S. military by a total of about $60 billion worth of additional savings in defense.

What happened was the November election came and went, and we went from $60 billion in savings to $129 billion in savings, more than doubling the amount of money that Bill Clinton had talked about before the campaign and began to deliver once he became President.

Now, as many of you know, last year I made every effort I could within the Republican Party, in fact working even against some of my own leadership, to support Chairman DELLUMS' bill, because I thought it was important that Chairman DELLUMS have bipartisan support for a bill that would continue the downsizing of the U.S. military. I do not think we downsized the U.S. military too much last year and, frankly, I really do not think we are downsizing the U.S. military too much this year. I mean, we can quibble over $1 billion or $2 billion in terms of this year's level, but we are in accord when it comes to the fact that the U.S. military needs to be downsized, because the nature of the threat has significantly changed.

We are a less troop-oriented, a less troop-intensive military as a result of the fact that the Warsaw Pact has changed, collapsed, the Soviet Union does not exist anymore.

But the concern that we have, those people who claim to be prodefense, is the fact that 3 additional years of cuts are going to come. I happened to sit in the Readiness Subcommittee one day when we had some people who did not have stars on their shoulders come to testify, and they talked about the severe implications that 3 more years of defense cuts would mean to their ability to carry out their job, to be trained, to be ready, for them to have the skills that are necessary for them to be able to carry out the role and the missions that the civilians in this country send them to do.

Mr. Chairman, it is going to be impossible for me to be able to complete this statement. But in a nutshell, the concern that we have is that the Department of Defense is an awful lot like a fire department. No one worries about the fire department until your house catches on fire, and no one worries so much about the level of defense spending until we need to actually use it, and I will say that when you look at Somalia and Bosnia and Haiti and North Korea and Rwanda and Georgia and Pakistan, there are many trouble spots throughout this world.

I would maintain that the greatest shortfall that we have had over the period of the last several years has been the inability of this administration and some of the inability of Republicans to really think about what the roles and the missions are in the post-cold-war era, but this is not a world where evil people have vanished. When you take a look at what is going on in Rwanda and you read the stories, it is not even believable. When you see the films about Bosnia, it is not believable. When you read the stories about Zhirinovsky, it is hardly believable in the 1990's.

But the bottom line is it is a dangerous world still, and people still look to the United States to provide the essential leadership for what is right in this world, to stand up for people sometimes who cannot stand up for themselves.

I would refer everybody in this Chamber back to the six principles that Mr. Weinberger enunciated during a speech in 1984 to the National Press Club where he began to define what true and real U.S. interests are, and so as we go through this debate, I hope we will have more discussion about the fact that we need to have a coherent post-cold-war policy that we still do not have.

We have got too much vacillation, too much indecision, too much doubletalk, and not a certainty of what U.S. policy is, not only to the people outside of our boundaries, but there has been a lack of clear definition to people inside our boundaries.

And I would say, Mr. Chairman, and to the gentleman from South Carolina [Mr. SPENCE], this is our challenge, to truly define our interests, to be firm, to be tough, not short ourselves on national defense, and maybe if we think and work together, we can reach some agreement in terms of where the United States military and these defense budgets ought to go for the rest of this decade.

Mr. Chairman, my concern is if you take a look at Weinberger's statement, and I have got to have it published in the RECORD, about our vital interests must be at stake, the issues involved are important for the future of the United States, that we have clearly defined political and military objectives, that we have sized our forces to achieve our objectives, that we have reasonable assurance of the support of

the American people, that U.S. forces are committed to combat only as a last resort; we are lacking in our definition of what we are doing in this world.

One minute we say the North Koreans should not have a nuclear device, and the next day we say, well, if they have only two, that is OK. One minute we say we are going to go to Bosnia, and the next day we say, well, maybe we should not.

It is not always the policy, in my judgment, that is at issue here. It is the lack of being able to make clearcut, tough decisions and being able to define the fundamental basic interests of the United States of America. And in the course of doing it, we cannot short ourselves the kind of military forces we need in order to accomplish those objectives.

That is how we will begin to move forward in the post-cold-war era, is to be able to define legitimate U.S. interests and provide the resources that are necessary to carry them out.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Alabama [Mr. BROWDER], a member of our committee.

Mr. BROWDER. Mr. Chairman, I rise in support of this bill, and I take this opportunity to discuss the chemical and biological defense program.

Mr. Chairman, I rise in support of H.R. 4301 and the Congress' continuing initiative to improve the chemical and biological warfare defense and readiness of our Armed Forces.

Last year, as a follow-on to the House Armed Services Committee's review of lessons-learned from the Persian Gulf War, the committee completed a special inquiry into the nature of the threat posed by the proliferation of chemical and biological weapons in the post-Soviet world. The inquiry concluded that the threat is increasing in terms of widespread proliferation, technological diversity, and probability of use. The inquiry recommended several measures to strengthen the chemical and biological warfare defense of our Armed Forces and related matters in the areas of chemical and biological weapons arms control, nonproliferation, and chemical demilitarization. Many of these recommendations were incorporated in last year's Defense Authorization Act, Public Law 103–190.

Among other things, the law requires the Secretary of Defense to establish the Chemical and Biological Warfare Defense Program in a separate Department of Defense budget account, a coordinated and integrated chemical and biological defense program for the military departments with the Army as executive agent and under the oversight of a single office within the Office of the Secretary of Defense. The Secretary is required to report on the Department's management of the combined program and measures that should and are being taken to improve joint coordination and oversight. The Secretary is also required to provide an annual assessment of the overall readiness of the Armed Forces to fight in a chemical and biological warfare environment and the steps being taken to improve such readiness.

The reports required by the law have not yet been transmitted officially to the Congress. The Armed Services Committee has had the opportunity, however, to review advance copies of the reports and, in general, is pleased that the Department of Defense has taken a number of management, research and development, and training initiatives which should result in significant improvements in the chemical and biological warfare defense readiness of U.S. Armed Forces. The Committee notes that the Department has created a biological warfare defense program with a general officer assigned as program manager. This indicates the seriousness with which the Department regards the potential threat posed by such weapons of mass destruction and the need for a viable medical and nonmedical biological defense program.

The committee has been particularly concerned, however, that, in a declining budget environment, the requirements for an effective chemical and biological defense program not be ignored. We believe that a high priority must continue to be placed on the program and that it must not be subjected to disproportionate cuts as budgets are reduced. The committee believes that such cuts would seriously undermine long-term efforts to improve the readiness of U.S. Armed Forces to fight in a chemical-biological warfare environment. The committee believes that each military service must allocate an appropriate amount of its budget for its share of the integrated C–B Defense Program and that the Secretary of Defense should ensure in annual budget guidance that such allocation is accomplished. In support of this belief, the committee has recommended an increased authorization of $53 million to restore critical program reductions in the fiscal year 1995 budget request for the Chemical-Biological Warfare Defense Program.

The chemical and biological threat to United States forces posed by Iraq was very real during the Persian Gulf war. Similar threats posed by these weapons of mass destruction exist today in areas where U.S. forces might be deployed. The Congress must ensure that they are prepared and ready to fight in such an environment. H.R. 4301 will provide that insurance.

I urge your support for the bill.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to my distinguished colleague, the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise today to offer my strong support for the Defense Authorization Act and to applaud the leadership of Chairman DELLUMS, ranking member SPENCE, and the other members of the committee who brought this bill to the floor.

This bill is particularly important because it contains a correction to an inequity in the cost of living adjustment [COLA] schedules for Federal civilian and military retirees.

Historically, the Congress has always made a point of ensuring that Federal civilian and military pensioners are treated equally and fairly. Both groups have been given adequate benefits packages and annual cost of living adjustments to ensure that their income stays current with inflation.

But last year, the Omnibus Budget Reconciliation Act of 1993 contained a disparity in the COLA schedules for Federal civilian and military retirees. In 1995, Federal civilian retirees would receive their COLA's in April, but military retirees would not have received their COLA until October. Without the passage of this amendment, military retirees would have received no COLA in fiscal year 1995.

While many of us supported the Omnibus Budget Act voted to decrease the deficit, I felt that this was a serious inequity that had to be corrected and introduced legislation to do so. This also has become an important issue for many members and more than 210 of our colleagues have signed on as cosponsors to my bill.

COLA's do not make the retiree wealthier over time. They do not increase his or her pension. The automatic cost of living adjustments would only ensure that an individual's post-retirement income stays current over the remainder of their life and that their buying power neither grows nor diminishes. The problem with delaying COLA's for Federal retirees is that it does decrease their pensions and does decrease their buying power. Otherwise, we wouldn't have been able to score about $3 billion in savings from the COLA delay. A policy which puts COLAs on different schedules for different groups of retirees unfairly impact the losing group. Federal civilian retirees and military retirees both receive federally funded retirement programs. We should not discriminate against a single class of retirees.

I am very pleased that the Armed Services Committee was willing to adopt an amendment that corrected the disparity in COLA's for fiscal year 1995. I also want to express my appreciation to Representative KYL who offered this amendment in the committee markup. Most importantly, I want to express my deep gratitude for the military retirees across the country who created an incredible grass roots lobbying effort in support of this effort.

Mr. SPENCE. Mr. Chairman, as I indicated earlier, we have a wealth of new talent on our committee, and another one is the gentlewoman from Florida [Mrs. FOWLER].

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

□ 1620

Mrs. FOWLER. Mr. Chairman, I rise today to express my support—although it is reluctant support—for the defense authorization bill before us today.

In my judgment, this bill leaves us peering over a dangerous precipice. It is one more step along the way to ending up with the force specified by President Clinton in his Bottom-Up Review—a plan that I believe will ultimately compromise our readiness and

put our service people at greater risk. The Bottom-Up Review also perpetuates a faulty view of future military challenges and our ability to meet them. Though I recognize that times have changed and our military forces must undergo reductions, this bill cuts bone, not just muscle.

That said, it also includes provisions that I am convinced are important and necessary to our Nation's defense. It is for these reasons, that this measure has my support.

This legislation increases the pay raise for our military personnel from the inadequate 1.6 percent requested by the President to 2.6 percent, a level that more closely matches the real increase in the cost of living. This pay raise will provide an urgently needed incentive for the best and brightest of our military personnel—who serve today under increasingly difficult circumstances—to remain in the service.

It authorizes $3.65 billion in funding for an item that I consider to be absolutely crucial to our Nation's continued ability to support our security strategy overseas—CVN-76, our next nuclear-powered aircraft carrier. We absolutely must provide the funding necessary to move ahead with this critical program in fiscal year 1995 if we are to ensure our ability to protect our most vital interests and address the threats that are certain to arise in the 21st century.

In addition, the bill contains funding for continued research on or procurement of several critical defense assets, including DDG-51 destroyers, the next *Seawolf* submarine, the V-22 *Osprey* tiltrotor aircraft, the F-22 fighter, the Comanche helicopter, and tactical ballistic missile defenses.

Mr. Chairman, although this bill is not everything it could be, I will support it. At the same time, I want to put my colleagues on notice that I will continue to work against the kind of debilitating cuts that this administration seems determined to pursue.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to a very valuable member of our committee, the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. I thank the gentleman for yielding this time to me.

I would first like to thank the chairman of our committee, the gentleman from California [Mr. DELLUMS] for being a very fair chairman, for leading our committee and crafting what I think might very well be the best bill we could have crafted considering the budgetary constraints we were placed under. I totally agree that we ought to be waging peace and not war, but I think that history will indicate, particularly recent history, that the surest way to peace is through strength, and I think that when the Berlin Wall came down, that communism collapsed precisely because we were strong.

Mr. Chairman, the challenge for the future is to properly identify the threat we might face so we will have a military equivalent to that threat. My personal feeling, and I think I join a growing number of military and nonmilitary people who feel the bottom-up threat was not an appropriately designated threat. Even if the threat was appropriate, the end force that they indicate would not meet that threat. The dollars included would not support the end force.

I agree that we are in uncharted waters, and precisely because we are in uncharted waters, we should go slowly, we should go carefully. The over-aggressive downsizing of the military, before we have clearly identified the kinds of threat we really will face, does not serve well the American people.

Mr. Chairman, I again commend the chairman for what he has done, but I must regretfully vote against this bill simply to send the message that we need to do better for America and for our children.

Mr. CUNNINGHAM. Mr. Chairman, I rise to discuss the language in this bill that concerns precision conventional weapons for the B-2 bomber. Mr. Chairman, I believe that the key to maintaining the long-term security of the United States is a strong national defense. I am sure that many of my colleagues on both sides of the aisle agree with me when I say this.

With the ending of the cold war, it has become necessary for us to reexamine the needs of the American military. As U.S. military activity in Desert Storm demonstrated, there is an increasing need for the capability to make precision conventional strikes anywhere in the world. By allocating the funding necessary to equip the B-2 bomber with GATS/GAM technology, we are ensuring that the U.S. military will have these capabilities.

By approving the GATS/GAM funding, we will enable the B-2 Stealth bomber to make precision conventional strikes anywhere in the world from bases in this country at a minimum risk to the lives of American servicemen and women and at a minimum cost to the American taxpayer.

By approving the GATS/GAM funding, we will arm the B-2 Stealth bomber with a weapon superior to current precision conventional weaponry. GATS/GAM technology can be used in all weather conditions, unlike laser-guided bombs. GATS/GAM technology can also be deployed on long-range aircraft, unlike current precision gravity bombs.

By approving the GATS/GAM funding, we will arm the U.S. military with long-range precision strike capability 3 to 4 years sooner than would otherwise be possible. GATS/GAM weaponry will demonstrate 60-foot accuracy by mid-1995 and 20-foot accuracy by mid-1996. Twenty-foot accuracy. Mr. Chairman, that's about the distance between your chair and my podium. Any comparable precision weaponry will not be ready for deployment until 1999.

Mr. Chairman, it is clear to me that we must approve the funding necessary to equip the B-2 Stealth bomber with GATS/GAM technology. Arming the U.S. military with the capability to make precision strikes with conventional weapons anywhere in the world is a step that must be taken to support a strong national defense. GATS/GAM technology is one of the keys to ensuring the long-term security of the United States, and we must approve its funding.

Mr. BAKER of California. Mr. Chairman, I have some serious concerns about the legislation that is before us today. H.R. 4301, the National Defense Authorization Act for fiscal year 1995, continues to reduce our national defense to the point where the U.S. will be unable to support our country's defense needs, military force levels, and readiness.

Mr. Chairman, let's take a look at defense spending over the last few years. Since 1986 defense spending has decreased 35 percent, by the President's own numbers. Today, only 17.8 percent of the Federal budget is spent on defense, the lowest since 1940. As a percentage of gross domestic product, defense spending is 3.9 percent, the lowest since 1948. While we're gutting defense, domestic social spending continues to spiral out of control. I will not support this bill because these severe cuts are beginning to undermine our national security and will return the state of our defense to the hollow forces of the 1930's and late 1970's.

I would, however, like to take this opportunity to express my strong support for the provision in the bill that eliminates the disparity between civil service and military retiree COLA's.

The disparity, enacted as a part of Mr. Clinton's 1993 tax plan, unfairly singles-out military retirees by delaying their COLA's until April 1994 and until October in every year thereafter until 1998.

I was pleased to have cosponsored H.R. 3023 to eliminate this unfair treatment of our military retirees as well as join many of my colleagues in sending a letter to Chairman MARTIN SABO of the House Budget Committee requesting his support in correcting this disparity.

Mr. Chairman, we must honor the promise we made to our military retirees and eliminate this unfair COLA treatment. They have served this country with honor and courage and we should give to them what they are owed.

Although I will oppose this authorization bill, I will continue to support reinstatement of the full military COLA. It is my sincere hope that the final defense bill we send to the President will contain this important change.

Mr. ZELIFF. Mr. Chairman, I rise today in strong support of the Porter-Penny amendment to H.R. 4301, Department of Defense Authorization for Fiscal Year 1995, cap spending on the first two *Seawolf* submarines, SSN-21 and SSN-22, at $4.673 billion.

The *Seawolf* program has been plagued by documented production problems, delays, and cost overruns. What began as $4.4 billion for two subs is now estimated to cost $4.7 billion; $300 million more than planned.

Our Nation is struggling to meet national defense needs with a drastically reduced budget. Our guiding philosophy has been to make our Armed Forces leaner, more efficient, more mobile, and more effective.

How building a large, incredibly expensive new class of submarine fits into this overall

scheme is beyond me. In the meantime, we are forging ahead to put a number of highly capable Los Angeles class attack submarines into early retirement.

This is clearly a case of misplaced priorities. Simply put, the *Seawolf* is a luxury that we cannot afford in the age of $200 billion budget deficits, and with an administration looking to cut $156 billion from the defense budget over 5 years.

Continuing to pour money into the *Seawolf* sinkhole is a bad deal for the taxpayers and for our national defense. Finally, while I am glad to support the spending cap in the Porter-Penny amendment, I am dismayed that this will only affect the two *Seawolfs* already in production.

We need to stop the administration's plan to purchase a third *Seawolf*, SSN–23, a move that will save taxpayers another $2.5 billion. I am an original cosponsor of H.R. 4100, which would cap the *Seawolf* Program at two subs. This bill has been endorsed by Citizens Against Government Waste, the National Taxpayers Union, and Citizens for a Sound Economy.

For the cost of one *Seawolf*, we can repair and overhaul 10 Los Angeles class attack submarines. This approach provides our Armed Forces with the flexibility needed to address numerous regional conflicts. I believe this is a far better use of our limited resources given the world situation today.

I urge the Rules Committee to make in order an amendment to limit *Seawolf* production to two submarines. Let this proposal come to the floor for a full and open debate.

Mr. SCHAEFER. Mr. Chairman, I have heard many arguments for and against the C–17 and I agree with those who say it is an important part of our national defense. However, I also agree with those who point out that, at a half-billion dollars per plane, the C–17 is a money pit.

In an effort to reconcile our national security needs with budgetary reality, I have an amendment before the Rules Committee which would limit DOD's C–17 purchases to 60 units. Existing wide-body aircraft can and would take up the slack in airlift capacity. My amendment save $4.4 billion over the next 5 years and $16 billion over the life of the program.

Why do I think we can make do with just 60 C–17's, when the Air Force has consistently sought twice that number? Because I do not believe that very future airlift effort will require the C–17's unique features.

Why, then, do I not support immediate termination of the program at 32 units? Because I believe that if we ever do need to mount a large airlift to a remote or hazardous location, the extra 28 planes might make the difference between success and failure of our mission.

Mr. Chairman, I urge my colleagues support of the Schaefer amendment to H.R. 4301 limiting the C–17 program to 60 units.

Mr. GRAMS. Mr. Chairman, with an unstable world and continued threats toward world peace, I believe that a strong national defense is one of the most important functions of our Government. While everyone concurs that spending levels of our military should be carefully reviewed and that overall defense spending should be reduced, our cutbacks should not endanger the lives of our men and women who are placed in harm's way defending our Nation's interests.

Unfortunately, many of the funding levels and policies the Democrats and President Clinton requested in H.R. 4301, the National Defense Authorization Act for Fiscal Year 1995, have failed to protect our national security interests. It will be impossible to reconcile the Nation's declining defense resources with the Clinton administration's continuing commitment of U.S. military personnel to operations around the world.

Our national defense is already cut to the bone. The fiscal year 1995 defense budget represents the 10th consecutive year of real defense cuts. Under Clinton's budget, defense will be reduced from 18 percent of the Federal budget in 1995 to 13.2 percent by 1999. As a percentage of GDP, it will decline to 2.8 percent by 1999—the lowest since the Great Depression.

It is for these reasons that I cannot support the 1995 National Defense Authorization Act. Currently, armed services enlistments are down, quality of recruits has dropped, and our recruiting objectives are not being met. H.R. 4301 puts our country on the wrong course.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

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

H.R. 4301

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 1995".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs

Sec. 121. Termination of Navy F-14A/B upgrade program.
Sec. 122. Limitation on acquisition of guidance systems for Trident II missiles.
Sec. 123. Prohibition on Trident II backfit.
Sec. 124. Inclusion of conversion of vessels in Fast Sealift Program.

Subtitle D—Air Force Programs

Sec. 131. Intertheater airlift programs.
Sec. 132. B-2 bomber program cost limitation.
Sec. 133. Bomber force upgrade program.

Subtitle E—Defense-Wide Activities

Sec. 141. Ballistic missile early warning programs.

Subtitle F—National Defense Sealift Fund

Sec. 161. Prohibition of transfer of fiscal year 1994 funds to CVN-76 construction.
Sec. 162. Fiscal year 1995 National Defense Sealift fund program.
Sec. 163. Transfer of excess amount to BRAC III account.
Sec. 164. Fiscal year 1994 unauthorized sealift appropriation defined.

Subtitle G—Other Matters

Sec. 171. Transfer of USNS Maury.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Standoff air-to-surface munitions technology demonstration.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Applicability of certain electronic combat systems testing requirements.
Sec. 215. Advanced Self Protection Jammer (ASPJ) program.
Sec. 216. Advanced lithography program.
Sec. 217. Federally funded research and development centers.
Sec. 218. Defense experimental program to stimulate competitive research.
Sec. 219. Digital battlefield program.
Sec. 220. Mobile Off-Shore Base and Landing Ship Quay Causeway program.

Subtitle C—Missile Defense Programs

Sec. 231. Ballistic missile defense organization budget presentation.
Sec. 232. Theater missile defense programs.
Sec. 233. Theater missile defense risk reduction activities.
Sec. 234. Military satellite communications.
Sec. 235. Limitation on flight tests of certain missiles.

Subtitle D—Women's Health Research

Sec. 241. Defense women's health research program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Defense Business Operations Fund.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Funds for depot-level maintenance and repair work.
Sec. 305. Support for the 1996 Olympics.

Subtitle B—Limitations

Sec. 311. Reports and limitation on transfer of certain operations and maintenance funds.
Sec. 312. Limitation on retention of morale, welfare, and recreation funds by military installations.
Sec. 313. Prohibition on use of appropriated funds for operation of Armed Forces Recreation Center, Europe.

Sec. 314. Limitation on use of specifications for procurement of subsistence items.

Subtitle C—Depot-Level Activities

Sec. 321. Findings.
Sec. 322. Modification of limitation on performance of depot-level maintenance.
Sec. 323. Limitation on the performance of depot-level maintenance of materiel for new weapon systems.
Sec. 324. Audits to monitor cost growth of contracts to perform depot-level maintenance and repair.
Sec. 325. Consideration of costs of closing Department of Defense depots in certain cost comparisons.
Sec. 326. Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies.
Sec. 327. Authority of depots to provide services outside of the Department of Defense.
Sec. 328. Maintenance of sufficient depot-level facilities, activities, and employees of the Department of Defense.
Sec. 329. Reutilization initiative for Army and Navy depot-level activities.

Subtitle D—Defense Business Operations Fund

Sec. 341. Oversight of Defense Business Operations Fund.
Sec. 342. Review by Comptroller General of charges imposed by Defense Business Operations Fund.

Subtitle E—Department of Defense Domestic and Overseas Schools

Sec. 351. Reauthorization of Department of Defense domestic elementary and secondary schools for military dependents.
Sec. 352. Survey and pilot program for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.
Sec. 353. Evaluation of schools of the defense dependents' education system with fewer than 150 students.
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Sec. 528. Annual report on personnel readiness.
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Sec. 632. Clarification of calculation of retired pay for officers who retire in a grade lower than the grade held at retirement.
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Subtitle E—Other Matters

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Subtitle A—Health Care Services

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Sec. 702. Treatment of certain dependents as children for purposes of CHAMPUS, dependents' dental program, and continued health benefits coverage.
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Sec. 1033. Prohibition on authorization of payment of costs under defense contracts for restructuring costs of a merger or acquisition.
Sec. 1034. Transfer of certain B-17G aircraft.
Sec. 1035. USS Indianapolis (CA-35): gallantry, sacrifice and a decisive mission to end WW II.
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TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

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TITLE XXI—ARMY

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Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
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Sec. 2204. Authorization of appropriations, Navy.
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Sec. 2301. Authorized Air Force construction and land acquisition projects.
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Sec. 2304. Authorization of appropriations, Air Force.
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Sec. 2307. Modification of Air Force Plant No. 3.
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TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Improvement to military family housing units.
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Sec. 2406. Community impact assistance with regard to Naval Weapons Station, Charleston, South Carolina.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
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Sec. 2812. Repayment of State and local costs incurred in connection with establishment of certain military installations selected for closure.
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Sec. 2815. Report of effect of base closures on future mobilization options.

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Sec. 2821. Additional lessee of property at Naval Supply Center, Oakland, California.
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Sec. 2831. Land conveyance, Air Force Plant No. 3, Tulsa, Oklahoma.
Sec. 2832. Land conveyance, Air Force Plant No. 59, Johnson City (Westover), New York.
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Sec. 2834. Land conveyance, Army Reserve Facility, Rio Vista, California.
Sec. 2835. Land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.
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Subtitle E—Other Matters

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Sec. 2854. Report on use of military installations in Okinawa.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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Sec. 3124. Transfer authority.
Sec. 3125. Authority for construction design.
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Sec. 3128. Funds available for all national security programs of the Department of Energy.
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Sec. 3131. Stockpile stewardship recruitment and training program.
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Sec. 3137. Limitation on use of program direction funds.
Sec. 3138. Limitation on use of funds for new construction projects.
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Sec. 3140. Prohibition on prefinancing.

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Sec. 3151. Accounting procedures for Department of Energy funds.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Conditions on authority to dispose of certain strategic and critical materials.

Sec. 3302. Rejection of change in stockpiling principles.
Sec. 3303. Limitations on the disposal of chromite and manganese ores.
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Sec. 3305. Special program for conversion of low carbon ferro chromium to high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.
Sec. 3402. Transfer of Federal Civil Defense Act of 1950 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE XXXV—NAVAL PETROLEUM RESERVES

Sec. 3501. Authorization of appropriations.
Sec. 3502. Price requirement on sale of certain petroleum during fiscal year 1995.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Army as follows:

(1) For aircraft, $1,301,452,000.

(2) For missiles, $685,136,000.

(3) For weapons and tracked combat vehicles, $942,886,000.

(4) For ammunition, $854,833,000.

(5) For other procurement, $2,651,233,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Navy as follows:

(1) For aircraft, $4,588,007,000.

(2) For weapons, including missiles and torpedoes, $2,223,246,000.

(3) For shipbuilding and conversion, $6,869,897,000.

(4) For other procurement, $3,241,611,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Marine Corps in the amount of $528,352,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Air Force as follows:

(1) For aircraft, $6,101,767,000.

(2) For weapons including missiles, $3,953,232,000.

(3) For other procurement, $6,855,423,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1995 for defense-wide procurement in the amount of $2,066,694,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $262,000,000.

(2) For the Air National Guard, $176,000,000.

(3) For the Army Reserve, $50,000,000.

(4) For the Naval Reserve, $183,000,000.

(5) For the Air Force Reserve, $68,900,000.

(6) For the Marine Corps Reserve, $47,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1995 the amount of $670,349,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

(b) ALLOCATION.—Of the funds specified in subsection (a)—

(1) $365,084,000 is for operations and maintenance;

(2) $284,465,000 is for procurement; and

(3) $20,800,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

Sections 132 and 133 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) are repealed.

Subtitle C—Navy Programs

SEC. 121. TERMINATION OF NAVY F-14A/B UPGRADE PROGRAM.

(a) TERMINATION.—The Secretary of Defense shall terminate the F-14A/B aircraft upgrade program.

(b) LIMITATION ON FUNDS.—None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1995 or a later fiscal year may be obligated for the F-14A/B aircraft upgrade program.

SEC. 122. LIMITATION ON ACQUISITION OF GUIDANCE SYSTEMS FOR TRIDENT II MISSILES.

No funds authorized to be appropriated for fiscal year 1995 for Mark 6 guidance systems for Trident II (D-5) missiles may be obligated until the Secretary of Defense certifies to the congressional defense committees that, based upon a review by the Secretary of the readiness, testing, spares, and logistics requirements for the guidance system, the inventory objective of 562 units of the guidance system is required to support the inventory objective for Trident II (D-5) missiles.

SEC. 123. PROHIBITION ON TRIDENT II BACKFIT.

The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST SEALIFT PROGRAM.

Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is amended—

(1) by inserting "or converted" after "constructed" each place it appears; and

(2) by inserting "or conversion" after "construction" each place it appears.

Subtitle D—Air Force Programs

SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) $550,000,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) $1,856,402,000 shall be available for the C-17 aircraft program, of which—

(A) $1,802,819,000 is for procurement of four C-17 aircraft;

(B) $47,475,000 is for advance procurement of four C-17 aircraft for fiscal year 1996; and

(C) $6,108,000 is for C-17 modifications.

(b) REQUIREMENT FOR COMPETITION.—The Secretary of Defense shall use competitive procedures in selecting a source for the aircraft to be procured as Non-Developmental Alternative Aircraft under subsection (a).

(c) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated for procurement under subsection (a) until 60 days after the date which the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the obligation of those funds.

(d) PRESERVATION OF INTERTHEATER AIRLIFT CAPACITY.—In acquiring aircraft under subsection (a), the Secretary of Defense shall structure the acquisition of those aircraft so as to preserve the aggregate intertheater airlift capacity of the Air Force (measured in millions of ton-miles per day) as of the date of the enactment of this Act.

SEC. 132. B-2 BOMBER PROGRAM COST LIMITATION.

In determining the expenditures to be applied against the total program cost limitation of $28,968,000,000 (in fiscal year 1981 constant dollars) specified by law for the B-2 bomber program, expenditures by the Department of Defense associated with preserving the industrial facilities used to produce that aircraft shall be included in that total program cost.

SEC. 133. BOMBER FORCE UPGRADE PROGRAM.

(a) HEAVY BOMBER FORCE UPGRADE FUND.—From funds authorized by section 104 for defense-wide procurement activities, $100,000,000 shall be for a heavy bomber force upgrade fund. The Secretary of Defense may obligate amounts in the fund for—

(1) long-range heavy bombers that would otherwise become attrition reserve aircraft;

(2) accelerating conventional mission upgrades for the B-1 bomber; or

(3) a combination of expenditures under paragraphs (1) and (2).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed expenditures from that fund for the purposes specified in subsection (a).

Subtitle E—Defense-Wide Activities

SEC. 141. BALLISTIC MISSILE EARLY WARNING PROGRAMS.

(a) RISK MITIGATION FUND.—From funds authorized by section 104 for defense-wide procurement, $300,000,000 shall be for a satellite early-warning assurance fund. The Secretary of Defense may obligate amounts in the fund for—

(1) continued procurement of Defense Support Program (DSP) satellite number 24;

(2) accelerated development of the Alert, Locate, and Report Missiles (ALARM) satellite program leading to launch of the first satellite under that program no later than the first quarter of 2002;

(3) development of the Brilliant Eyes satellite sensor system;

(4) acquisition of up to three additional interim theater missile sensors; or

(5) a combination of expenditures under paragraphs (1), (2), (3), and (4).

(b) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated until after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's proposed expenditures from that fund for the purposes specified in subsection (a).

Subtitle F—National Defense Sealift Fund

SEC. 161. PROHIBITION OF TRANSFER OF FISCAL YEAR 1994 FUNDS TO CVN-76 CONSTRUCTION.

None of the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164) may be transferred (pursuant to the provisions of an Act making appropriations for a fiscal year after fiscal year 1994 or to authority provided under such an Act) to funds appropriated for fiscal year 1994 or a later fiscal year for Shipbuilding and Conversion, Navy, to be available for CVN-76 construction.

SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT FUND PROGRAM.

(a) USE OF FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION.—From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $608,600,000 shall, to the extent provided in appropriations Acts making appropriations for a fiscal year after fiscal year 1994, be available for fiscal year 1995 programs to be carried out through the National Defense Sealift Fund, of which—

(1) $546,400,000 is for the execution of new ship construction contract options for construction of two prepositioning surge ships;

(2) $43,000,000 is for procurement and installation of national defense sealift features on privately owned, United States documented commercial roll-on/roll-off vessels that are constructed after the date of the enactment of this Act by a shipyard located in the United States; and

(3) $19,200,000 is for research and development of strategic sealift technology.

(b) DENIAL OF AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1995.—No funds are authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1995.

SEC. 163. TRANSFER OF EXCESS AMOUNT TO BRAC III ACCOUNT.

From the fiscal year 1994 unauthorized sealift appropriation (as defined in section 164), the amount of $591,400,000 shall, to the extent provided in appropriations Acts, be transferred to, and deposited in, the account "BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III", to be available for the same purposes, and subject to the same limitations, as other funds in that account.

SEC. 164. FISCAL YEAR 1994 UNAUTHORIZED SEALIFT APPROPRIATION DEFINED.

For purposes of this subtitle, the term "fiscal year 1994 unauthorized sealift appropriation" means $1,200,000,000 of the amount appropriated for fiscal year 1994 to the National Defense Sealift Fund (in title V of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1435)).

Subtitle G—Other Matters

SEC. 171. TRANSFER OF USNS MAURY.

(a) IN GENERAL.—The Secretary of the Navy shall transfer the USNS Maury (TAGS-39) to the Department of Transportation for assignment as a training ship to the California Maritime Academy at Vallejo, California. The transfer shall be made on the date of the decommissioning of that vessel.

(b) TERMS AND CONDITIONS.—(1) In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army $5,425,303,000.

(2) For the Navy, $8,913,963,000.

(3) For the Air Force, $12,318,766,000.

(4) For Defense-wide activities, $9,325,708,000, of which—

(A) $254,995,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,501,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1995.—Of the amounts authorized to be appropriated by section 201, $4,288,064,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) POLICY.—(1) It is in the Nation's long-term national security and economic interests to regain preeminence in the area of space launch technology and operations.

(2) Access to space at affordable costs is fundamental to maintaining required command, control, communications, intelligence, navigation, weather, and early warning support to United States and coalition forces.

(3) Encouragement of privately financed, cost effective expendable and reusable launch vehicles is in the economic interest of the Department of Defense and the United States Government.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall take the following actions in pursuance of the space launch modernization policy set forth in subsection (a):

(1) Begin and complete a program to replace or consolidate the current fleet of medium and heavy expendable launch vehicles with new or upgraded expendable launch vehicles or with a combination of expendable and reusable launch vehicles. The Secretary shall initiate flight tests of new or upgraded expendable launch vehicles and of reusable launch vehicles not later than 1998 to achieve an initial launch capability for selected replacement vehicles not later than July 1, 2002. The program shall include a fly-before-buy acquisition strategy with both advanced concept technology demonstrations of expendable launch vehicles and advanced technology demonstrations of reusable launch vehicles.

(2) For purposes of paragraph (1), initiate a competitive Advanced Concept Technology Demonstration program to achieve a cost reduction over current medium and heavy expendable launch vehicles of at least 15 percent in flyaway cost per pound (in fiscal year 1994 dollars) and at least 25 percent reduction in launch operations costs per launch (in fiscal year 1994 dollars).

(3) Encourage and evaluate innovative acquisition, technical, and financing (including best commercial practices) solutions for providing affordable, operable, reliable, and responsive access to space.

(4) Centralize oversight of launch requirements of the Department of Defense and other users to preclude inflated requirements from escalating current and future launch costs.

(5) Encourage and provide incentives for the use of commercial practices in the acquisition, operation, and support of Department of Defense space operations.

(6) Establish effective suitable coordination among military, civilian, and commercial launch developers and users.

(c) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201(3), $200,000,000 shall be available for research, development, test, and evaluation of non-man-rated space launch systems and technologies. Of that amount—

(1) $100,000,000 shall be available only for a competitive reusable rocket technology demonstration program, including—

(A) use of at least 90 percent of such amount for development and flight testing of one or more technology demonstration vehicles, and

(B) further development of reusable rocket technologies; and

(2) $100,000,000 shall be available only for an Advanced Concept Technology Demonstration program for expendable launch vehicles, including—

(A) competitive development and flight testing of advanced concept technology demonstration vehicles, and

(B) further development of enhanced technologies related to expendable launch vehicles, including Russian rocket propulsion technology.

(d) LIMITATIONS.—(1) Not more than 2 percent of the funds made available by subsection (c) may be used for direct and indirect Department of Defense-related program office, contractor support, and management overhead costs.

(2) Program office staff may not exceed 10 individuals, including contractor support.

(3) None of the funds authorized in this section may be released or otherwise transferred for execution or obligation to any Government department, agency, or organization outside the Department of Defense.

SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for the Air Force shall be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a standoff and near-precision guided capability. Such amounts shall be obligated not later than nine months after the date of the enactment of this Act.

(2) Paragraph (1) applies to guided and unguided in-inventory munitions of the class of 1,000 pounds and below.

(b) REPORT.—The Secretary of the Defense shall submit to the congressional defense committees a report setting forth in detail the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing both range extension and near-precision guided capability to in-inventory munitions.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during fiscal year 1995 unless such testing is specifically authorized by law.

SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COMBAT SYSTEMS TESTING REQUIREMENTS.

(a) COVERED SYSTEMS.—Subsection (a) of section 220 of the National Defense Authorization

Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1589) is amended—

(1) by inserting "ACAT I level integrated or stand-alone" before "electronic combat system"; and

(2) by inserting "ACAT I level integrated or stand-alone" before "command, control, and communications countermeasure system".

(b) APPLICABILITY.—Subsection (e) of section 220 of such Act is amended to read as follows:

"(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to an ACAT I level integrated or stand-alone electronic combat system and to an ACAT I level integrated or stand-alone command, control, and communications countermeasure system regardless of whether development of the electronic combat system or the command, control, and communications countermeasure system, as the case may be, began before, on, or after the date of the enactment of this Act.".

SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

(a) Subject to subsection (b), the Secretary of the Navy shall, not later than September 30, 1994, obligate funds appropriated to the Department of Defense for fiscal year 1994 and prior years to carry out logistics support, maintenance, and integration of existing Advanced Self Protection Jammer systems from the Navy inventory into the F-14D aircraft for testing and evaluation. The Secretary may acquire sufficient racks, spares, and logistic support, including hardware and software, necessary to maintain the existing ASPJ systems in the Navy inventory.

(b) The Secretary of the Navy may obligate funds under subsection (a) only to the extent provided in appropriations Acts.

(c) The Secretary of the Navy shall carry out subsection (a) notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334).

SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.

(a) PURPOSE.—The purpose of the Advanced Lithography Program (hereinafter in this section referred to as the "ALP") is to fund goal-oriented research and development to be conducted in both the public and private sectors to help achieve a competitive position for American lithography tool manufacturers in the international market place.

(b) CONDUCT OF PROGRAM.—(1) The program shall be conducted in accordance with research and development plans (including an interim plan) developed by the Semiconductor Technology Council, established in section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) (as amended by section 263 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1608)).

(2) The interim plan referred to in paragraph (1) shall be the Semiconductor Industry Association (SIA) 1994 development plan for lithography.

(c) PROGRAM MANAGEMENT.—The Advanced Research Projects Agency (ARPA) shall be the executive agent for the ALP and shall ensure seamless program planning of the ALP into the full range of ARPA core electronics development programs.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $100,000,000 shall be available for the advanced lithography program. Of that amount—

(1) $75,000,000 shall be available to conduct research and development activities in accordance with subsection (b); and

(2) $25,000,000 shall be available to procure advanced American-manufactured lithography tools for evaluation at Government-owned or Government-sponsored research facilities engaged in advanced lithography.

(e) REQUIREMENTS.—Not later than January 1, 1995—

(1) the President shall appoint to the Semiconductor Technology Council, referred to in subsection (a), the members listed in section 273(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603);

(2) the Under Secretary of Defense for Acquisition and Technology, in his capacity as Co-chairman of the Council, shall call a meeting of the Council for the purpose of developing a national strategy for lithography;

(3) the Council shall issue a Department of Defense instruction for the operation of the Council; and

(4) the Council shall develop and submit to the Secretary of Defense a plan for achieving the national strategy for lithography.

(f) RESTRICTION.—After January 1, 1995, no funds may be obligated by the Department of Defense for the High Performance Computing Program (PE 602301E), Sematech (PE 603745E), or Warbreaker (PE 603226E; Project EE40) unless the events listed in subsection (e) have occurred.

SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) AUTHORITY.—A Federally Funded Research and Development Center (FFRDC) of the Department of Defense that functions primarily as a research laboratory may respond to solicitations and announcements under programs authorized by the Federal Government for the purpose of promoting the development and transfer of dual-use technology to the United States industrial sector if such FFRDC meets the following conditions:

(1) The FFRDC is a collaborating member of a United States industry-led team.

(2) The nature of such collaboration is that of a precompetitive research and technology development effort.

(b) USE OF COOPERATIVE AGREEMENTS.—An FFRDC described in subsection (a) that responds to a solicitation or announcement described in such subsection shall not be considered to be engaging in a competitive procedure and may use a cooperative research and development agreement (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) or other cooperative agreement as the instrument of participation in the solicitation or announcement.

SEC. 218. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) IN GENERAL.—(1) The Secretary, through the Director of Defense Research and Engineering, shall operate a Defense Experimental Program to Stimulate Competitive Research (hereinafter in this section referred to as "DEPSCoR") as part of the university research programs of the Department of Defense.

(2) The objectives of DEPSCoR shall be—

(A) to enhance the competitiveness within the peer-review system of investigators from academic institutions in eligible States; and

(B) to increase the probability of long-term growth of competitive funding to investigators at institutions from eligible States.

(3) In order to carry out the objectives stated in paragraph (2), DEPSCoR shall provide for activities which may include competitive research awards, research infrastructure support, and graduate traineeships.

(4) DEPSCoR shall assist those States that—

(A) historically have received relatively little Federal research and development funding; and

(B) have demonstrated a commitment to develop their research bases and improve science and engineering research and education programs at their universities and colleges.

(b) DEFINITION.—The term "eligible States" means States that have been designated by the Director of the National Science Foundation as eligible to participate in the Experimental Program to Stimulate Competitive Research.

(c) COORDINATION.—The Secretary shall consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of DEPSCoR and shall coordinate the Department's program with similar programs sponsored by other Federal agencies. All solicitations shall be made to, and all awards shall be made through, the State committees established by the National Science Foundation for the purpose of administering the Experimental Program to Stimulate Competitive Research. The State committees shall ensure that the DEPSCoR program is coordinated with other Federal Experimental Program to Stimulate Competitive Research initiatives in their respective States.

SEC. 219. DIGITAL BATTLEFIELD PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army shall establish a Digital Battlefield program to provide enhancements required to field components for a digitalized battlefield by 1996. These enhancements shall include electronics, second-generation forward-looking infrared technology, and communications for major platforms and development of applique packages for platforms without embedded digital systems.

(b) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for fiscal year 1995 for the digital battlefield program (PE 203758A).

(c) PROGRAM LIMITATION.—None of the funds appropriated pursuant to section 201 for the digital battlefield program (PE 203758A) for the Army for fiscal year 1995 may be obligated for research and development activities for development or integration of such program until the Secretary of the Army—

(1) establishes, and programs funds for, a research and development program to enhance the processing and memory capability of the electronic systems on the Abrams tank to make the M1/M1A2 Abrams tank compatible and interoperable with the digital battlefield, when placed into service;

(2) restructures the M1 Abrams tank upgrade program to incorporate the enhancements produced by the research and development program established under paragraph (1);

(3) transmits to the congressional defense committees a report providing notice of the restructured M1A2 program under paragraph (2) and a description of the program;

(4) coordinates with the Secretary of the Navy to include the Marine Corps in the Army's plans for the digital battlefield; and

(5) transmits to the congressional defense committees a report describing—

(A) the Army's plan of actions and milestones for defining the overall system architecture for the digital battlefield, the standards and protocols for the digital battlefield, and resulting requirements;

(B) how those requirements affect or will affect the major platforms that will make up the digital battlefield; and

(C) the manner in which coordination with the Secretary of the Navy under paragraph (4) is being carried out.

SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP QUAY CAUSEWAY PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The concepts of the sea-going Mobile Off-Shore Base and the related Landing Ship Quay Causeway could result in significant improvements in the capability for the Armed Forces to respond to crises in those areas where land bases are not available for use by those forces.

(2) The potential development and acquisition costs of the Mobile Off-Shore Base and the

Landing Ship Quay Causeway are such that any program for development of the Mobile Off-Shore Base or the Landing Ship Quay Causeway should be designated as a major defense acquisition program.

(b) LIMITATION.—No funds are authorized for fiscal year 1995 for research and development for a Mobile Off-Shore Base or a Landing Ship Quay Causeway program. The Secretary of Defense may not develop or acquire a Mobile Off-Shore Base or a Landing Ship Quay Causeway until both of the following occur:

(1) The military requirement for a Mobile Off-Shore Base and a Landing Ship Quay Causeway, as reflected in operational requirements documents, is approved by the Joint Requirements Oversight Council.

(2) The Secretary of Defense certifies to the congressional defense committees that—

(A) there is a validated requirement for the Mobile Off-Shore Base or the Landing Ship Quay Causeway; and

(B) the acquisition plan and program to fulfill the requirement are established and are funded to the end of the current future-years defense program submitted pursuant to section 221 of title 10, United States Code.

Subtitle C—Missile Defense Programs

SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION BUDGET PRESENTATION.

In the budget of the President for any fiscal year, amounts requested for the Ballistic Missile Defense Organization shall be set forth showing the amounts requested for each individual program, project, and activity of that organization as well as the total amount requested for the organization.

SEC. 232. THEATER MISSILE DEFENSE PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided for the Ballistic Missile Defense Organization under section 201 for Theater Missile Defense, not less than $40,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier Program for Naval Theater Missile Defense.

(b) ACCELERATED ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall initiate during fiscal year 1995 an accelerated Advanced Concept Technology Demonstration Program to demonstrate the technical feasibility of using the Navy's Block IV Standard Missile combined with a kick stage rocket motor and the lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

(c) THEATER MISSILE DEFENSE PROGRAM PRIORITIES.—(1) The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall establish as the first priority of the Theater Missile Defense Program the deployment of—

(A) a layered land-based Theater Missile Defense capability consisting of the Patriot Advanced Capability (PAC-3) system and the Theater High-Altitude Area Defense (THAAD) system; and

(B) a layered sea-based Theater Missile Defense capability consisting of the Navy Lower Tier theater missile defense program and the Navy Upper Tier theater missile defense program.

(2) Each program referred to in paragraph (1) shall be treated by the Department of Defense as a major acquisition program for funding purposes for fiscal years 1995 through 1999, as prescribed in the October 1993 report of the Secretary of Defense entitled "Report on the Bottom Up Review" and in Defense Planning Guidance.

SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—Of the amount provided in section 201 for Defense-Wide Activities, $210,000,000 is for theater missile defense risk reduction activities of the Ballistic Missile Defense Organization. None of such amount may be obligated for a program specified in subsection (b) until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees notice of the Secretary's plans to obligate funds for such program.

(b) PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) The Extended-Range Interceptor (ERINT) program.

(2) The Multi-Mode Missile.

(3) Sea-based lower tier systems.

(4) Sea-based upper tier systems.

SEC. 234. MILITARY SATELLITE COMMUNICATIONS.

(a) MILSTAR LIMITATION.—Of the amount authorized in section 201 for the MILSTAR satellite communications program, $50,000,000 may not be obligated until a report setting forth the plan described in subsection (b) has been received by the congressional defense committees.

(b) MILITARY COMMUNICATIONS MASTER PLAN.—The Secretary of Defense shall develop a military communications master plan that addresses—

(1) the projected military communications requirements of the Department of Defense;

(2) alternate and innovative ways of meeting those requirements (including greater reliance on the commercial sector); and

(3) methods to ensure that those elements of the Department of Defense that create the demand for such communications services are required to have an important role in paying for the provision of those services.

SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—The Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris in a land area of the United States outside a designated Department of Defense test range.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

(c) CERTAIN TESTING UNAFFECTED.—Nothing in this section shall be construed as prohibiting or limiting testing of cruise missiles, unmanned aerial vehicles (UAVs), or precision-guided munitions.

Subtitle D—Women's Health Research

SEC. 241. DEFENSE WOMEN'S HEALTH RESEARCH PROGRAM.

(a) CONTINUATION OF THE PROGRAM.—The Secretary of Defense shall continue the Defense Women's Health Research Program (hereinafter in this section referred to as the "Program") established in fiscal year 1994 pursuant to the authority in section 251 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1606). The Program shall continue under an Army executive agency or agent and shall serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Program also shall coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) IMPLEMENTATION PLAN.—If the Secretary of Defense intends to change the plan for the implementation of the Program previously submitted to the Committees on Armed Services of the Senate and House of Representatives, the amended plan shall be submitted to such committees before implementation.

(c) PROGRAM ACTIVITIES.—The Program shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Epidemiologic research, including health care needs of deployed women, patterns of illness and injury, environmental and occupational hazards, side-effects of pharmaceuticals and biologicals, and psychological stress associated with military training, deployment, traumatic incidents, and other military life conditions.

(2) Data base development designed to facilitate long-term research studies of women's health issues, and continued development and support of a military women's health information clearinghouse to serve as an information resource for clinical, research, and policy issues affecting women in the Armed Forces.

(3) Policies and standards issues, including research supporting development of military standards related to training, operations, deployment, and retention and their relationship to factors affecting women's health.

(4) Research emphasizing interventions that have a potential for affecting health issues associated with women's military service.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201, $40,000,000 shall be available for the Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $17,362,741,000.

(2) For the Navy, $20,110,196,000.

(3) For the Marine Corps, $1,997,095,000.

(4) For the Air Force, $18,733,458,000.

(5) For Defense-wide activities, $9,513,523,000.

(6) For the Army Reserve, $1,255,057,000.

(7) For the Naval Reserve, $827,819,000.

(8) For the Marine Corps Reserve, $81,462,000.

(9) For the Air Force Reserve, $1,481,332,000.

(10) For the Army National Guard, $2,448,615,000.

(11) For the Air National Guard, $2,780,178,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,544,000.

(13) For the Defense Inspector General, $147,172,000.

(14) For the Court of Military Appeals, $6,152,000.

(15) For Environmental Restoration, Defense, $2,655,200,000.

(16) For Drug Interdiction and Counter-drug Activities, Defense-wide, $714,200,000 (none of the funds of which may be used to carry out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note)).

(17) For Medical Programs, Defense, $9,613,331,000.

(18) For the National Contingency Operation Non-DBOF Costs Fund, $300,000,000.

(19) For Department of Defense World War II 50th Anniversary Program, $500,000.

SEC. 302. DEFENSE BUSINESS OPERATIONS FUND.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for the Defense Business Operations Fund in the amount of $1,212,038,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1995 from the Armed Forces Retirement Home Trust Fund the sum of $59,317,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR WORK.

(a) INCREASED FUNDING FOR DEPARTMENT OF DEFENSE DEPOT-LEVEL ACTIVITIES.—Of amounts authorized to be appropriated for fiscal year 1995 under section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by depot-level activities of the Department of Defense is the amount equal to the sum of—

(1) the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work; and

(2) $600,000,000, of which—

(A) $300,000,000 shall be available for the Army;

(B) $100,000,000 shall be available for the Navy;

(C) $150,000,000 shall be available for the Air Force; and

(D) $50,000,000 shall be available for the Marine Corps.

(b) DECREASED FUNDING FOR CONTRACTORS.—Of amounts appropriated for fiscal year 1995 pursuant to section 301, the amount that shall be available for the performance of depot-level maintenance and repair work by non-Federal Government personnel is not more than the amount equal to 40 percent of the total amount requested in the President's budget for that fiscal year for the Department of Defense for the performance of depot-level maintenance and repair work.

SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization of appropriations in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the games of the XXVI Olympiad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 for the Department of Defense for fiscal year 1995 to carry out subsection (a).

Subtitle B—Limitations

SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CERTAIN OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON TRANSFER.—Section 116 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

"(b) REPORTS ON TRANSFERS OF CERTAIN FUNDS.—(1) Each report required by subsection (a) shall include a report on the following:

"(A) Each transfer of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations during the preceding fiscal year, including the reason for the transfer.

"(B) Each transfer of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity during the preceding fiscal year, including the reason for the transfer.

"(2) On May 1 of each year, the Secretary of Defense shall submit to the Congress a report on the following:

"(A) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in paragraph (3) between appropriations, including the reason for the transfer.

"(B) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in paragraph (3) within that appropriation for any other such activity, including the reason for the transfer.

"(3) The activities referred to in paragraphs (1) and (2) are the following:

"(A) Activities for which amounts are appropriated for the Army for operations and maintenance for operating forces for (i) combat units, (ii) tactical support, and (iii) force-related training/special activities.

"(B) Activities for which amounts are appropriated for the Navy for operations and maintenance for operating forces for (i) mission and other flight operations, (ii) mission and other ship operations, (iii) fleet air training, and (iv) ship operational support and training.

"(C) Activities for which amounts are appropriated for the Air Force for operations and maintenance for operating forces for (i) primary combat forces, (ii) primary combat weapons, (iii) global and early warning, and (iv) air operations training.

"(c) LIMITATION.—The Secretary of Defense may not transfer an amount that exceeds $20,000,000 of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in subsection (b)(3) between appropriations or within that appropriation for any other such activity until—

"(1) the Congress is notified of the transfer; and

"(2) a period of 30 days elapses after such notification is received.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§116. Operations and maintenance activities: congressional oversight".

(2) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

"116. Operations and maintenance activities: congressional oversight.".

(c) CONFORMING REPEAL.—Section 377 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1638) is repealed.

SEC. 312. LIMITATION ON RETENTION OF MORALE, WELFARE, AND RECREATION FUNDS BY MILITARY INSTALLATIONS.

(a) LIMITATION.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2219. Retention of morale, welfare, and recreation funds by military installations: limitation

"Amounts may not be retained in a nonappropriated morale, welfare, and recreation account of a military installation of a military department in excess of the amount necessary to meet working capital requirements of that installation. Amounts in excess of that amount shall be transferred to a single, department-wide nonappropriated morale, welfare, and recreation account of the military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Retention of morale, welfare, and recreation funds by military installations: limitation.".

SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR OPERATION OF ARMED FORCES RECREATION CENTER, EUROPE.

No funds appropriated to the Department of Defense for any fiscal year may be used to operate the Armed Forces Recreation Center, Europe, except that such funds may be used for the payment of utilities, emergency repairs, and transportation of United States products for the Center.

SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR PROCUREMENT OF SUBSISTENCE ITEMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§2332. Subsistence items: limitation on use of specifications and restrictions in procurement of

"(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not use specifications or restrictions in the procurement of subsistence items for use at military installations.

"(b) EXCEPTION.—The Secretary of Defense may use specifications and restrictions in the procurement of field rations and shipboard rations (including tray packs and meals ready-to-eat), except that any such specifications and restrictions shall be developed consistent with the preference of the Department of Defense for commercial items.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2332. Subsistence items: limitation on use of specifications and restrictions in procurement of.".

Subtitle C—Depot-Level Activities

SEC. 321. FINDINGS.

The Congress finds the following:

(1) By providing the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment, the depot-level maintenance and repair activities of the Department of Defense play an essential role in maintaining the readiness of the Armed Forces.

(2) The consolidation of entities within the defense industry has jeopardized the capability of the defense industry to perform maintenance and repair of weapon systems and equipment.

(3) The defense industry maintains not less than 60 percent of the total capability to perform maintenance and repair of weapon systems and equipment.

(4) The capability of the depot-level maintenance and repair activities of the Department of Defense to perform maintenance and repair of weapon systems and equipment should not be determined by policies established by the defense industry.

(5) Reductions in the number of civilian employees of the depot-level maintenance and repair activities of the Department of Defense may account for approximately 80 percent of all reductions in the coming years in the number of civilian employees of the Department.

(6) An increase from one fiscal year to the next in the amount of funds available for the maintenance and repair of weapon systems and equipment does not necessarily result in a corresponding increase in the performance of such maintenance and repair.

SEC. 322. MODIFICATION OF LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) MODIFICATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—Not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.".

(b) INCLUSION OF REPAIR ACTIVITIES.—Subsection (b) of such section is amended by inserting "and repair" after "maintenance" each place it appears.

(c) COMPUTATION OF PERCENTAGE.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) COMPUTATION OF PERCENTAGE.—In computing for purposes of subsection (a) the percentage of funds referred to in that subsection that are used to contract for the performance of depot-level maintenance and repair workload by non-Federal Government personnel, the Secretary of the military department, or in the case of a Defense Agency, the Secretary of Defense shall include in the computation any funds provided for the performance by such personnel of the following:

"(1) Interim contractor support.

"(2) Contract logistic support.

"(3) Maintenance and repair workload above the unit level.

"(4) The provision of materials and parts by a contractor to a depot.".

(d) REPORT.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) REPORT.—Not later than January 15, 1995, the Secretary of Defense shall submit to the Congress a report describing the progress during the preceding fiscal year by each military department and Defense Agency to achieve and maintain the percentage of depot-level maintenance and repair required to be performed by employees of the Department of Defense pursuant to subsection (a).".

SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.

(a) LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, as amended by section 322 of this Act, is amended—

(1) by inserting "(1)" before "Not more than 40 percent"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system by a contractor to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to a weapon system initially delivered after the date of the enactment of this Act.

SEC. 324. AUDITS TO MONITOR COST GROWTH OF CONTRACTS TO PERFORM DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2470. Audits of cost growth in contracts to perform depot-level maintenance and repair

"The Secretary of Defense shall audit contracts entered into by the Department of Defense for the performance of depot-level maintenance and repair to monitor the costs incurred by the contractor to perform the contract. An audit of a contract under this section shall be performed at least once during the period in which the contract is performed and shall take account of any costs incurred by the contract in excess of the amount proposed by the contractor to perform the contract or in excess of costs incurred by the contractor during the previous year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2470. Audits of cost growth in contracts to perform depot-level maintenance and repair.".

SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPARTMENT OF DEFENSE DEPOTS IN CERTAIN COST COMPARISONS.

Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) REQUIREMENT TO CONSIDER COSTS OF CLOSING DEPOTS.—In any comparison conducted by the Department of Defense of the cost of performing depot-level maintenance and repair work by non-Federal Government personnel and the cost of performing such work by employees of the Department of Defense, the Secretary of Defense shall, to the maximum extent practicable, consider the estimated cost (including the cost to perform any necessary environmental restoration of the facility) that would be incurred if the Department of Defense were required to close a Department of Defense defense depot-level facility as a result of awarding the contract to non-Federal Government personnel to perform such work.".

SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE TO COMPETE FOR MAINTENANCE AND REPAIR WORKLOADS OF OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 324 of this Act, is further amended by adding at the end the following new section:

"§2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies

"A depot-level activity of the Department of Defense shall be eligible to compete for the performance of any depot-level maintenance and repair workload of a Federal agency for which competitive procedures are used to select the entity to perform the workload.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2471. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies.".

SEC. 327. AUTHORITY OF DEPOTS TO PROVIDE SERVICES OUTSIDE OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, as amended by section 326 of this Act, is further amended by adding at the end the following new section:

"§2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by

"(a) AUTHORITY TO LEASE EXCESS EQUIPMENT AND FACILITIES.—Subject to subsection (b), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may lease excess equipment and facilities of a depot-level activity of the military department, or the Defense Agency, to a person outside the Department of Defense for the performance of depot-level maintenance and repair work by such person.

"(b) LIMITATIONS.—A lease under subsection (a) may be entered into only if—

"(1) the lease of any such equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned;

"(2) the person leasing such equipment or facilities agrees to reimburse the Department of Defense for the costs (both direct and indirect costs, including any rental costs, as determined the Secretary concerned) attributable to the lease of such equipment or facilities;

"(3) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States, except in cases of willful conduct or extreme negligence, from any claim for damages or injury to any person or property arising out the lease of such equipment or facilities; and

"(4) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned to suspend or terminate the lease in times of war or national emergency.

"(c) CREDIT TO GENERAL FUND.—Any reimbursement received under this section shall be credited to the General Fund of the Treasury.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by.".

SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FACILITIES, ACTIVITIES, AND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall maintain sufficient depot-level activities and facilities of the Department of Defense and a sufficient number of employees of the Department that are assigned to the performance of depot-level maintenance and repair to carry out this subtitle and the amendments made by this subtitle.

SEC. 329. REUTILIZATION INITIATIVE FOR ARMY AND NAVY DEPOT-LEVEL ACTIVITIES.

(a) PILOT PROGRAM AUTHORIZED.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the Department of the Army and the Department of the Navy for the purpose of—

(1) demonstrating commercial uses of such depot-level activities that are related to the principal mission of such depot-level activities;

(2) preserving employment and skills of employees currently employed by such depot-level activities or providing for the reemployment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing such depot-level activities to remain in operation to continue to perform their defense readiness mission.

(b) PARTICIPANTS IN PILOT PROGRAM.—The Secretary shall designate not less than five depot-level activities of the Department of the Army and the Department of the Navy to participate in the pilot program under this section.

Of these depot-level activities, at least two shall be depot-level activities of the Department of the Army and at least three shall be depot-level activities of the Department of the Navy.

(c) CONDITIONS ON PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary shall ensure that the program—

(1) does not interfere with the closure or realignment of a depot-level activity of the Department of the Army or the Department of the Navy under a base closure law; and

(2) does not adversely affect the readiness or primary mission of a participating depot-level activity.

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amounts authorized to be appropriated under section 301, $100,000,000 shall be available only to carry out the pilot program under this section.

Subtitle D—Defense Business Operations Fund

SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF AUTHORITY.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out "During the period" and all that follows through "December 31, 1994, the" and inserting in lieu thereof "The".

(b) LIMITATION ON TRANSFERS.—Except as otherwise provided in this Act, the Secretary of Defense may not transfer amounts to or from the Defense Business Operations Fund from or to any other account or source until after the expiration of 30 days from the date on which the Secretary transmits to the Congress a notification of the Secretary's intent to make the transfer.

(c) PROHIBITION ON ADVANCE CHARGES.—(1) After September 30, 1995, the Secretary of Defense may not charge for goods and services provided through the Defense Business Operations Fund in advance of the provision of such goods and services.

(2) The payment of amounts to the Defense Business Operations Fund from another fund or activity of the Department of the Defense may be made only for goods or services actually provided by the Defense Business Operations Fund.

(d) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Defense Business Operations Fund from a source other than the Defense Business Operations Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Defense Business Operations Fund offers.

(e) ANNUAL REPORTS AND BUDGET.—(1) The Secretary of Defense shall annually submit to the Congress, at the same time that the President submits the budget under section 1105 of title 31, United States Code, the following:

(A) A detailed report that contains a statement of all receipts and disbursements of the Defense Business Operations Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

(B) A detailed proposed budget for the operation of the Defense Business Operations Fund for the fiscal year for which the budget is submitted.

(2) Not later than September 30 each year, the Secretary of Defense shall submit to the Congress a report that contains a comparison of the amounts actually expended for the operation of the Defense Business Operations Fund for the fiscal year ending on that September 30 with the amount proposed for the operation of the Defense Business Operations Fund for that fiscal year in the President's budget.

(f) LIMITATION ON INCLUSION OF CERTAIN COSTS IN DBOF CHARGES.—A charge for a good or service provided through the Defense Business Operations Fund may not include amounts necessary to recover losses incurred by the Defense Business Operations Fund that are unrelated to the good or service or amounts to cover costs incurred in connection with the closure or realignment of a military installation.

(g) LIMITATION ON ACCUMULATION OF FUNDS.—(1) The Secretary of Defense shall establish billing procedures to ensure that the balance in the Defense Business Operations Fund does not exceed $300,000,000 more than amount necessary to provide for the working capital requirements of the Defense Business Operations Fund, as determined by the Secretary.

(2) The Secretary may waive the limitation described in this subsection if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for the waiver.

SEC. 342. REVIEW BY COMPTROLLER GENERAL OF CHARGES IMPOSED BY DEFENSE BUSINESS OPERATIONS FUND.

(a) REVIEW.—The Comptroller General of the United States shall review the charges for goods and services provided by the Defense Business Operations Fund, including a review of—

(1) charges for goods and services provided by the Defense Business Operations Fund, including a comparison of charges imposed for the provision of goods and services to the military departments and Defense Agencies with charges imposed for the provision of goods and services to persons outside the Department of Defense;

(2) charges imposed by the Defense Business Operations Fund for overhead costs and service charges; and

(3) the extent to which charges imposed by the Defense Business Operations Fund provide an advantage or disadvantage for the military departments and Defense Agencies or for persons outside the Department of Defense for whom such goods and services are provided.

(b) REPORT.—Not later than April 15, 1995, the Comptroller General of the United States shall submit to the Congress a report on the results of the review conducted under subsection (a) and the recommendations of the Comptroller General for any legislative and administrative action the Comptroller General considers to be appropriate.

Subtitle E—Department of Defense Domestic and Overseas Schools

SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS FOR MILITARY DEPENDENTS.

(a) CONTINUED AUTHORITY TO PROVIDE FOR EDUCATION OF MILITARY DEPENDENTS WHEN LOCAL AGENCIES ARE UNABLE TO.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2164. Department of Defense domestic dependent elementary and secondary schools

"(a) AUTHORITY OF SECRETARY.—If the Secretary of Defense makes a determination that appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces residing on or near a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may provide for the elementary or secondary education of such dependents.

"(b) FACTORS TO BE CONSIDERED.—Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

"(1) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

"(2) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents. For purposes of this section, an appropriate educational program, as determined by the Secretary, is a program comparable to a program of free public education provided for children—

"(A) in similar communities in the State, in the case of a military installation located in a State;

"(B) in similar communities in adjacent States, in the case of a military installation adjacent to or located in more than one State; and

"(C) in the District of Columbia, in the case of a military installation located in a territory, commonwealth, or possession, except that an appropriate educational program under this subparagraph is also a program of education conducted in the English language.

"(c) EDUCATION FOR DEPENDENTS OF FEDERAL EMPLOYEES.—(1) An individual who is a dependent of a Federal employee residing at any such military installation at any time during the school year may enroll in an educational program provided by the Secretary of Defense pursuant to subsection (a).

"(2)(A) Except as provided in subparagraph (B), an individual who is a dependent of a Federal employee, who is enrolled in an educational program provided by the Secretary pursuant to subsection (a), and who is not living on the military installation may be enrolled in the program for not more than five consecutive school years.

"(B) An individual referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the Secretary determines, after consideration of the individual's educational well-being, that good cause exists to extend the enrollment for more than the five-year period described in such subparagraph. Any such extension may be made for only one school year at a time.

"(C) For purposes of this paragraph, the five-year period described in subparagraph (A) begins on the date the individual enrolls in the program pursuant to this section or pursuant to any provision of law enacted before the date of the enactment of this section that provided eligibility to the individual for enrollment in a similar program.

"(3) An individual enrolled in a program under this subsection may participate in the program for the remainder of the school year notwithstanding a change in status of the Federal employee with respect to whom the individual is a dependent, except that any such individual may be removed from enrollment in the program at any time for good cause, as determined by the Secretary.

"(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1) The Secretary of Defense shall provide for the establishment of a school board for each Department of Defense elementary or secondary school established for a military installation under this section.

"(2) Each school board established for a school under paragraph (1) shall be elected by the parents of individuals attending the school. Meetings conducted by the school board shall be open to the public.

"(3)(A) A school board elected for a school under this subsection may develop fiscal, personnel, and educational policies and procedures for the school, including fiscal, personnel, and educational program management, except that the Secretary may issue any directive to the school board and school administrative officials the Secretary considers necessary for the effective operation of the school or the entire school system.

"(B) Any directive referred to in subparagraph (A) shall, to the maximum extent practicable, be issued only after consultation with appropriate school boards elected under this subsection. The Secretary shall establish a process by which a school board or school administrative officials may formally appeal such directives directly to the Secretary. Consideration of

such appeals may not be delegated below the Secretary of Defense.

"(e) STAFF.—(1) The Secretary of Defense, in coordination with the school board established for a school under subsection (d), may enter into such arrangements as may be necessary to provide educational programs under this section.

"(2) The Secretary may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(A) establish such positions for civilian employees in schools established under this section;

"(B) appoint individuals to such positions; and

"(C) fix the compensation of such individuals for service in such positions.

"(3)(A) Except as provided in subparagraph (B), in fixing the compensation of employees appointed under paragraph (2), the Secretary, in coordination with the school board established for a school under subsection (d), shall consider—

"(i) the compensation of comparable employees of the local educational agency in the capital of the State where the military installation is located;

"(ii) the compensation of comparable employees in the local educational agency that provides public education to students who live adjacent to the military installation; or

"(iii) the average compensation for similar positions in not more than three other local educational agencies, as determined by the Secretary and the appropriate local school boards in the State in which the military installation is located.

"(B) In fixing the compensation of employees in schools established in the territories, commonwealths, and possessions under this section or any other provision of law enacted before the date of the enactment of this section that provided for similar schools, the Secretary shall determine the level of compensation required to attract qualified employees. For employees in such schools, the Secretary, in coordination with the local school boards and without regard to the provisions of title 5, may arrange for the tenure, leave, hours of work, and other incidents of employment on a similar basis as is provided for comparable positions in the public schools of the District of Columbia.

"(f) REIMBURSEMENT.—When the Secretary of Defense provides educational services under this section to an individual who is a dependent of an employee of another Federal agency, the head of the other Federal agency shall, upon request of the Secretary of Defense, reimburse the Secretary of Defense for those services at rates routinely prescribed by the Secretary of Defense for those services. Any payments received by the Secretary of Defense under this section shall be credited to the account designated by the Secretary for the operation of educational programs under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2164. Department of Defense domestic dependent elementary and secondary schools.".

SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANSFER OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO APPROPRIATE LOCAL EDUCATIONAL AGENCIES.

(a) SURVEY.—(1) The Secretary of Defense shall conduct a survey of each Department of Defense domestic dependent elementary and secondary school operated by the Department of Defense to determine the feasibility of, and actions necessary to be taken to provide for, the transfer of that school to the appropriate local educational agency.

(2) The Secretary of Defense shall coordinate the conduct of the survey of each such school with representatives of the local educational agency referred to in paragraph (1) and of parent organizations representing parents of students enrolled in the school.

(3) Issues addressed by the survey shall include—

(A) the opinions and attitudes of such parents with respect to the appropriate entity to operate the school;

(B) the position of the local educational agency and the appropriate education officials of the State in which the school is located regarding the extent to which the transfer of the school to the local educational agency is feasible and desirable, including the financial and legal justifications for that position; and

(C) the requirements, as specified by the local educational agency and the appropriate education officials of the State in which the school is located, for financial support, military construction, and any other support provided by the Department of Defense in order to complete the transfer of the school to the local educational agency.

(4) Not later than June 30, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the survey. The report shall include the recommendations of the Secretary with respect to the transfer of each such school.

(b) PILOT PROGRAM.—(1) The Secretary of Defense shall conduct a pilot program to assess the potential for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies.

(2) The Secretary of Defense shall select two schools for participation in the pilot program based on the results of the survey conducted by the Secretary under subsection (a). The Secretary shall provide for the transfer of each such school to the appropriate local educational agency not later than the date on which the 1995 school year begins for that school.

(3) Not later than March 31, 1996, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the pilot program. The report shall include the recommendation of the Secretary with respect to the extent to which other Department of Defense domestic dependent elementary and secondary schools should be transferred to appropriate local educational agencies.

(c) LIMITATION.—A Department of Defense domestic dependent elementary or secondary school may not be transferred to a local educational agency under this section except on terms that are agreeable to the local educational agency.

SEC. 353. EVALUATION OF SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM WITH FEWER THAN 150 STUDENTS.

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended by adding at the end the following new subsection:

"(e)(1)(A) Each school year, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct an evaluation of each school referred to in subparagraph (B) to assess the alternatives to operating that school.

"(B) A school referred to in subparagraph (A) is a school of the defense dependents' education system that had, during the previous school year, an enrollment at any time during the school year (except during a summer school session) of fewer than 150 students or that is projected to have such an enrollment during the next school year.

"(2) If, after the evaluation conducted under paragraph (1), the Secretary determines that a school referred to in paragraph (1)(B) should remain open, the Secretary shall require the payment each fiscal year of 70 percent of the costs to operate the school from operations and maintenance funds appropriated to the military departments during that fiscal year. The ratio of funds paid by a military department in a fiscal year under this paragraph shall bear the same ratio to the total amount of funds paid by the military departments in a fiscal year under this paragraph as the ratio of the number of students enrolled in the school who are sponsored by a member of that service bears to the number of all students enrolled in the school who are sponsored by a member of the Armed Forces.".

SEC. 354. PROHIBITION ON TUITION CEILING FOR SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 1404(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(b)(1)) is amended by adding at the end the following: "The Secretary may not impose a ceiling for a tuition rate determined under this paragraph.".

Subtitle F—Other Matters

SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF ARMED FORCES RETIREMENT HOME.

(a) IN GENERAL.—Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)(2)) is amended to read as follows:

"(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident, subject to such adjustments in the fee as the Retirement Home Board may make under paragraph (1). The percentage shall be the same for each establishment of the Retirement Home.".

(b) APPLICATION OF MODIFIED FEES TO ALL RESIDENTS.—(1) Subsections (d) and (e) of section 1514 of such Act are repealed.

(2) Such section is further amended by adding after subsection (c) the following new subsection (d):

"(d) APPLICATION OF FEES.—Subject to such adjustments in the fee as the Retirement Home Board may make under subsection (c), each resident of the Retirement Home shall be required to pay a monthly fee equal to—

"(1) in the case of a resident who is receiving assisted-living services at the Retirement Home, 65 percent of all monthly income and monthly payments (including Federal payments) received by the resident; and

"(2) in the case of a resident who is not receiving assisted-living services at the Retirement Home, 40 percent of all such monthly income and monthly payments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 362. NATIONAL GUARD YOUTH PROGRAM.

(a) AUTHORITY.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

"§508. Assistance to certain youth organizations

"(a) Members or units of the National Guard may provide the services described in subsection (b) to an organization described in subsection (c) in conjunction with training required under this chapter if—

"(1) the provision of such services does not degrade the quality of the training or otherwise interfere with the ability of any unit to perform its military functions;

"(2) the services provided are not commercially available or affected commercial entities have agreed in writing not to object to the provision of the services;

"(3) members of the National Guard providing the services perform activities which enhance their skills in their military specialties; and

"(4) such assistance does not materially increase the cost of training activities under this chapter.

"(b) Services which may be provided under this section are the following:

"(1) Ground transportation.

"(2) Limited air transportation, but only in the case of the Special Olympics.

"(3) Administrative support.

"(4) Technical training.

"(5) Emergency medical assistance.

"(6) Communications.

"(c) The organizations which may be assisted under this section are the following:

"(1) The Boy Scouts of America.

"(2) The Girl Scouts of America.

"(3) The Boys and Girls Clubs of America.

"(4) The YMCA.

"(5) The YWCA.

"(6) The Civil Air Patrol.

"(7) The Special Olympics.

"(8) Campfire Boys and Girls.

"(9) The 4-H Club.

"(10) The Police Athletic League.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 32, United States Code, is amended by adding at the end the following item:

"508. Assistance to certain youth organizations.".

SEC. 363. DEPARTMENT OF DEFENSE FOOD INVENTORY PROGRAM.

(a) DEMONSTRATION PROJECT.—The Department of Defense Food Inventory Demonstration Project (the implementation of which was requested of the military departments and the Defense Logistics Agency by the Deputy Under Secretary of Defense, Logistics, in a memorandum dated August 16, 1993) shall be completed by the Department of Defense not later than September 30, 1995 and shall be expanded to cover two geographic areas, as designated by the Secretary of Defense.

(b) REPORT.—Not later than October 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of the demonstration project referred to in subsection (a).

(c) IMPLEMENTATION OF PROGRAM THROUGHOUT UNITED STATES.—Not later than October 1, 1996, the Secretary of Defense shall provide for the expanded use throughout the United States of full-line commercial food distributors to meet the food requirements of the Department of Defense.

SEC. 364. DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1060a. Special supplemental food program

"(a) AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Defense shall make available, from funds appropriated for such purpose, the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(c) PROGRAM ADMINISTRATION.—(1)(A) The Secretary of Defense shall administer the program referred to in subsection (a) and, except as provided in subparagraph (B), shall determine eligibility for program benefits under the criteria published by the Secretary of Agriculture under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(B) The Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of individuals participating in the program under this section.

"(2) The program benefits provided under the program shall be similar to benefits provided by State and local agencies in the United States.

"(d) DEPARTURES FROM STANDARDS.—The Secretary of Defense may authorize departures from standards prescribed by the Secretary of Agriculture regarding the supplemental foods to be made available in the program when local conditions preclude strict compliance or when such compliance is highly impracticable.

"(e) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Defense for operations and maintenance for any fiscal year in such amounts as may be necessary for the administrative expenses of the Department of Defense under this section.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to administer the program authorized by this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'eligible civilian' means—

"(A) a dependent of a member of the armed forces residing with the member outside the United States;

"(B) a employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States; or

"(C) an employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States.

"(2) The term 'national of the United States' means—

"(A) a citizen of the United States; or

"(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

"(3) The term 'dependent' has the meaning given such term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end the following new item:

"1060a. Special supplemental food program.".

SEC. 365. TRANSPORTATION OF THE REMAINS OF DECEASED RETIRED MEMBERS WHO DIE OUTSIDE OF THE UNITED STATES.

(a) AUTHORITY.—Section 1481 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "the remains of—" and inserting in lieu thereof "the remains of the following:";

(B) by amending the first word in each paragraph by capitalizing the first letter of that first word;

(C) by striking out "and" after the semicolon in paragraph (7);

(D) by striking out the semicolon at the end of each paragraph and inserting in lieu thereof a period; and

(E) by inserting after paragraph (8) the following new paragraph:

"(9) To the extent authorized under section 1482(g) of this title, any retired member of an armed force or a dependent of such a member who dies while outside the United States."; and

(2) by adding at the end the following new subsection:

"(c) In this section, the term 'dependent' has the meaning given such term in section 1072(2) of this title.".

(b) EXPENSES INCIDENT TO DEATH.—Section 1482 of such title is amended by adding at the end the following new subsection:

"(g) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481(a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the time of reimbursement, for the payment of such expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the remains of, and incidental expenses incident to the recovery, care, and disposition of, an individual who dies after the date of the enactment of this Act.

SEC. 366. AUTHORITY TO TRANSPORT THE REMAINS OF CERTAIN DECEASED VETERANS ON DEPARTMENT OF DEFENSE AEROMEDICAL EVACUATION AIRCRAFT.

(a) TRANSPORTATION AUTHORIZED.—Subsection (a) of section 2641 of title 10, United States Code, is amended by inserting before the period the following: "or of transporting the remains of a deceased veteran who died at the facility after being transported to the facility under this subsection. Transportation of the remains of a deceased veteran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b)—

(A) by inserting "or for the remains of a veteran" after "furnished to a veteran";

(B) in paragraph (1), by inserting "or of the remains of such veteran" after "of such veteran"; and

(C) in paragraph (2), by inserting "or the remains of the veteran" after "for the veteran";

(2) in subsection (d)(1)—

(A) by inserting "or on the survivors of a veteran" after "on a veteran"; and

(B) by inserting "or for the remains of the veteran" after "to the veteran"; and

(3) in subsection (d)(2), by inserting "or for the remains of veterans" after "to veterans".

(c) CROSS REFERENCE AMENDMENT.—Subsection (c) of such section is amended by striking out "5011(g)(5)" and inserting in lieu thereof "8111(g)(5)".

SEC. 367. MODIFICATION OF AIR FORCE SUPPORT FOR THE CIVIL AIR PATROL.

(a) PROVISION OF FUNDS.—Subsection (b) of section 9441 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) provide funds for the national headquarters of the Civil Air Patrol, including the provision (in advance of payment) of funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent and utilities, and other operational expenses;".

(b) LIAISONS.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Air Force may authorize the Civil Air Patrol to employ, as administrators and liaison officers, retired members of the Air Force whose qualifications are approved under regulations prescribed by the Secretary and who request such employment.

"(2) A retired member employed pursuant to paragraph (1) may receive the member's retired pay and an additional amount that is not more than the difference between the member's retired pay and the pay and allowances the member would be entitled to receive if ordered to active duty in the grade in which the member retired. The additional amount shall be paid to the Civil Air Patrol by the Secretary from funds generally available to the Air Force for civil air assistance.

"(3) A retired member employed pursuant to paragraph (1) shall not, while so employed, be considered to be on active duty or inactive-duty training for any purpose.".

SEC. 368. REVIEW AND REPORT ON USE OF OPERATIONS AND MAINTENANCE FUNDS BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of each operations and maintenance account of the Department of Defense to determine the extent to which funds appropriated to the Department for operations and maintenance accounts are used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

(b) REPORT.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that contains the result of the review conducted by the Secretary under subsection (a) and a report on the extent to which funds appropriated to the Department of Defense for operations and maintenance accounts are being used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

SEC. 369. REQUIREMENT OF COMPARATIVE REPORT ON OPERATIONS AND MAINTENANCE FUNDING.

(a) REQUIREMENT.—Subsection (a) of section 116 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall include in each such report a comparison of the level of funding for operations and maintenance for the next fiscal year with the level of operations and maintenance funding for each previous fiscal year beginning with fiscal year 1975, using constant dollars and the same standard of comparison for each such fiscal year.".

(b) DEVELOPMENT OF COMPARATIVE METHOD.—Not later than February 1, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the development by the Secretary of a method to make the comparison required under paragraph (3) of section 116(a) of title 10, United States Code, as added by subsection (a).

SEC. 370. AUTOMATED DATA PROCESSING PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Of amounts authorized to be appropriated under section 301, not more than $2,575,000,000 shall be available for new development and modernization of automated data processing programs of the Department of Defense. The Secretary of Defense may not obligate or expend amounts in excess of $2,000,000,000 for any such new development or modernization until the Secretary—

(1) makes a determination that any such new development or modernization is based on—

(A) a sound functional economic analysis;

(B) objectives of the defense information infrastructure;

(C) migratory assessment guidance provided by the Defense Information Systems Agency; and

(D) Department of Defense directives on life cycle management; and

(2) establishes performance measures and management controls to oversee and manage the accelerated implementation of migration systems, data standards, and process improvement.

(b) REPORTS.—(1) Not later than December 15, 1994, the Secretary of Defense shall submit to the Congress a report on the establishment by the Secretary of performance measures and management controls to ensure, to the maximum extent practicable, the best possible return on investment for any funds used by the Secretary for new development and modernization of automated data processing programs of the Department of Defense.

(2) Not later than March 15 and December 15 of each year, the Secretary of Defense shall submit to the Congress a report on the progress made by the Secretary in improving the defense information infrastructure, realizing a reduction in the overall support infrastructure of the Department of Defense, selecting and converting to migration systems, establishing data standards, and improving the functional business process for the automated data processing programs of the Department. The report shall include information (by functional area) on—

(A) the migration systems selected for the programs;

(B) the systems that will be migrated or eliminated;

(C) the total cost of migration, including conversion and interface costs;

(D) the number of corporate data elements that have been standardized; and

(E) the improvements that have been made to any such process, including the savings that have been achieved by such improvements.

(c) REVIEW BY THE COMPTROLLER GENERAL.—Not later than March 1, 1995, the Comptroller General of the United States shall submit to the Congress a report that contains an evaluation of the performance measures and management controls established by the Secretary of Defense to manage and oversee the implementation of migration systems, data standards, and process improvements for the automated data processing programs of the Department of Defense.

SEC. 371. REVIEW BY DEFENSE INSPECTOR GENERAL OF COST GROWTH IN CERTAIN CONTRACTS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 327, is further amended by adding at the end the following new section:

"§2473. Cost growth in commercial contracts: review by Inspector General

"(a) REVIEW.—Each fiscal year, the Inspector General of the Department of Defense shall conduct a review of not less than 20 percent of existing contracts for the performance of commercial activities which resulted from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any other successor administrative regulation or policy) to determine the extent to which the costs incurred by a contractor under any such contract has exceeded the cost of the contract at the time the contract was entered into.

"(b) REPORT.—Each year, not later than 30 days after the day on which the President submits to the Congress the budget for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the most recently conducted review under subsection (a).".

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

"2473. Cost growth in commercial contracts: review by Inspector General.".

(b) USE OF FUNDS.—Of amounts authorized to be appropriated pursuant to section 301(12) for the Inspector General of the Department of Defense, $10,000,000 shall be available to conduct a review under subsection (a) for fiscal year 1995.

SEC. 372. COST COMPARISON STUDIES FOR CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410l. Contracts for advisory and assistance services: cost comparison studies

"(a) REQUIREMENT.—Before the Secretary of Defense enters into a contract for the performance of advisory and assistance services, the Secretary of Defense shall conduct a comparison study of the cost of performing the services by Department of Defense personnel and the cost of performing the services by contractor personnel.

"(b) WAIVER.—The Secretary of Defense may, pursuant to guidelines established by the Secretary, waive the requirement under subsection (a) to perform a cost comparison study based on factors that are not related to cost.".

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

"2410l. Contracts for advisory and assistance services: cost comparison studies.".

(b) PROCEDURES FOR CONDUCT OF STUDIES.—The Secretary of Defense shall establish the following procedures:

(1) Procedures to carry out a cost comparison study under section 2410l of title 10, United States Code, as added by subsection (a). Such procedures may contain a requirement that the cost comparison study include consideration of factors that are not related to cost, including the quality of the service required to be performed, the availability of Department of Defense personnel, the duration and recurring nature of the services to be performed, and the consistency of the workload.

(2) Procedures to review contracts entered into after a waiver under subsection (b) of such section to determine whether the contract is justified and sufficiently documented.

(c) EFFECTIVE DATE.—Section 2410l of title 10, United States Code, as added by subsection (a), shall take effect six months after the date of the enactment of this Act.

SEC. 373. REQUIREMENT AND PLAN FOR CONVERTING PERFORMANCE OF CERTAIN POSITIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE EMPLOYEES.

(a) CONVERSION TO PERFORMANCE BY EMPLOYEES.—In each of fiscal years 1995, 1996, and 1997, the Secretary of Defense shall change the performance of not less than 10,000 positions that, as of September 30, 1994, were designated to be performed by members of the Armed Forces on active duty to performance by employees of the Department of Defense.

(b) PLAN.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan for the implementation of subsection (a).

SEC. 374. USE OF SERVICE CONTRACT FUNDS FOR SEPARATION INCENTIVE PROGRAMS FOR DEPARTMENT OF DEFENSE EMPLOYEES.

During fiscal year 1995, any separation pay paid to an employee of the Department of Defense pursuant to section 5597 of title 5, United States Code, or any other separation incentive program shall be paid from funds appropriated to the Department of Defense for operation and maintenance for the purpose of entering into service contracts.

SEC. 375. NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may establish a pilot program for employees (as defined in subsection (g)) at military installations scheduled for closure or realignment under which retraining and relocation incentives may be paid to encourage non-Federal employers to hire or retain such employees.

(b) RETRAINING INCENTIVE.—(1) As part of the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees to hire an employee for a mutually agreeable salary for a minimum twelve-month period and to certify to the Secretary the employer's cost to train the employee.

(2) The Secretary shall pay a retraining incentive to the non-Federal employer upon the employee's completion of employment for the twelve-month period referred to in paragraph (1). The Secretary shall prorate the amount of the retraining incentive paid to the non-Federal employer for an employee who does not complete such employment for that twelve-month period.

(c) RELOCATION INCENTIVE.—An employee employed by a non-Federal employer under the pilot program shall be eligible to receive from the Secretary a relocation incentive for such period of employment equal to the travel, transportation, and subsistence expenses that would be authorized to be paid to the employee under chapter 57 of title 5, United States Code (including the reimbursement payment authorized under section 5724b of such title) if the employee were traveling on official business away from the employee's designated post of duty or away from the employee's home or regular place of business during such period.

(d) LIMITATIONS.—A military department or a Defense Agency may offer an incentive under the pilot program only with the prior consent, or on the authority, of the Secretary. Any such incentive may be paid for retraining, relocation, or a combination of retraining and relocation, except that the maximum amount that may be paid to a non-Federal employer to hire an employee under the pilot program may not exceed $10,000.

(e) DURATION.—The pilot program shall terminate not later than September 30, 1999.

(f) DEFINITIONS.—In this section:

(1) The term "employee" means an employee of a military department or a Defense Agency, serving under an appointment without time limitation, who has been currently employed by the military department or Defense Agency for a continuous period of at least 12 months and who has been given specific notice of separation by reduction in force, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Government;

(B) an employee who is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title and who, at the time of separation from service, has fulfilled the requirements for immediate annuity under such subchapter or chapter; or

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(2) The term "non-Federal employer" means an employer that is not the Federal Government.

SEC. 376. UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Not later than October 1, 1995, the Secretary of Defense shall take such steps as may be necessary to provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

(b) REPORT.—The Secretary of Defense shall submit a report on the implementation of subsection (a) to the Committees on Armed Services of the Senate and House of Representatives not later than March 15, 1995.

SEC. 377. OPERATION OF MILITARY EXCHANGE AND COMMISSARY STORE AT NAVAL AIR STATION FORT WORTH, JOINT RESERVE CENTER, CARSWELL FIELD.

The Secretary of Defense shall provide for the operation by the Army and Air Force Exchange Service, until December 31, 1995, of any military exchange and commissary store located at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

SEC. 378. SHIPS' STORES.

(a) EXTENSION OF DEADLINE FOR CONVERSION.—Section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 7604 note) is amended by striking out "October 1, 1994" and inserting in lieu thereof "October 1, 1995".

(b) MODIFICATION OF EFFECTIVE DATE.—Section 371(d) of such Act is amended by striking out "shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a)" and inserting in lieu thereof "shall take effect on October 1, 1994".

SEC. 379. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) EXTENSION.—Section 378 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2387) is amended by striking out "1995" in subsections (a) and (b) and inserting in lieu thereof "1996".

(b) REIMBURSEMENT OF CERTAIN COSTS.—Such section is further amended by adding at the end the following new subsection:

"(g) REIMBURSEMENT FOR CERTAIN EXPENSES.—The Secretary of Defense may provide for reimbursement of expenses incurred by a person to provide for the participation of the S.S. Jeremiah O'Brien in programs and activities to commemorate the 50th anniversary of World War II.".

SEC. 380. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate on December 5, 1994" and inserting in lieu thereof "terminate on December 5, 1995".

(2) Section 343(e) of such Act is amended by striking out "February 3, 1995" and inserting in lieu thereof "February 3, 1996".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

SEC. 381. CLARIFICATION AND CODIFICATION OF OVERSEAS MILITARY END STRENGTH LIMITATION.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123a the following new section:

"§ 123b. Forces stationed abroad: limitation on number

"(a) END-STRENGTH LIMITATION.—No funds appropriated to the Department of Defense may be used to support a strength level of members of the armed forces assigned to permanent duty ashore in nations outside the United States at the end of any fiscal year at a level in excess of 200,000.

"(b) EXCEPTION FOR WARTIME.—Subsection (a) does not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

"(c) PRESIDENTIAL WAIVER.—The President may waive the operation of subsection (a) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.".

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

"123b. Forces stationed abroad: limitation on number.".

(b) EFFECTIVE DATE.—Section 123b of title 10, United States Code, as added by subsection (a), does not apply with respect to a fiscal year before fiscal year 1996.

(c) CONFORMING REPEAL.—Section 1302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545) is repealed.

SEC. 382. AUTHORITY TO ISSUE MILITARY IDENTIFICATION CARDS TO SO-CALLED HONORARY RETIREES OF THE NAVAL AND MARINE CORPS RESERVES.

(a) AUTHORITY.—The Secretary of the Navy may issue a military identification card to a member of the Retired Reserve described in subsection (b).

(b) COVERED MEMBERS.—A member of the Retired Reserve referred to in subsection (a) is a member of the Naval Reserve or Marine Corps Reserve who transferred to the Retired Reserve under section 274(2) of title 10, United States Code, without having completed the years of service required under section 1331(a)(2) of such title for eligibility for retired pay under chapter 67 of that title.

(c) EFFECT ON COMMISSARY AND EXCHANGE BENEFITS.—The issuance of a military identification card under subsection (a) to a member of the Retired Reserve does not confer eligibility for commissary and exchange benefits on that member.

SEC. 383. MODIFICATION OF STATUTE OF LIMITATIONS FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) MODIFICATION.—Subsection (g) of section 3721 of title 31, United States Code, is amended—

(1) by striking out ". However, if" and inserting in lieu thereof ", except that in the case of a member of the uniformed services, the claim must be presented in writing within 1 year after the claim accrues. If"; and

(2) in the second sentence, by inserting "(or, in the case of a member of the uniformed services, within 1 year)" after "presented within 2 years".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a claim under section 3721 of title 31, United States Code, that accrues on or after the date of the enactment of this Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1995, as follows:

(1) The Army, 510,000.

(2) The Navy, 441,641.

(3) The Marine Corps, 174,000.

(4) The Air Force, 400,051.

SEC. 402. LIMITATION ON DEPLOYMENT OF DIVISIONS CONSTITUTING ARMY CONTINGENCY FORCE.

(a) IN GENERAL.—Whenever practicable, in assigning forces of the Army for operations other than war, the President shall seek to use elements of divisions that are not part of the contingency force, and the President may not at any one time use elements of more than one division of the contingency force for such operations (except for domestic humanitarian or disaster relief missions) unless elements of all divisions that are not part of the contingency force are currently deployed for such operations.

(b) CONTINGENCY FORCE DEFINED.—For purposes of this section, the term "contingency force" means the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, such force consisting of those divisions that are assigned to be the initial Army divisions to be deployed to respond to a regional conflict.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1995, as follows:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 242,000.

(3) The Naval Reserve, 100,710.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 115,581.

(6) The Air Force Reserve, 78,706.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1995, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,650.

(2) The Army Reserve, 11,940.

(3) The Naval Reserve, 17,510.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,098.

(6) The Air Force Reserve, 648.

SEC. 413. ACTIVE COMPONENT MEMBERS TO BE ASSIGNED FOR TRAINING COMPATIBILTY WITH GUARD UNITS.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1995, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 69,420.

(2) The Navy, 43,064.

(3) The Marine Corps, 25,377.

(4) The Air Force, 36,840.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1995 a total of $71,086,397,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1995.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY FOR OFFICERS TO SERVE ON SUCCESSIVE PROMOTION BOARDS.

Section 612(b) of title 10, United States Code, is amended—

(1) by striking out "No officer may be" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer may not be"; and

(2) by adding at the end the following:

"(2) With the approval of the Secretary of the military department concerned, an officer may serve as a member on successive consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers as the first board.".

SEC. 502. ARMY FIELD GRADE OFFICER STRENGTH LIMITATIONS.

(a) REVISIONS TO AUTHORIZED ACTIVE DUTY NUMBERS.—The table in section 523(a)(1) of title 10, United States Code, is amended by striking out all of the table preceding "Air Force:" and inserting in lieu thereof the following:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
"Army:			
60,000 ...	12,380	8,361	3,080
65,000 ...	13,071	8,750	3,264
70,000 ...	13,763	9,138	3,447
75,000 ...	14,454	9,527	3,631
80,000 ...	15,146	9,915	3,814
85,000 ...	15,837	10,304	3,997
90,000 ...	16,529	10,692	4,181
95,000 ...	17,220	11,081	4,364
100,000 ..	17,912	11,469	4,548
110,000 ..	19,295	12,246	4,915
120,000 ..	20,678	13,023	5,281
130,000 ..	22,061	13,800	5,648
170,000 ..	27,593	16,908	7,116".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 503. TECHNICAL CHANGES TO PROVISIONS ENACTED BY WARRANT OFFICER MANAGEMENT ACT.

Chapter 33A of title 10, United States Code, is amended—

(1) in section 578, by adding at the end the following new subsections:

"(e) An officer who is appointed to a higher grade under this section is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

"(f) An officer who has served continuously since the officer subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.";

(2) in sections 573(a)(2) and 574(e), by striking out "on active duty";

(3) in section 575(d), by inserting before the period at the end ", except for those officers precluded from consideration under regulations prescribed by the Secretary concerned under section 577 of this title";

(4) in section 576(f)(1), by striking out the last sentence; and

(5) in section 582(2), by inserting before the period at the end "(except those retired warrant officers who were recalled to active duty before February 1, 1992)".

SEC. 504. NAVY AND MARINE CORPS LIMITED DUTY OFFICERS.

Section 5589 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following subsection:

"(c) An officer designated for limited duty who is serving on active duty pursuant to a temporary appointment under section 5596 of this title may be given an original appointment under this section with the same grade and date of rank as the officer held pursuant to the temporary appointment.".

SEC. 505. RETIREMENT OR ENLISTMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS.

Section 6383 of title 10, United States Code, is amended—

(1) in subsections (a)(1), (a)(2), (a)(3), (a)(4), (b), and (d), by striking out "Except as provided in subsection (i)," and inserting in lieu thereof "Except as provided in subsections (f) and (h),",

(2) by striking out subsection (f) and inserting in lieu thereof the following:

"(f)(1) An officer subject to discharge under subsection (b), (d), or (e) who is not eligible for retirement and to whom paragraph (2) does not apply may, upon the officer's request and in the discretion of the Secretary of the Navy, be enlisted in the grade prescribed by the Secretary.

"(2) If an officer subject to discharge under subsection (b) or (d) is, on the date on which the officer is to be discharged, within two years of qualifying for retirement under section 6323 of this title, the officer shall be retained on active duty until qualified for retirement and shall then be retired under that section, unless the officer is sooner retired or discharged under another provision of law.";

(3) by striking out subsection (g);

(4) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i) respectively; and

(5) in subsection (h) (as so redesignated), by striking out "or the discharge under subsection (d)" and inserting in lieu thereof "or the discharge under subsection (b) or (d)".

SEC. 506. TEMPORARY EXCLUSION OF SUPERINTENDENT OF NAVAL ACADEMY FROM COUNTING TOWARD NUMBER OF SENIOR ADMIRALS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) GRADE RELIEF.—If the next officer appointed to serve as Superintendent of the United States Naval Academy after April 1, 1994, is an officer described in subsection (b), that officer, while so serving, shall not be counted for purposes of the limitations contained in section 525(b)(2) of title 10, United States Code.

(b) QUALIFYING OFFICER.—Subsection (a) applies in the case of a retired officer who—

(1) holds the grade of admiral on the retired list;

(2) is ordered to active duty pursuant to section 688 of title 10, United States Code, to serve as Superintendent of the United States Naval Academy; and

(3) is appointed pursuant to section 601 of that title to have the grade of admiral while serving on active duty in that position.

SEC. 507. GRADE OF HEADS OF CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) NATIONAL DEFENSE UNIVERSITY.—The president of the National Defense University, if a member of the Armed Forces on active duty, has the grade of lieutenant general or vice admiral while so serving, if appointed to that grade for service in that position.

(b) COMPONENT SCHOOLS OF NDU.—The commandant of each of the following Department of Defense schools shall be selected from among officers on the active-duty list who have the grade of major general or rear admiral:

(1) The National War College.

(2) The Industrial College of the Armed Forces.

(3) The Armed Forces Staff College.

(c) SERVICE SCHOOLS.—The following positions may be held only by officers on the active-duty list serving in the grade of major general or rear admiral or a higher grade:

(1) The commandant of the Army War College.

(2) The president of the Naval War College.

(3) The commandant of the Air University.

Subtitle B—Reserve Component Matters

SEC. 511. SELECTED RESERVE ACTIVATION AUTHORITY.

(a) ENHANCED ACTIVATION AUTHORITY.—Subsection (a) of section 673b of title 10, United States Code, is amended to read as follows:

"(a)(1) If the President determines that augmentation of the active forces is necessary for an operational mission, the President may provide Reserve activation authority. The period for which a unit or member is ordered to active duty pursuant to Reserve activation authority provided under this paragraph may not be more than 180 days (and is subject to extension under subsection (i)).

"(2) If the President determines that augmentation of the active forces may be necessary for an operational mission that the President authorizes to be carried out, the President may, on or after the date on which the President authorizes that mission to be carried out, provide Reserve activation authority with respect to a total of not more than 25,000 members of the Selected Reserve. The period for which a unit or member is ordered to active duty pursuant to Reserve activation authority provided under this paragraph may not be more than 90 days.

"(3) The term 'Reserve activation authority' means authority provided by the President to the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy to order to active duty (other than for training) without the consent of the members concerned (A) any unit of the Selected Reserve, and (B) any member of the Selected Reserve not assigned to a unit organized to serve as a unit.

"(4) This section applies notwithstanding the provisions of section 673(a) of this title or any other provision of law.".

(b) PERIOD OF EXTENSION OF ACTIVE DUTY.—Subsection (i) of such section is amended in the first sentence—

(1), by striking out "is ordered to active duty under this section" and inserting in lieu thereof "is ordered to active duty under authority provided under subsection (a)(1)"; and

(1) by striking out "90 additional days" and inserting in lieu thereof "180 additional days".

(c) CONFORMING AMENDMENT CONCERNING NOTICE TO CONGRESS OF USE OF ACTIVATION AUTHORITY.—Subsection (f) of such section is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2) Whenever a unit or member of the Selected Reserve is ordered to active duty under authority provided under subsection (a)(2), the Secretary of Defense or the Secretary of Transportation, as the case may be, shall submit, within 24 hours after issuing such order, a report to Congress, in writing, setting forth the circumstances necessitating the action taken and describing the anticipated use of the units or members ordered to active duty.".

SEC. 512. RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 526 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) Within the numbers authorized under subsections (a) and (b), there shall be, at a minimum, the following Reserve general and flag officers serving in the National Guard Bureau, the Office of a Chief of a reserve component, or the headquarters of a reserve component command:

Army National Guard of the United States	3 general officers.
Army Reserve	3 general officers.
Naval Reserve	3 flag officers.
Air National Guard of the United States	3 general officers.
Air Force Reserve	3 general officers.

"(2) Within the numbers authorized under subsections (a) and (b), there shall be (in addition to the officers specified in paragraph (1)) a Reserve general or flag officer who is assigned as the Military Executive to the Reserve Forces Policy Board.

"(e) The limitation of this section does not apply to a reserve general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 513. DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7)(A) The term 'active Guard and Reserve duty' means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps or of the National Guard pursuant to an order to active duty or full-time National Guard duty for a period of more than 180 consecutive days for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

"(B) Such term does not include the following:

"(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 175 of this title.

"(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

"(iii) Duty performed in connection with drug interdiction and counter-drug activities under section 112 of title 32.

"(iv) Duty performed as a general or flag officer.

"(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).".

SEC. 514. REPEAL OF OBSOLETE PROVISIONS PERTAINING TO TRANSFER OF REGULAR ENLISTED MEMBERS TO THE RETIRED RESERVE.

(a) ARMY.—Section 3914 of title 10, United States Code, is amended by striking out the second and third sentences.

(b) AIR FORCE.—Section 8914 of such title, is amended by striking out the second and third sentences.

SEC. 515. GUARD AND RESERVE TRANSITION INITIATIVES.

(a) Section 1331a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 4415(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 1331(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence.".

(b) Section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2714) is amended—

(1) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for the number of years specified by the Secretary concerned. Such number shall be one or more but not more than five, except that the entitlement to the annual payment shall terminate on the member's 60th birthday.";

(2) by adding at the end of subsection (e) the following new paragraph:

"(3) In the case of a member who will attain 60 years of age during the 12-month period following the date on which an annual payment is due, the payment shall be paid on a prorated basis of one-twelfth of the annual payment for each full month between the date on which the payment is due and the date on which the member attains age 60."; and

(3) by adding at the end the following new subsection:

"(i) COORDINATION WITH RETIRED PAY.—A member who has received one or more annual payments under this section shall, upon entitlement to retired pay under chapter 67 of this title, have deducted from each payment of such retired pay 50 percent of such payment until the total amount deducted is equal to the total amount of payments received under this section.".

Subtitle C—Other Matters

SEC. 521. REPEAL OF REQUIRED REDUCTION IN RECRUITING PERSONNEL.

Section 431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2400) is repealed.

SEC. 522. COAST GUARD FORCE REDUCTION TRANSITION BENEFITS.

(a) INVOLUNTARY SEPARATION BENEFITS AND SERVICES.—Chapter 58 of title 10, United States Code, is amended as follows:

(1) Section 1141 is amended in the matter preceding paragraph (1)—

(A) by striking out "Army, Navy, Air Force, or Marine Corps" and inserting in lieu thereof "armed forces"; and

(B) by striking out "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" and inserting in lieu thereof "or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994,".

(2) Section 1143 is amended—

*(A) in the heading, by striking out "**: Department of Defense**";*

(B) in subsection (a), by inserting "and the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense" and by striking out "under the jurisdiction of the Secretary";

(C) in subsection (b), by adding at the end the following new sentence: "The Secretary of Transportation shall establish permanent employment assistance centers at appropriate Coast Guard installations.";

(D) in subsection (c), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(E) in subsection (d), by adding at the end the following new sentence: "The Secretary of Transportation shall provide the same preference in hiring to involuntarily separated members of the Coast Guard, and the dependents of such members, in Coast Guard nonappropriated fund instrumentalities.".

(3) Section 1143a is amended—

*(A) in the heading by striking out "**: Department of Defense**"; and*

(B) by adding at the end the following new subsection:

"(h) This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall implement the requirements of this section for the Coast Guard.".

(4) Section 1145 is amended by adding at the end the following new subsection:

"(e) The provisions of this section shall apply to members of the Coast Guard (and their dependents) involuntarily separated from active duty during the five-year period beginning on October 1, 1994. The Secretary of Transportation shall implement this section for the Coast Guard.".

(5) Section 1146 is amended by adding at the end the following new sentence: "The Secretary of Transportation shall implement this provision for Coast Guard members involuntarily separated during the five-year period beginning October 1, 1994.".

(6) Section 1147(a) is amended—

(A) by inserting "(1)" before "The Secretary of a military department"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of Transportation may prescribe regulations to permit members of the Coast Guard who are involuntarily separated during the five-year period beginning October 1, 1994, to continue for not more than 180 days after the date of such separation to reside (along with others of the member's household) in military family housing provided or leased by the Coast Guard to the individual as a member of the armed forces.".

(7) Section 1148 is amended by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(8) Section 1149 is amended—

(A) by inserting "or the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense"; and

(B) by striking out "of the military department".

(9) Section 1150 is amended by adding at the end the following new subsection:

"(c) COAST GUARD.—This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall prescribe regulations to implement this section for the Coast Guard.".

(10) The table of sections at the beginning of the chapter is amended by striking out ": Department of Defense" in the items relating to section 1143 and 1143a.

(b) SPECIAL SEPARATION BENEFIT.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "of each military department" and inserting in lieu thereof "concerned";

(2) in subsection (d), by striking out "of a military department" and inserting in lieu thereof "concerned";

(3) in subsection (e)(3), by striking out "of the military department"; and

(4) in subsection (h), by striking out "of a military department" and inserting in lieu thereof "concerned".

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by inserting "and the Secretary of Transportation" after "Secretary of Defense";

(2) in subsection (c), by striking out "of the military department";

(3) in subsection (g), by inserting "and the Department of Transportation for the Coast Guard" before the period at the end;

(4) in subsection (h)(3), by inserting "except for payments to members of the Coast Guard" after "under this section"; and

(5) in subsection (i), by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(d) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2702, 10 U.S.C. 1293 note) shall apply to the Coast Guard in the same manner and to the same extent as that provision applies to the Department of Defense. The Secretary of Transportation shall implement the provisions of that section with respect to the Coast Guard and apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply only to members of the Coast Guard who are involuntarily separated after September 30, 1994.

SEC. 523. EXTENSION OF WARRANT OFFICER MANAGEMENT ACT TO COAST GUARD.

(a) ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5.—(1) The grade of chief warrant officer, W-5, is hereby established in the Coast Guard.

(2) Section 571(a) of title 10, United States Code, is amended by striking out "Army, Navy, Air Force, and Marine Corps" and inserting in lieu thereof "armed forces".

(b) EXTENSION OF WARRANT OFFICER MANAGEMENT ACT PROVISIONS TO COAST GUARD WARRANT OFFICERS.—Chapter 33A of title 10, United States Code, is amended as follows:

(1) Section 573(a) is amended—

(A) by striking out "Secretary of a military department" in paragraph (1) and inserting in lieu thereof "Secretary concerned"; and

(B) by striking out "of the military department" in paragraph (2).

(2) Section 574 is amended by striking out "Secretary of each military department" in subsections (a) and (b) and inserting in lieu thereof "Secretary concerned".

(3) Section 575(b)(2) is amended by inserting "and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(4) Section 576 is amended—

(A) in subsection (a), by striking out "of the military department" in the matter preceding paragraph (1);

(B) in subsection (e), by striking out "of the military department"; and

(C) in subsection (f)(2), by striking out "of the military department".

(5) Section 580 is amended—

(A) in subsection (a)(4)(B), by inserting ", or severance pay computed under section 286a of title 14, as appropriate," after "section 1174 of this title"; and

(B) in subsection (e)(6), by inserting "and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(6) Section 581(a) is amended by striking out "in the Army, Navy, Air Force, or Marine Corps".

(c) TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1) A regular warrant officer of the Coast Guard who on the effective date of this section is on active duty and—

(A) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade;

(B) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer W-5; or

(C) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which that warrant officer is serving; shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as amended by this subsection (b), for promotion to the permanent grade equivalent to the grade in which that warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(2) An officer referred to in subparagraph (A) of paragraph (1) who is not promoted to the grade to which that warrant officer is considered under such subsection to have been recommended for promotion because that officer's name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered

by a board convened under section 573 of title 10, United States Code, as amended by subsection (b), for promotion to the permanent grade equivalent to the temporary grade in which that warrant officer was serving on the effective date of this section as if that warrant officer were serving in the permanent grade.

(3) The date of rank of an officer referred to in paragraph (1)(A) who is promoted to the grade in which that warrant officer is serving on the effective date of this section is the date of that officer's temporary appointment in that grade.

(d) TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1)(A) Except as provided in paragraph (2), a reserve warrant officer of the Coast Guard who on the effective date of this section is subject to placement on the warrant officer active-duty list and who—

(i) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade; or

(ii) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W-5, that is the same as or higher than that warrant officer's permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which the warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(B) The date of rank of a warrant officer referred to in subparagraph (A)(i) who is promoted to the grade in which that warrant officer is considered under such subparagraph to have been recommended for promotion is the date of the temporary appointment of that warrant officer in that grade.

(2) A reserve warrant officer of the Coast Guard who on the effective date of this section—

(A) is subject to placement on the warrant officer active-duty list;

(B) is serving on active duty in a temporary grade; and

(C) holds a permanent grade higher than the temporary grade in which that warrant officer is serving;

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than the permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, the appointment of that warrant officer to such grade shall be a temporary appointment.

(e) RANK OF COAST GUARD WARRANT OFFICERS.—(1) Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following new section:

"§215. Rank of warrant officers

"(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

"(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 214 the following new item:

"215. Rank of warrant officers.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1125(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 555 note) is repealed.

(2) Section 286a(a) of title 14, United States Code, is amended by striking out "section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)" and inserting in lieu thereof "section 580(a)(4)(A) of title 10".

(3) Section 334(b) of such title is amended by striking out "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or" and inserting in lieu thereof "section 580,".

(4) Section 41 of such title is amended by striking out "chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;" and inserting in lieu thereof "chief warrant officers; cadets; warrant officers;".

(5)(A) Sections 212 and 213 of such title are repealed.

(B) The table of sections at the beginning of chapter 11 of such title is amended by striking out the items relating to section 212 and 213.

(6) Section 214 of such title is amended by striking out subsections (b) and (c).

(7) Section 583 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The active-duty list referred to in section 573(b) of this title includes the active-duty promotion list established by section 41a of title 14.".

(g) TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN WARRANT OFFICERS.—Section 580a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) This section applies to the Secretary of Transportation in the same manner and to the same extent as it applies to the Secretary of Defense. The Commandant of the Coast Guard shall take the action set forth in subsection (b) with respect to regular warrant officers of the Coast Guard.".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 1994; or

(2) the first day of the fourth month beginning after the date of the enactment of this Act.

SEC. 524. AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8.

(a) IN GENERAL.—Section 517(a) of title 10, United States Code, is amended by inserting "(or, in the case of the Army, 2.5 percent)" after "may not be more than 2 percent".

(b) SPECIAL RULE FOR 1995.—The percentage applicable to enlisted members of the Army in pay grade E-8 under section 517(a) of title 10, United States Code, during 1995 shall be 2.3 percent (rather than the percentage provided by the amendment made by subsection (a)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.

SEC. 525. REIMBURSEMENT FOR CERTAIN LOSSES OF HOUSEHOLD EFFECTS DURING PCS MOVES.

(a) AUTHORITY TO REIMBURSE.—The Secretary of the military department concerned may reimburse a member of the Armed Forces under the Secretary's jurisdiction for a loss described in subsection (b).

(b) COVERED LOSSES.—This section applies with respect to a loss of household effects sustained during a move made incident to a change of permanent station when, as determined by the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

(c) LIMITATION.—The Secretary may provide reimbursement under this section for a loss described in subsection (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

(d) EFFECTIVE DATE.—The authority provided by this section applies with respect to losses incurred after June 30, 1990.

SEC. 526. VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall establish within each of the military departments a victims' advocates program to provide assistance to members of the Armed Forces and their dependents who are victims of sexual and physical abuse, unlawful discrimination, or sexual harassment.

(b) IMPLEMENTATION THROUGH FAMILY ADVOCACY PROGRAM.—The programs under subsection (a) shall, to the extent practicable, be carried out through Family Advocacy Programs in the military departments.

(c) VICTIMS ADVOCATE DEFINED.—For purposes of the programs under subsection (a), a victims advocate program is a program in which individuals working in the program serve the interests of a victim of sexual and physical abuse, unlawful discrimination, or sexual harassment by providing information on available benefits and services, assistance in obtaining those benefits and services, and other appropriate assistance.

(d) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section. The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 527. PROHIBITION OF RETALIATORY ACTIONS AGAINST MEMBERS OF THE ARMED FORCES MAKING ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination

"(a) PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—(1) No person may take (or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing a communication described in subsection (b)(2) to—

"(A) a Member of Congress;

"(B) an Inspector General (as defined in subsection (g));

"(C) a member of a Department of Defense audit, inspection, investigation, or law enforcement organization; or

"(D) any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures for such communications.

"(2) Any action prohibited by paragraph (1) (including the threat to take any action and the withholding or threat to withhold any favorable action) shall be considered for the purposes of this section to be a personnel action prohibited by this subsection.

"(b) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF PROHIBITED PERSONNEL ACTIONS.—(1) If a member of the armed forces submits to the Department of Defense Inspector General (or to the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast

Guard is not operating as a service in the Navy) an allegation that a personnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General shall expeditiously investigate the allegation. The Inspector General of the Department of Defense may not delegate or assign any such investigation to an office or organization within a military department.

"(2) A communication described in this paragraph is a communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, sexual harassment or unlawful discrimination.

"(3) The Inspector General is not required to make an investigation under paragraph (1) in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is subject of the allegation.

"(c) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.—If the Inspector General considers it necessary, due to evidence of a biased or inadequate investigation of the underlying allegation of sexual harassment or unlawful discrimination, the Inspector General may initiate a separate investigation of that allegation.

"(d) REPORTS ON INVESTIGATIONS.—(1) Not later than 30 days after completion of an investigation under subsection (b) or (c), the Inspector General shall submit a report on the results of the investigation to the Secretary of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and the member of the armed forces who made the allegation.

"(2) In the copy of the report submitted to the member, the Inspector General shall ensure the maximum disclosure of information possible, with the exception of information that is not required to be disclosed under section 552 of title 5.

"(3) If, in the course of an investigation of an allegation under this section, the Inspector General determines that it is not possible to submit the report required by paragraph (1) within 120 days after the date of receipt of the allegation being investigated, the Inspector General shall provide to the Secretary of Defense (or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and to the member making the allegation a notice—

"(A) of that determination (including the reasons why the report may not be submitted within that time); and

"(B) of the time when the report will be submitted.

"(4) The report on the results of the investigation shall contain a thorough review of the facts and circumstances relevant to the allegation and the complaint or disclosure and shall include documents acquired during the course of the investigation, including summaries of interviews conducted. The report may include a recommendation as to the disposition of the complaint.

"(e) CORRECTION OF RECORDS WHEN PROHIBITED ACTION TAKEN.—(1) A board for the correction of military records acting under section 1552 of this title, in resolving an application for the correction of records made by a member or former member of the armed forces who has alleged a personnel action prohibited by subsection (a), on the request of the member or former member or otherwise, may review the matter.

"(2) In resolving an application described in paragraph (1), a correction board—

"(A) shall review the report of the Inspector General submitted under subsection (d);

"(B) may request the Inspector General to gather further evidence; and

"(C) may receive oral argument, examine and cross-examine witnesses, take depositions, and, if appropriate, conduct an evidentiary hearing.

"(3) If the board elects to hold an administrative hearing, the member or former member who filed the application described in paragaph (1)—

"(A) may be provided with representation by a judge advocate if—

"(i) the Inspector General, in the report under subsection (d), finds that there is probable cause to believe that a personnnel action prohibited by subsection (a) has been taken (or threatened) against the member with respect to a communication described in subsection (b)(2);

"(ii) the Judge Advocate General concerned determines that the case is unusually complex or otherwise requires judge advocate assistance to ensure proper presentation of the legal issues in the case; and

"(iii) the member is not represented by outside counsel chosen by the member; and

"(B) may examine witnesses through deposition, serve interrogatories, and request the production of evidence, including evidence contained in the investigatory record of the Inspector General but not included in the report submitted under subsection (d).

"(4) The Secretary concerned shall issue a final decision with respect to an application described in paragraph (1) within 180 days after the application is filed. If the Secretary fails to issue such a final decision within that time, the member or former member shall be deemed to have exhausted the member's or former member's administrative remedies under section 1552 of this title.

"(5) The Secretary concerned shall order such action, consistent with the limitations contained in sections 1552 and 1553 of this title, as is necessary to correct the record of a personnel action prohibited by subsection (a).

"(6) If the Board determines that a personnel action prohibited by subsection (a) has occurred, the Board may recommend to the Secretary concerned that the Secretary take appropriate disciplinary action against the individual who committed such personnel action.

"(f) REVIEW BY SECRETARY OF DEFENSE.—Upon the completion of all administrative review under subsection (e), the member or former member of the armed forces (except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) who made the allegation referred to in subsection (b)(1), if not satisfied with the disposition of the matter, may submit the matter to the Secretary of Defense. The Secretary shall make a decision to reverse or uphold the decision of the Secretary of the military department concerned in the matter within 90 days after receipt of such a submittal.

"(g) POST-DISPOSITION INTERVIEWS.—After disposition of any case under this section, the Inspector General shall, whenever possible, conduct an interview with the person making the allegation to determine the views of that person on the disposition of the matter.

"(h) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.

"(i) DEFINITIONS.—In this section:

"(1) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.

"(2) The term 'Member of Congress' includes any Delegate or Resident Commissioner to Congress.

"(3) The term 'Inspector General' means—

"(A) an Inspector General appointed under the Inspector General Act of 1978; and

"(B) an officer of the armed forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the armed forces.".

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

"983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe the regulations required by subsection (g) of section 983 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) CONTENT OF REGULATIONS.—In prescribing regulations under section 983 of title 10, United States Code, as added by subsection (a), the Secretary of Defense and the Secretary of Transportation shall provide for due process procedures for the subject of any investigation carried out under the provisions of that section, including a process for appeal and review of investigative findings.

(d) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to any personnel action taken (or threatened to be taken) on or after the date of the enactment of this Act as a reprisal prohibited by subsection (a) of that section.

SEC. 528. ANNUAL REPORT ON PERSONNEL READINESS.

(a) REQUIRED ASSESSMENT.—The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

(b) DATA TO BE COLLECTED.—Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction of the Secretary (as well as such additional information as the Secretary considers appropriate):

(1) The numbers and rates of temporary and permanent nondeployability of members of the Armed Forces, displayed by cause of nondeployability, rank, and gender.

(2) The numbers and rates of complaints and allegations involving gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

(d) INITIAL SUBMISSION.—The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991.

SEC. 529. PROGRAMS RELATED TO DESERT STORM MYSTERY ILLNESS.

(a) OUTREACH PROGRAM TO PERSIAN GULF VETERANS AND FAMILIES.—The Secretary of Defense shall institute a comprehensive outreach

program to inform members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf Conflict, and the families of such members, of illnesses that may result from such service. The program shall be carried out through both medical and command channels, as well as any other means the Secretary considers appropriate. Under the program, the Secretary shall—

(1) inform such individuals regarding—

(A) common disease symptoms reported by Persian Gulf veterans that may be due to service in the Southwest Asia theater of operations;

(B) blood donation policy;

(C) available counseling and medical care for such members; and

(D) possible health risks to children of Persian Gulf veterans;

(2) inform such individuals of the procedures for registering in either the Persian Gulf Veterans Health Surveillance System of the Department of Defense or the Persian Gulf War Health Registry of the Department of Veterans Affairs; and

(3) encourage such members to report any symptoms they may have and to register in the appropriate health surveillance registry.

(b) INCENTIVES TO PERSIAN GULF VETERANS TO REGISTER.—In order to encourage Persian Gulf veterans to register any symptoms they may have in one of the existing health registries, the Secretary of Defense shall provide the following:

(1) For any Persian Gulf veteran who is on active duty and who registers with the Department of Defense's Persian Gulf War Veterans Health Surveillance System, a full medical evaluation and any required medical care.

(2) For any Persian Gulf War veteran who is, as of the date of the enactment of this Act, a member of a reserve component, opportunity to register at a military medical facility in the Persian Gulf Veterans Health Care Surveillance System and, in the case of a Reserve who registers in that registry, a full medical evaluation by the Department of Defense. Depending on the results of the evaluation and on eligibility status, reserve personnel may be provided medical care by the Department of Defense.

(3) For a Persian Gulf veteran who is not, as of the date of the enactment of this Act, on active duty or a member of a reserve component, assistance and information at a military medical facility on registering with the Persian Gulf War Registry of the Department of Veterans Affairs and information related to support services provided by the Department of Veterans Affairs.

(c) COMPATABILITY OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REGISTRIES.—The Secretary of Defense shall ensure that the Department of Defense Persian Gulf Veterans Health Surveillance System register is compatible with the Persian Gulf War Registry maintained by the Department of Veterans Affairs and that all information on individuals who register with the Department of Defense system is provided to the Department of Veterans Affairs for incorporation into the Persian Gulf War Registry.

(d) PRESUMPTIONS ON BEHALF OF SERVICE MEMBER.—(1) A member of the Armed Forces who is a Persian Gulf veteran, who has symptoms of illness, and who the Secretary concerned finds may have become ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations.

(2) A member of the Armed Forces who is a Persian Gulf veteran and who reports being ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations until such time as the weight of medical evidence establishes other cause or causes of the member's illness.

(3) The Secretary concerned shall ensure that, for the purposes of health care treatment by the Department of Defense, health care and personnel administration, and disability evaluation by the Department of Defense, the symptoms of any member of the Armed Forces covered by paragraph (1) or (2) are examined in light of the member's service in the Persian Gulf War and in light of the reported symptoms of other Persian Gulf veterans. The Secretary shall ensure that, in providing health care diagnosis and treatment of the member, a broad range of potential causes of the member's symptoms are considered and that the member's symptoms are considered collectively, as well as by type of symptom or medical speciality, and that treatment across medical specialties is coordinated appropriately.

(4) The Secretary of Defense shall ensure that the presumptions of service connection and illness specified in paragraphs (1) and (2) are incorporated in appropriate service medical and personnel regulations and are widely disseminated throughout the Department of Defense.

(e) REVISION OF THE PHYSICAL EVALUATION BOARD CRITERIA.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall ensure that case definitions of Persian Gulf related illnesses, as well as the Physical Evaluation Board criteria used to set disability ratings for members no longer medically qualified for continuation on active duty, are established as soon as possible to permit accurate disability ratings related to a diagnosis of Persian Gulf illnesses.

(2) Until revised disability criteria can be implemented and members of the Armed Forces can be rated against those criteria, the Secretary of Defense shall ensure—

(A) that any member of the Armed Forces on active duty who may be suffering from a Persian Gulf-related illness is afforded continued military medical care; and

(B) that any member of the Armed Forces on active duty who is found by a Physical Evaluation Board to be unfit for continuation on active duty as a result of a Persian Gulf-related illness for which the board has no rating criteria (or inadequate rating criteria) for the illness or condition from which the member suffers is placed on the temporary disability retired list .

(f) REVIEW OF RECORDS AND RERATING OF PREVIOUSLY DISCHARGED GULF WAR VETERANS.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that a review is made of the health and personnel records of each Persian Gulf veteran who before the date of the enactment of this Act was discharged from active duty, or was medically retired, as a result of a Physical Evaluation Board process.

(2) The review under paragraph (1) shall be carried out to ensure that former Persian Gulf veterans who may have been suffering from a Persian Gulf-related illness at the time of discharge or retirement from active duty as a result of the Physical Evaluation Board process are revaluated in accordance with the criteria established in subsection (c)(1) and, if appropriate, are rerated.

(g) PERSIAN GULF ILLNESS MEDICAL REFERRAL CENTERS.—The Secretary of Defense shall evaluate the feasibility of establishing one or more medical referral centers to provide uniform, coordinated medical care for Persian Gulf veterans on active duty who are or may be suffering from a Persian Gulf-related illness. The Secretary shall submit a report on such feasibility to the Committees on Armed Services of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

(h) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on—

(A) efforts taken and results achieved in notifying members of the Armed Forces and their families as part of the outreach program required by subsection (a);

(B) efforts taken to revise the Physical Evaluation Board disability rating and interim efforts to adjudicate cases before the revision of the criteria; and

(C) results of the review and rerating of previously separated servicemembers.

(2) The first report under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act.

(i) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf Conflict.

SEC. 530. UPGRADE OF ARMED FORCES STAFF COLLEGE WARGAMING AND OTHER CAPABILITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Congress and the Department of Defense have envisioned the Armed Forces Staff College as the premier educational institution for joint operational planning and warfighting.

(2) The mission of the college is to educate staff officers and other leaders in joint and combined operational planning and warfighting in order to instill a primary commitment to joint teamwork, attitudes, and perspective.

(3) The intention of the Congress and the Department of Defense is that the college be a "hands-on" school, preparing officers for joint duty assignments through extensive use of case studies and war games that focus on the specifics of joint warfare and involve theaters of war set in both developed and underdeveloped regions.

(4) The inadequate wargaming capability at the college does not allow for a hands-on approach, nor does the current capability and associated facilities, in particular, the antiquated and decaying library, support an atmosphere in which students are able to develop critical thinking skills and problem-solving abilities as they pertain to joint operational planning and warfighting.

(5) In order for the college to fulfill its mission to educate officers in joint matters with a curriculum that is hands-on from the first day of school until the last, the college must be able to run war games and practical exercises simultaneously whenever the curriculum dictates. To meet this requirement, the college must have its own wargaming facility.

(6) Neither the Joint Warfighting Center, which Congress strongly supported in Public Law 103-160, nor a proposed wargaming facility for the United States Atlantic Command (both of which will be located miles from the college), can fulfill the unique, continuous, on-campus educational requirements of the college.

(7) Off-site facilities cannot sustain the evolution of the college to fulfill its potential as a research center for joint operational excellence whose faculty and advanced students achieve the highest levels of ability in critical thinking and problem solving regarding joint matters and, as a consequence, are capable of using wargaming, simulation, and other analytical techniques to develop and evaluate advanced warfighting and campaign concepts and doctrine for the future employment of joint forces.

(8) The Congress, in the joint statement of managers to accompany the bill H.R. 2401 of the 103d Congress—

(A) noted that there were "no current Department of Defense plans to upgrade the wargaming capability at the Armed Forces Staff College";

(B) urged "that this situation be corrected and that the Department of Defense, particularly the Chairman of the Joint Chiefs of Staff and the Secretary of the Navy, develop plans for a wargaming capability at AFSC comparable to those at the Army, Navy, and Air Force professional military education schools"; and

(C) stated that the conferees "expect the Department of Defense budget for fiscal year 1995 to contain a request for funding to upgrade the wargaming capability at AFSC.".

(9) The Department of Defense budget request for fiscal year 1995 did not contain a request for funding to upgrade the Armed Forces Staff College wargaming capability.

(b) REQUIRED ACTIONS.—The Secretary of Defense shall—

(1) upgrade the wargaming capability at the Armed Forces Staff College to make that capability, at a minimum, comparable to the wargaming capability at the Army, Navy, and Air Force professional military education schools;

(2) survey the other facilities and capabilities of the college (in particular, the library and the classroom instruction facilities) and upgrade them to make them comparable to the facilities and capabilities at the Army, Navy, and Air Force professional military education schools;

(3) include a request for funding the upgrades under paragraphs (1) and (2) in the Department of Defense budget for fiscal year 1996; and

(4) submit to the congressional defense committees, not later than January 15, 1995, a plan for executing those upgrades.

SEC. 531. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at an academy named in subsection (c) may be imposed unless the charge or fee is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to cadets or midshipmen at an academy named in subsection (c) for which a charge or fee is imposed as of the date of the enactment of this Act. The Secretary of Defense or the Secretary of Transportation, as the case shall be, shall notify the Congress of any change made by an academy in the amount of a charge or fee authorized under this subsection.

(c) COVERED ACADEMIES.—This section applies to the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

SEC. 532. AUTHORIZATION FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) ADMISSION OF CIVILIANS AS STUDENTS.—(1) The Secretary of the Army may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students enrolled at an institution of higher education that is a party to the agreement may receive instruction at the Foreign Language Center of the Defense Language Institute on a cost-reimbursable, space-available basis.

(2) The Secretary may also permit other persons who would benefit from the instruction provided at the Center, as determined by the Secretary, to receive instruction at the Center on a cost-reimbursable, space-available basis.

(b) SELECTION AND ATTENDANCE.—(1) The Secretary shall select the persons who will be permitted to receive instruction at the Center pursuant to subsection (a). In the case of agreements under subsection (a)(1), the Secretary shall consult with the other parties to the agreements to establish qualifications and methods of selection for persons to receive instruction at the Center.

(2) Except as the Secretary determines necessary, a person who receives instruction at the Center pursuant to subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(c) RETENTION OF FUNDS.—Amounts collected under subsection (a) to reimburse the Center for the costs of providing instruction to students under subsection (a) shall be credited to funds available for compensation of instructors at the Center and to defray direct civilian student costs to the school.

(d) CENTER DEFINED.—For purposes of this section, the term "Center" means the Foreign Language Center of the Defense Language Institute.

(e) EXPIRATION OF AUTHORITY.—No student may be admitted to the Center under subsection (a) to commence classes beginning after September 30, 1997.

SEC. 533. SENSE OF CONGRESS CONCERNING APPROPRIATE DEPARTMENT OF DEFENSE FORCE STRUCTURE THROUGH 1997.

It is the sense of Congress that—

(1) through 1997 the United States should have—

(A) not less than 520,000 personnel in the active forces of the Army;

(B) not less than 11 active aircraft carriers and one reserve aircraft carrier in the Navy;

(C) not less than 20 active and reserve fighter wings in the Air Force; and

(D) not less than 174,000 personnel in the active forces of the Marine Corps;

(2) funding for national defense for fiscal years 1995 through 1997 should be established at a level sufficient to support the force structure described in paragraph (1) and to ensure that the United States does not have a hollow force; and

(3) the force structure described in paragraph (1) represents the minimum level which should be maintained, but the President should be willing to increase defense spending to meet new or existing threats.

SEC. 534. DISCHARGE OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) IN GENERAL.—(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling

"(a) REQUIRED SEPARATION.—A member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated. Such separation shall be made on a date determined by the Secretary concerned, which (except as provided in subsection (b)(2)) shall be as soon as practicable after the date on which the determination is made that the member should be so classified and not later than the last day of the twelfth month beginning after that date.

"(b) FORM OF SEPARATION.—(1) If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged.

"(2) In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(c) EXCEPTIONS.—The Secretary concerned may waive subsection (a) with respect to an individual member of the armed forces under the jurisdiction of that Secretary if the Secretary determines that there are circumstances that warrant the retention of that member. Such circumstances may include—

"(1) consideration that the medical condition making the member permanently nonworldwide assignable was incurred in combat or otherwise as the result of an action of the member for which the member received a decoration or other recognition for personal bravery;

"(2) consideration that the member has a specific proficiency or skill that is vital to the national security; and

"(3) any other circumstance that the Secretary considers to be for the good of the service.

"(d) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(e) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.".

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

"1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as added by subsection (a), shall apply with respect to members determined to be permanently nonworldwide assignable by reason of a medical condition before, on, or after the date of the enactment of this Act. In the case of such a determination made before the date of the enactment of this Act, the period for the separation of the member specified in subsection (a) of such section shall be treated as beginning on the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "section 580" and inserting in lieu thereof "section 580, 1177,".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1995 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1995, the rates of basic pay, basic allowance for subsistence, and basic

allowance for quarters of members of the uniformed services are increased by 2.6 percent.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1995, section 203(c)(1) of title 37, United States Code, is amended by striking out "$543.90" and inserting in lieu thereof "$558.04".

(d) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term "uniformed services" does not include the Coast Guard.

SEC. 602. COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED TO HIGH COST AREAS IN THE CONTINENTAL UNITED STATES.

(a) ALLOWANCE REQUIRED.—(1) Chapter 7 of title 37 is amended by inserting after section 403a the following new section:

"§403b. Cost-of-living allowance in the continental United States

"(a) MEMBERS ELIGIBLE.—(1) A member of the uniformed services who is assigned to a high cost area in the continental United States is entitled to a cost-of-living allowance under this section.

"(2) A member who is assigned to an unaccompanied tour of duty outside the continental United States is entitled to a cost-of-living allowance under this section if the dependents of the member reside in a high cost area in the continental United States.

"(3) A member who is assigned to duty in the continental United States and whose dependents, due to the duty location or other circumstances, must reside in a high cost area in the continental United States, may be paid a cost-of-living allowance under this section based on the area where the dependents reside if it would be inequitable to base the allowance on the duty location of the member.

"(b) EXCEPTIONS OR CONDITIONS.—(1) A member of the uniformed services who is otherwise entitled to a cost-of-living allowance under this section is not entitled to the allowance for the number of days during which travel is authorized while changing permanent duty stations.

"(2) A member of a reserve component is not entitled to a cost-of-living allowance under this section unless the member is on active duty under a call or order that specifies a tour of active duty of 140 days or more or states that the active duty is in support of a contingency operation.

"(c) ANNUAL ALLOWANCE THRESHOLD.—Based on the amount of funds available for a fiscal year to provide cost-of-living allowances under this section, the Secretary of Defense shall establish annually an allowance threshold to represent the percentage by which the cost of living of an area must exceed the national average cost of living in order to qualify the area as a high cost area for payment of the cost-of-living allowance to members of the uniformed services described in subsection (a). However, the allowance threshold for a fiscal year may not be less than 1.05 nor more than 1.08.

"(d) DETERMINATION OF NATIONAL AND AREA COST OF LIVINGS.—(1) The Secretary of Defense shall establish the cost-of-living allowance for a fiscal year by using the Consumer Price Index (as determined by the Bureau of Labor Statistics of the Department of Labor) or by using a comparable index developed in the private sector to determine a national average cost of living and the cost of living for various areas in the continental United States. To determine the cost of living of members of the uniformed services, the Secretary shall consider nonhousing costs (such as transportation, goods, and services) incurred by members of the uniformed services and average income tax paid by such members. The Secretary shall reduce the amounts determined to exclude cost savings attributable to military facilities (such as commissary, military exchange, and military health care benefits) and any military subsistence allowance.

"(e) ALLOWANCE FACTOR.—The factor used in a particular high cost area to calculate the amount of the cost-of-living allowance for a fiscal year for members of the uniformed services described in subsection (a) shall be equal to the difference between—

"(1) the cost of living for the high cost area divided by the national average cost of living; and

"(2) the allowance threshold established under subsection (c) for that year.

"(f) AMOUNT OF ALLOWANCE.—The cost-of-living allowance of a member of the uniformed services described in subsection (a) who is covered by a particular high cost area is equal to the product of the basic pay of the member and the allowance factor for that high cost area determined under subsection (e). The Secretary shall adjust the amount determined to maintain after-tax purchasing power of the allowance.

"(g) DEFINITIONS.—In this section—

"(1) the term 'high cost area' means an area in the continental United States in which the cost of living, with respect to a particular fiscal year, exceeds the national average cost of living by a percentage greater than the allowance threshold established for that fiscal year under subsection (c);

"(2) the term 'continental United States' means the 48 contiguous States and the District of Columbia; and

"(3) the term 'uniformed services' does not include the Coast Guard.".

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 403a the following new item:

"403b. Cost-of-living allowance in the continental United States.".

(b) APPLICATION OF AMENDMENT.—The Secretary of Defense may not provide a cost-of-living allowance under section 403b of title 37, United States Code, as added by subsection (a), before July 1, 1995.

SEC. 603. INCREASE IN SUBSISTENCE ALLOWANCE PAYABLE TO MEMBERS OF SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking out "$100 a month" in the first sentence and inserting in lieu thereof "$150 a month".

(b) APPLICATION OF INCREASE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to months beginning after August 31, 1995.

(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. INCREASE IN AUTHORIZED INCENTIVE SPECIAL PAY FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.

Section 302e(a)(1) of title 37, United States Code, is amended by striking out "$6,000" and inserting in lieu thereof "$15,000".

SEC. 612. EXTENSION OF AUTHORITY FOR PAYMENT OF AVIATION OFFICER RETENTION BONUS

Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Travel and Transportation Allowances

SEC. 621. CHANGE IN PROVISION OF TRANSPORTATION INCIDENT TO PERSONAL EMERGENCIES FOR MEMBERS STATIONED OUTSIDE THE CONTINENTAL UNITED STATES.

Section 411d(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding the subparagraphs, by striking "from the international airport" and all that follows through "or the international airport nearest" and inserting in lieu thereof "from the location of the member or dependents, at the time notification of the personal emergency is received, or";

(B) in subparagraph (A), by striking "closest to the international airport" and inserting in lieu thereof "closest to the location"; and

(2) in paragraph (4), by striking "to the international airport" and all that follows through the period and inserting in lieu thereof "to the location from which the member or dependent departed or the member's duty station.".

SEC. 622. CLARIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCE OF FAMILY MEMBERS INCIDENT TO THE SERIOUS ILLNESS OR INJURY OF MEMBERS.

(a) ALLOWANCE IN CASES OF BRAIN DEATH.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "is necessary for" and inserting in lieu thereof "may contribute to"; and

(2) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and".

(b) DEFINITION OF HEALTH AND WELFARE.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) In this section, the term 'health and welfare', with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

(c) LIMITATION.—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of $376,000,000 to offset increased outlays to be made from that fund

during fiscal year 1995 by reason of the provisions of subsection (a).

SEC. 632. CLARIFICATION OF CALCULATION OF RETIRED PAY FOR OFFICERS WHO RETIRE IN A GRADE LOWER THAN THE GRADE HELD AT RETIREMENT.

(a) PREVENTION OF RETIRED PAY BASED ON GRADE HIGHER THAN RETIRED GRADE.—Section 1401a(f) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting "based on the grade in which the member is retired" after "at an earlier date";

(2) in the second sentence, by inserting ", except that such computation may not be based on a rate of basic pay for a grade higher than the grade in which the member is retired" before the period at the end; and

(3) by striking out the third sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to the computation of the retired pay of a member of the armed forces who retires on or after the date of the enactment of this Act.

SEC. 633. CREDITING OF RESERVE SERVICE OF ENLISTED MEMBERS FOR COMPUTATION OF RETIRED PAY.

(a) ARMY.—(1) Section 3925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 3991 of this title,"; and

(B) by striking out subsection (c).

(2) The table in section 3991(a)(1) of such title is amended by striking out "section 3925" in formula B under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(3) The table in section 3992 of such title is amended by striking out "section 3925" in formula A under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(b) NAVY AND MARINE CORPS.—The table in section 6333(a) of title 10, United States Code, is amended by striking out "his years of active service in the armed forces" in formula C under the column designated "Column 2" and inserting in lieu thereof "the years of service that may be credited to him under section 1405.".

(c) AIR FORCE.—(1) Section 8925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 8991 of this title,"; and

(B) by striking out subsection (c).

(2) The table in section 8991(a)(1) of such title is amended by striking out "section 8925" in formula B under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(3) The table in section 8992 of such title is amended by striking out "section 8925" in formula A under the column designated "Column 2" and inserting in lieu thereof "section 1405".

(d) CONFORMING AMENDMENT.—Section 1405 of such title is amended by adding at the end the following new subsection:

"(c) EXCLUSION OF TIME REQUIRED TO BE MADE UP.—Time required to be made up by an enlisted member of the Army or Air Force under section 972 of this title may not be counted in determining years of service under subsection (a).".

(e) EFFECTIVE DATE.—This section shall apply to the computation of the retired or retainer pay of any enlisted member who retires or is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve on or after the date of the enactment of this Act.

SEC. 634. MINIMUM REQUIRED RESERVE SERVICE FOR ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE DURING FORCE DRAWDOWN PERIOD.

Section 1331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the entitlement of that person, upon application, to retired pay under this section shall be determined, in the case of the requirement specified in subsection (a)(3), by substituting 'the last six years' for 'the last eight years'.".

SEC. 635. SBP PREMIUMS FOR RESERVE-COMPONENT CHILD-ONLY COVERAGE.

(a) DETERMINATION OF PREMIUMS.—Subsection (b) of section 1452 of title 10, United States Code, is amended to read as follows:

"(b) CHILD-ONLY ANNUITIES.—

"(1) REQUIRED REDUCTION IN RETIRED PAY.—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

"(2) NO REDUCTION WHEN NO CHILD.—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

"(3) SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

"(4) CHILD-ONLY COVERAGE DEFINED.—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

"(A) does not have an eligible spouse or former spouse; or

"(B) has a spouse or former spouse but has elected to provide an annuity for dependent children only.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) applies to any election for child-only coverage under a reserve-component annuity under the Survivor Benefit Plan, whether made before, on, or after the date of the enactment of this Act.

(2) Paragraph (1) does not apply in a case of an election referred to in that paragraph that was made before the date of the enactment of this Act if the participant was informed, in writing, before the date of the enactment of this Act that no reduction in the participant's retired pay for child-only coverage would be made during a period when there was no eligible dependent child.

SEC. 636. DISCONTINUATION OF INSURABLE INTEREST COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Paragraph (1) of section 1448(b) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

"(C) A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(D) The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

"(E) Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a).".

Subtitle E—Other Matters

SEC. 641. AUTHORITY FOR SURVIVORS TO RECEIVE PAYMENT FOR ALL LEAVE ACCRUED BY DECEASED MEMBERS.

(a) REMOVAL OF 60-DAY LIMITATION.—Subsection (d) of section 501 of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "(1)" after "(d)"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The limitations contained in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) on the number of days of leave for which payment may be made shall not apply with respect to payments made under this subsection."; and

(2) by striking out paragraph (2).

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking out ", (d)," in the first sentence.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO INCLUDE YOUNG PEOPLE BEING ADOPTED BY MEMBERS OR FORMER MEMBERS.

(a) ELIGIBILITY FOR HEALTH BENEFITS.—Section 1072 of title 10, United States Code, is amended—

(1) in paragraph (2)(D), by striking out ", including an adopted child or stepchild,"; and

(2) by adding at the end the following new paragraph:

"(6) The term 'child' includes an adopted child, a stepchild, or an unmarried person placed in the home of a member or former member of a uniformed service by a State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member or former member, who otherwise meets the requirements specified in paragraph (2)(D).".

(b) CONFORMING AMENDMENT.—Section 401(b)(1)(B) of title 37, United States Code, is amended by striking out "placement agency for the purpose of adoption" and inserting in lieu thereof "State licensed placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member".

SEC. 702. TREATMENT OF CERTAIN DEPENDENTS AS CHILDREN FOR PURPOSES OF CHAMPUS, DEPENDENTS' DENTAL PROGRAM, AND CONTINUED HEALTH BENEFITS COVERAGE.

(a) CHAMPUS.—Section 1079(a) of title 10, United States Code, is amended in the first sentence by striking out "and children" and inserting in lieu thereof ", children, and dependents described in section 1072(2)(I) of this title".

(b) DEPENDENTS' DENTAL PROGRAM.—Section 1076a of such title is amended—

(1) in subsection (a)(1), by striking out "spouses and children (as described in section 1072(2)(D) of this title)" and inserting in lieu thereof "eligible dependents";

(2) in subsection (e), by striking out "spouse or child" and inserting in lieu thereof "eligible dependent";

(3) in subsection (f), by striking out "spouse or children" both places it appears and inserting in lieu thereof "eligible dependents"; and

(4) by adding at the end the following new subsection:

"(h) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a spouse, child, or dependent described in section 1072(2)(I) of this title of a member of the uniformed services who is on active duty for a period of more than 30 days.".

(c) CONTINUED HEALTH BENEFITS COVERAGE.—Section 1078a of such title is amended—

(1) in subsection (b)(2)(A), by inserting before the semicolon the following: "or ceases to meet the requirements for being considered an unmarried dependent under section 1072(2)(I) of this title";

(2) in subsection (c)(3)—

(A) by striking out "child" both places it appears and inserting in lieu thereof "dependent"; and

(B) by striking out "child's" each place it appears and inserting in lieu thereof "dependent's";

(3) in subsection (d)(2)(A)—

(A) by striking out "child" the first, second, and fourth places it appears and inserting in lieu thereof "dependent"; and

(B) by striking out "an unmarried dependent child under section 1072(2)(D) of this title," and inserting in lieu thereof "a dependent under subparagraph (D) or (I) of section 1072(2) of this title;";

(4) in subsection (d)(2)(B)—

(A) by striking out "child" and inserting in lieu thereof "dependent"; and

(B) by striking out "child's" and inserting in lieu thereof "dependent's";

(5) in subsection (g)(1)(B), by striking out "an unmarried dependent child under section 1072(2)(D) of this title" and inserting in lieu thereof "a dependent under subparagraph (D) or (I) of section 1072(2) of this title"; and

(6) in subsection (g)(2), by striking out "child" both places it appears and inserting in lieu thereof "dependent".

SEC. 703. AUTHORIZATION FOR MEDICAL AND DENTAL CARE OF ABUSED DEPENDENTS OF CERTAIN MEMBERS.

(a) ADDITIONAL BASIS FOR CARE.—Subsection (e) of section 1076 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Subject to paragraph (3), if an abused dependent of a member of a uniformed service described in paragraph (4) needs medical or dental care for an injury or illness resulting from the abuse, the administering Secretary may, upon request of the abused dependent, furnish medical or dental care to the dependent for the treatment of such injury or illness in facilities of the uniformed services."; and

(2) by adding at the end the following new paragraph:

"(4)(A) A member of a uniformed service referred to in paragraph (1) is a member who—

"(i) receives a dishonorable or bad-conduct discharge or is dismissed from a uniformed service as a result of a court-martial conviction for a criminal offense, under either military or civil law, involving abuse of a dependent of the member; or

"(ii) is administratively discharged from a uniformed service as a result of such an offense.

"(B) Whether an offense involved abuse of a dependent of the member shall be determined in accordance with regulations prescribed by the administering Secretary for such uniformed service.".

(b) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2), by striking out "paragraph (1)(A)" and inserting in lieu thereof "paragraph (4)"; and

(2) in paragraph (3)(C), by striking out "paragraph (1)(A)" and inserting in lieu thereof "paragraph (4)".

SEC. 704. ADDITIONAL AUTHORIZED HEALTH CARE SERVICE AVAILABLE THROUGH MILITARY HEALTH CARE SYSTEM.

Section 1077(b)(2)(B) of title 10, United States Code, is amended by inserting after "artificial limbs" the following: ", voice prostheses,".

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. EXPANDED USE OF PARTNERSHIP AND RESOURCE SHARING PROGRAMS FOR IMPROVED COST-EFFECTIVENESS.

Section 1096 of title 10, United States Code, is amended by inserting at the end the following new subsections:

"(d) PAYMENTS BY NON-FEDERAL PARTIES.—An agreement entered into under subsection (a) may require a civilian health care provider that is a party to the agreement to make payments to a facility of the uniformed services in connection with resources specified in subsection (b) that are provided by the facility under the agreement. Amounts received by the facility under this subsection shall be credited to the appropriation supporting the maintenance and operation of the facility and shall not be taken into consideration in establishing the operating budget of the facility.

"(e) REIMBURSEMENT FOR LICENSE FEES.—In the case of an agreement entered into under subsection (a) under which personnel of the uniformed services who are assigned to a facility of the uniformed services will provide health care services at a facility of a civilian health care provider, the Secretary of Defense may reimburse the personnel for any professional license fee that is required by the governmental jurisdiction in which the civilian health care facility is located and is paid by the personnel if the Secretary determines that such reimbursement is necessary to effectively implement the agreement. The amount of such reimbursement may not exceed $500 per person.".

SEC. 712. IMPOSITION OF ENROLLMENT FEES FOR MANAGED CARE PLANS.

Section 1097(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of contracts for health care services under this section or health care plans offered under section 1099 of this title for which the Secretary permits covered beneficiaries who are covered by section 1086 of this title and who participate in such contracts or plans to pay an enrollment fee in lieu of meeting the deductible amount specified in section 1086(b) of this title, the Secretary may establish the same (or a lower) enrollment fee for covered beneficiaries described in section 1086(d)(1) of this title who also participate in such contracts or plans.".

SEC. 713. STRENGTHENING MANAGED HEALTH CARE AUTHORITIES.

(a) AMENDMENTS TO ALTERNATIVE HEALTH CARE DELIVERY CONTRACTS AUTHORITY.—Section 1097 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) (as amended by section 712) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) COORDINATION WITH FACILITIES OF THE UNIFORMED SERVICES.—The Secretary of Defense may provide for the coordination of health care services provided pursuant to any contract or agreement under this section with those services provided in medical treatment facilities of the uniformed services. Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary may not deny access to facilities of the uniformed services to covered beneficiaries based on enrollment or declination of enrollment in any program established under, or operating in connection with, any contract under this section. However, the Secretary may, as an incentive for enrollment, establish reasonable preferences for services in facilities of the uniformed services for covered beneficiaries enrolled in any program established under, or operating in connection with, any contract under this section.

"(d) COORDINATION WITH OTHER HEALTH CARE PROGRAMS.—In the case of a covered beneficiary who has enrolled in a managed health care program not operated under the authority of this chapter, the Secretary may contract under this section with such other managed health care program for the purpose of coordinating the beneficiary's dual entitlements under such program and this chapter. A managed health care program with which arrangements may be made under this subsection includes any health maintenance organization, competitive medical plan, health care prepayment plan, or other managed care program recognized pursuant to regulations issued by the Secretary.".

(b) AMENDMENTS TO THIRD PARTY COLLECTIONS PROGRAM AUTHORITY.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "if that care" and all that follows through the period and inserting in lieu thereof the following: "shall operate to prevent collection by the United States under subsection (a) if that care is provided—

"(1) through a facility of the uniformed services;

"(2) directly or indirectly by a governmental entity;

"(3) to an individual who has no obligation to pay for that care or for whom no other person has a legal obligation to pay; or

"(4) by a provider with which the third party payer has no participation agreement.";

(2) in subsection (d), by inserting "and except as provided in subsection (j)," after "(b),";

(3) in subsection (h)(1), by adding at the end the following new sentence: "Such term also includes entities described in subsection (j) under the terms and to the extent provided in such subsection."; and

(4) by adding at the end the following new subsection:

"(j) The Secretary of Defense may enter into an agreement with any health maintenance organization, competitive medical plan, health care prepayment plan, or other similar plan (pursuant to regulations issued by the Secretary) providing for collection under this section from such organization or plan for services provided to a covered beneficiary who is an enrollee in such organization or plan.".

SEC. 714. DELAY IN DEADLINE FOR USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

Section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1696; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a), by striking out "after the date of the enactment of this Act" and inserting in lieu thereof "after December 31, 1994";

(2) in subsection (e), by striking out "February 1, 1994" and inserting in lieu thereof "December 31, 1994"; and

(3) by adding at the end the following new subsection (f):

"(f) MODIFICATION OF EXISTING CONTRACTS.—In the case of managed health care contracts in effect or in final stages of acquisition as of December 31, 1994, the Secretary may modify such contracts to incorporate the health benefit option required under subsection (a).".

SEC. 715. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

Section 518(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2407) is amended—

(1) by inserting before the period at the end the following: ", unless the Secretary certifies to Congress that the number of such personnel to be reduced in a particular military department is excess to the current and projected needs for personnel in the Selected Reserve of that military department"; and

(2) by adding at the end the following new sentence: "The assessment of current and projected personnel needs under this subsection shall be consistent with the wartime requirements for Selected Reserve personnel identified in the final report on the comprehensive study of the military medical care system prepared pursuant to section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note).".

Subtitle C—Other Matters

SEC. 721. DELAY IN CLOSURE OF ARMY HOSPITAL AT VICENZA, ITALY.

(a) CLOSURE DELAY.—During fiscal year 1995, the Secretary of the Army may not reduce the level of medical care services provided by the United States Army Hospital at Vicenza, Italy.

(b) REPORT ON HOSPITAL.—Not later than March 1, 1995, the Secretary of Defense shall submit to Congress a report regarding the operation of the Army Hospital at Vicenza, Italy. The report shall contain the following:

(1) A description of the number and demographic characteristics of members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, who typically receive medical care services at the hospital, including those members and covered beneficiaries stationed or residing at (or in the immediate vicinity of) Aviano Air Force Base and Camp Darby.

(2) An analysis of the projected costs or savings, including the cost of CHAMPUS benefits, resulting from the programmed closure of the hospital.

(3) A description of the differences in practice patterns between American and Italian doctors, such as differences in the normal lengths of stay for the most frequent inpatient admissions (including childbirth) and the availability of alternative methods of providing anesthesia during childbirth.

(4) An analysis of the feasibility of establishing a birthing center for the area and patients currently served by the hospital, to be staffed primarily by American nurse-midwives.

(5) A detailed plan for ensuring the availability of quality medical care, consistent with American medical practice patterns, for covered beneficiaries residing in Northern Italy.

SEC. 722. DEMONSTRATION PROGRAM FOR ADMISSION OF CIVILIANS AS PHYSICIAN ASSISTANT STUDENTS AT ACADEMY OF HEALTH SCIENCES, FORT SAM HOUSTON, TEXAS.

(a) CIVILIAN ATTENDANCE.—The Secretary of the Army may enter into a reciprocal agreement with an accredited institution of higher education under which students of the institution may attend the didactic portion of the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas, in exchange for the provision of such academic services by the institution as the Secretary and the institution consider to be appropriate to support the physician assistant training program. The Secretary shall ensure that the Army Medical Department does not incur any additional costs as a result of the agreement than the Department would incur to obtain academic services for the physician assistant training program in the absence of the agreement.

(b) SELECTION OF STUDENTS.—(1) Subject to paragraph (2), not more than 20 civilian students per year may receive instruction at the Academy pursuant to the agreement under subsection (a). In consultation with the institution of higher education that is a party to the agreement, the Secretary shall establish qualifications and methods of selection for civilian students to receive instruction at the Academy. The qualifications established shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

(2) The Secretary shall ensure that members of the Armed Forces are not denied enrollment in the physician assistant training program in order to permit the attendance of civilian students. The maximum annual enrollment for the program may not be increased solely for the purpose of permitting civilian students to attend the program.

(c) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a civilian student who receives instruction at the Academy pursuant to the agreement under subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to military students attending the Academy.

(d) TERM AND TERMINATION OF AGREEMENT.—The term of the agreement entered into under subsection (a) may not extend beyond September 30, 1997. Either party to the agreement may terminate the agreement at any time before that date.

(e) REPORT.—For each year in which the agreement under subsection (a) is in effect, the Secretary shall submit to Congress a report specifying the number of civilian students who received instruction at the Academy under the agreement during the period covered by the report and accessing the benefits to the United States of the agreement.

(f) ACADEMY DEFINED.—For purposes of this section, the term "Academy" means the Academy of Health Sciences of the Army Medical Department at Fort Sam Houston, Texas.

SEC. 723. REPORT ON EXPANDED USE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) REPORT REQUIRED.—Not later than December 31, 1994, the Secretary of Defense shall submit to Congress a report describing the plans (if any) of the Department of Defense to use the authority provided in sections 1080(b) and 1086(e) of title 10, United States Code, regarding making a determination whether to issue a nonavailability of health care statement. The report shall include an analysis of the impact of such plans on—

(1) the freedom of choice of covered beneficiaries in selecting their health care providers;

(2) the access of covered beneficiaries to health care services;

(3) the quality and continuity of health care services;

(4) the clarity and understandability of the applicable requirements regarding issuance nonavailability of health care statements; and

(5) the health care costs incurred by the United States and covered beneficiaries.

(b) USE OF AUTHORITY.—During the period beginning on the date of the enactment of this Act and ending 90 days after the date the Secretary submits the report required by subsection (a), the Secretary may not—

(1) expand the number or size of the geographical areas in which the Secretary is currently using the authority provided by sections 1080(b) and 1086(e) of title 10, United States Code; or

(2) implement or use such authority in a manner inconsistent with the manner in which such authority was implemented or used as of February 1, 1994.

SEC. 724. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES IN CERTAIN AREAS AFFECTED BY BASE CLOSURES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should take all appropriate steps, including a limited continuation of services for managed health care currently provided to covered beneficiaries described in subsection (b) who are eligible for such services, to ensure the continuity of health care services for such beneficiaries during the procurement, transition, and initial implementation phases of the TRICARE managed care support contract for Health Services Region Six of the Military Health Services System of Department of Defense.

(b) COVERED BENEFICIARIES DESCRIBED.—The covered beneficiaries referred to in subsection (a) are covered beneficiaries under chapter 55, United States Code, who reside in areas adversely affected by the closure of England Air Force Base, Louisiana, Bergstrom Air Force Base, Texas, or Carswell Air Force Base, Texas, and for whom the Secretary of Defense established a contracted managed health care program, as required by section 9032 of the Department of Defense Appropriations Act, 1993 (P.L. 102–396; 106 Stat. 1907).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

Subtitle B—Acquisition Improvement

PART I—GENERAL IMPROVEMENTS

SEC. 811. CONGRESSIONAL DEFENSE PROCUREMENT POLICY.

Section 2301 of title 10, United States Code, is amended to read as follows:

"§2301. Congressional defense procurement policy

"(a) The Congress finds that in order to ensure national defense preparedness; conserve fiscal resources; enhance science and technology, research and development, and production capability; provide for continued development and preservation of an efficient and responsive defense industrial base; and ensure the financial and ethical integrity of defense procurement programs, it is in the interest of the United States that property and services be acquired for the Department of Defense in the most timely, economic, and efficient manner

consistent with achieving an optimum balance among efficient processes, full and open access to the procurement system, and sound implementation of socioeconomic policies. It is therefore the policy of Congress that—

"(1) full and open competitive procedures shall be used by the Department of Defense in accordance with the requirements of this chapter;

"(2) to the maximum extent practicable, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department;

"(3) when commercial items and components are not available, practicable, or cost effective, the Department of Defense shall acquire, and shall require prime contractors and subcontractors to incorporate, nondevelopmental items and components to the maximum extent practicable;

"(4) property and services for the Department of Defense may be acquired by any kind of contract, other than cost-plus-a-percentage-of-cost contracts, but including multiyear contracts, that will promote the interest of the United States and will provide for appropriate allocation of risk between the Government and the contractor with due regard to the nature of the property or services to be acquired;

"(5) contracts, when appropriate, shall provide incentives to contractors to improve productivity through investment in capital facilities, equipment, flexible manufacturing processes, and advanced and dual-use technology;

"(6) contracts for advance procurement of components, parts, and materials necessary for manufacture or for logistics support of a weapon system should, if practicable, be entered into in a manner to achieve economic-lot purchases and more efficient production rates;

"(7) procurement protests and disputes shall be fairly and expeditiously resolved through uniform interpretation of relevant laws and regulations;

"(8) the head of an agency shall use advance procurement planning and market research and develop contract requirements in such a manner as is necessary to obtain full and open competition with due regard to the nature of the property or services to be acquired; but may restrict competitions to suppliers of commercial items to foster accomplishment of the above objective; and

"(9) the head of an agency shall develop and maintain an acquisition career management program to ensure a professional acquisition work force in accordance with the requirements of chapter 87 of this title.

"(b) Further, it is the policy of Congress that procurement policies and procedures for the agencies named in section 2303 of this title shall, in accordance with the requirements of this title—

"(1) be issued in accordance with and conform to the requirements of sections 22 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b and 421);

"(2) promote and implement the Congressional policies in subsection (a) of this section and section 2 of the Office of Federal Procurement Policy Act (41 U.S.C. 401);

"(3) be implemented to support the requirements of such agencies in time of war or national emergency as well as in peacetime;

"(4) promote responsiveness of the procurement system to agency needs by—

"(A) simplifying and streamlining procurement processes; and

"(B) providing incentives to encourage contractors to take actions and make recommendations that would reduce the costs of property or services to be acquired;

"(5) facilitate the acquisition of commercial items and commercial components at or based on commercial market prices, without requiring contractors to change their business practices; and

"(6) promote the acquisition and use of commercial items, commercial components, and nondevelopmental items by requiring descriptions of agency requirements, whenever practicable, in terms of functions to be performed or performance required.

"(c) Further, it is the policy of Congress that 20 percent of the purchases and contracts entered into under this chapter should be placed with small business concerns and that 5 percent of the purchases and contracts entered into under this chapter should be placed with concerns that are small disadvantaged businesses.

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or severely handicapped (as defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.".

SEC. 812. REPEAL OF REQUIREMENT RELATING TO PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT.

(a) REPEAL.—Section 2329 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking out the item related to section 2329.

SEC. 813. REPEAL OF VOUCHERING PROCEDURES SECTION.

(a) REPEAL.—Section 2355 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2355.

SEC. 814. CLARIFICATION OF PROVISION RELATING TO QUALITY CONTROL OF CERTAIN SPARE PARTS.

The second sentence of subsection (a) of section 2383 of title 10, United States Code, is amended to read as follows: "In establishing the appropriate qualification requirements, the Secretary of Defense shall use the Department of Defense qualification requirements that were used to qualify the original production part, unless the Secretary determines in writing—

"(A) that there are other requirements sufficiently similar to those requirements that should be used instead; or

"(B) that any or all such requirements are unnecessary.".

SEC. 815. CONTRACTOR GUARANTEES REGARDING WEAPON SYSTEMS.

(a) REPEAL OF REQUIREMENT FOR REPORT ON WAIVERS.—Subsection (e) of section 2403 of title 10, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out paragraph (2).

(b) PROVISIONS TO BE ADDRESSED BY REGULATIONS.—Subsection (h) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The regulations shall include the following:

"(A) Guidelines for negotiating contractor guarantees that are reasonable and cost effective, as determined on the basis of the likelihood of defects and the estimated cost of correcting such defects.

"(B) Procedures for administering contractor guarantees.

"(C) Guidelines for determining the cases in which it may be appropriate to waive the requirements of this section.".

PART II—MAJOR SYSTEMS STATUTES

SEC. 821. WEAPON DEVELOPMENT AND PROCUREMENT SCHEDULES.

(a) DEADLINE AND PURPOSE.—Subsection (a) of section 2431 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "at the same time" and inserting in lieu thereof "not later than 45 days after"; and

(B) by striking out "a written report" and inserting in lieu thereof "budget justification documents"; and

(2) in the second and third sentences, by striking out "report" and inserting in lieu thereof "documents".

(b) ADDITIONAL MATTERS TO BE INCLUDED.—Subsection (b) of such section is amended—

(1) by striking out "include—" and inserting in lieu thereof "include each of the following:";

(2) by capitalizing the first word in each of paragraphs (1), (2), and (3);

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by amending paragraph (4) to read as follows:

"(4)(A) The most efficient production rate, the most efficient acquisition rate, and the minimum sustaining rate, consistent with the program priority established for such weapon system by the Secretary concerned.

"(B) In this paragraph:

"(i) The term 'most efficient production rate' means the maximum rate for each budget year at which the weapon system can be produced with existing or planned plant capacity and tooling, with one shift a day running for eight hours a day and five days a week.

"(ii) The term 'minimum sustaining rate' means the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.".

SEC. 822. SELECTED ACQUISITION REPORT REQUIREMENT.

(a) DEFINITION OF PROCUREMENT UNIT COST.—

(1) DEFINITION.—Paragraph (2) of section 2432(a) of title 10, United States Code, is amended—

(A) in clause (A), by striking out "for a fiscal year" and all that follows through "such program in such fiscal year";

(B) in clause (B), by striking out "with such funds during such fiscal year." and inserting in lieu thereof a period; and

(C) by striking out the last sentence.

(2) CONFORMING AMENDMENTS.—Section 2433 of such title is amended—

(A) in subparagraph (B) of subsection (c)(1), by striking out "current" before "procurement unit cost";

(B) in subsection (d), by striking out "current" before "procurement unit cost" each place it appears; and

(C) in subsection (e), by striking out "current" before "procurement unit cost" both places it appears.

(b) EXCLUSION OF FIRM, FIXED-PRICE CONTRACTS.—Subsection (a) of section 2432 of such title is amended in paragraph (3) by inserting before the period at the end the following: "and that is not a firm, fixed price contract".

(c) DEFINITION OF FULL LIFE-CYCLE COST.—Such subsection is further amended in paragraph (4) by striking out "has the meaning" and all that follows through the end of the

paragraph and inserting in lieu thereof the following: "means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.".

(d) NOTICE OF PROPOSED CHANGES IN SAR.—Subsection (c) of such section is amended in paragraph (2) by striking out the second sentence and inserting in lieu thereof the following: "Whenever the Secretary of Defense proposes to make changes in the content of a Selected Acquisition Report, the Secretary shall submit a notice of the proposed changes to such committees. The changes shall be considered approved by the Secretary, and may be incorporated into the report, only after the end of the 60-day period beginning on the date on which the notice is received by those committees.".

(e) ELIMINATION OF CERTAIN SAR REQUIREMENTS.—Such subsection is further amended in paragraph (3) by striking out subparagraph (C).

(f) UNIFORM IMPLEMENTATION OF LIFE-CYCLE COST ANALYSIS.—Such subsection is further amended—

(1) by striking out paragraph (5); and

(2) by adding at the end of subparagraph (A) of paragraph (3) the following: "The Secretary of Defense shall ensure that this subparagraph is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.".

(g) DEADLINE REVISION.—Subsection (f) of such section is amended by striking out "60 days" in the first sentence and inserting in lieu thereof "45 days".

(h) ELIMINATION OF PRELIMINARY REPORT.—Such subsection is further amended by striking out the second sentence.

(i) TERMINOLOGY CORRECTIONS.—Such section is further amended as follows:

(1) Subsection (b)(3)(A) is amended by striking out "full scale development or" in clause (i).

(2) Subsection (c)(3) is amended by striking out "full-scale engineering" in subparagraph (A) and inserting in lieu thereof "engineering and manufacturing".

(3) Subsection (h)(1) is amended by striking out "full-scale engineering" both places it appears and inserting in lieu thereof "engineering and manufacturing".

SEC. 823. UNIT COST REPORT REQUIREMENT.

(a) REVISION OF BASELINE REPORT DEFINITIONS.—

(1) REVISION.—Section 2433(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking out "Baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Estimate"; and

(ii) by striking out "Selected Acquisition Report in which" and all that follows through the end of the paragraph and inserting in lieu thereof "cost estimate included in the baseline description for the program under section 2435 of this title."; and

(B) by striking out paragraph (4).

(2) CONFORMING AMENDMENTS.—Section 2433 of such title is further amended—

(A) in subsection (c)(1), by striking out "Baseline Report" in subparagraphs (A) and (B) and inserting in lieu thereof "Baseline Estimate"; and

(B) in subsection (d), by striking out "Baseline Report" in paragraphs (1) and (2) and inserting in lieu thereof "Baseline Estimate".

(b) CONTENTS OF UNIT COST REPORT.—Section 2433(b) of such title is amended in paragraph (3) by striking out "Baseline Report was submitted." and inserting in lieu thereof "contract was entered into.".

(c) ELIMINATION OF CERTAIN UNIT COST REPORT REQUIREMENT.—Section 2433(c) of such title, as amended by subsection (a), is further amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) CONSTANT BASE YEAR DOLLARS.—Section 2433(f) of such title is amended by striking out "include expected inflation" and inserting in lieu thereof "be stated in terms of constant base year dollars (as described in section 2430 of this title)".

(e) CONTENTS OF SAR.—Subparagraph (I) of section 2433(g)(1) of such title is amended to read as follows:

"(I) The type of the Baseline Estimate that was included in the baseline description under section 2435 of this title and the date of the Baseline Estimate.".

SEC. 824. REQUIREMENT FOR INDEPENDENT COST ESTIMATES AND MANPOWER ESTIMATES BEFORE DEVELOPMENT OR PRODUCTION.

(a) CONTENT AND SUBMISSION OF ESTIMATES.—Section 2434 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the content and submission of the estimates required by subsection (a). The regulations shall require—

"(1) that the independent estimate of the full life-cycle cost of a program—

"(A) be prepared by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and

"(B) include all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control; and

"(2) that the manpower estimate include the total personnel required—

"(A) to operate, maintain, and support the program upon full operational deployment; and

"(B) to train personnel to carry out the activities referred to in subparagraph (A).".

(b) TERMINOLOGY CORRECTION AND OTHER AMENDMENT.—Subsection (a) of such section is amended—

(1) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development"; and

(2) by striking out "cost of the program, together with" and inserting in lieu thereof "full life-cycle cost of the program, and".

SEC. 825. BASELINE DESCRIPTION.

(a) IN GENERAL.—Section 2435 of title 10, United States Code, is amended to read as follows:

"§2435. Baseline description

"(a) BASELINE DESCRIPTION REQUIREMENT.—(1) The Secretary of a military department shall establish a baseline description for each major defense acquisition program under the jurisdiction of such Secretary.

"(2) The baseline shall include sufficient parameters to describe the cost estimate (referred to as the 'Baseline Estimate' in section 2433 of this title), schedule, and performance of such major defense acquisition program.

"(3) No amount appropriated or otherwise made available to the Department of Defense for carrying out a major defense acquisition program may be obligated without an approved baseline description unless such obligation is specifically approved by the Under Secretary of Defense for Acquisition and Technology.

"(4) A baseline description for a major defense acquisition program shall be established—

"(A) before the program enters engineering and manufacturing development; and

"(B) before the program enters production and deployment.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the content of baseline descriptions;

"(2) the submission of reports on deviations of a program from the baseline description by the program manager to the Secretary of the military department concerned and the Under Secretary of Defense for Acquisition and Technology;

"(3) procedures for review of such deviation reports within the Department of Defense; and

"(4) procedures for submission to, and approval by, the Secretary of Defense of revised baseline descriptions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by amending the item relating to section 2435 to read as follows:

"2435. Baseline description.".

SEC. 826. REPEAL OF REQUIREMENT FOR COMPETITIVE PROTOTYPING IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2438 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2438.

SEC. 827. REPEAL OF REQUIREMENT FOR COMPETITIVE ALTERNATIVE SOURCES IN MAJOR PROGRAMS.

(a) REPEAL.—Section 2439 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking out the item relating to section 2439.

PART III—TESTING STATUTES

SEC. 831. AUTHORIZATION OF LESS THAN FULL-UP TESTING.

Section 2366(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3) and in that paragraph by striking out "such certification" and inserting in lieu thereof "certification under paragraph (1) or (2)"; and

(3) by inserting before paragraph (3) (as so designated) the following new paragraph:

"(2) In the case of a covered system (or covered product improvement program for a covered system), the Secretary may waive the application of the survivability and lethality tests of this section to such system or program and instead allow testing of the system or program in combat by firing munitions likely to be encountered in combat at components, subsystems, and subassemblies, together with performing design analyses, modeling and simulation, and analysis of combat data, if the Secretary certifies to Congress that the survivability and lethality testing of such system or program otherwise required by this section would be unreasonably expensive and impracticable.".

SEC. 832. LIMITATION ON QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.

Section 2400(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out "paragraph (1)" and inserting in lieu thereof "this section"; and

(B) by striking out "full-scale engineering development" and inserting in lieu thereof "engineering and manufacturing development";

(2) by redesignating paragraph (4) as paragraph (5) and in that paragraph by inserting after the first sentence the following: "If the quantity exceeds 10 percent of the total number of articles to be produced, as determined at the milestone II decision with respect to that system, the Secretary shall include in the statement the reasons for such quantity."; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) The quantity of articles of a major system that may be procured for low-rate initial production may not be less than one operationally configured production unit unless another quantity is established at the milestone II decision.".

SEC. 833. OPERATIONAL TEST AND EVALUATION OF DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY TO USE DIFFERENT PROCEDURES.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Secretary of Defense may, for a particular major defense acquisition program, prescribe and apply operational test and evaluation procedures other than those provided under subsection (a) and paragraphs (1) through (3) of this subsection if the Secretary transmits to Congress, before the Milestone II decision is made with respect to that program—

"(A) a certification that such testing would be unreasonably expensive and impracticable; and

"(B) a description of the actions taken to ensure that the system will be operationally effective and suitable when the system meets initial operational capability requirements.".

(b) CROSS REFERENCE CORRECTIONS.—Section 2399 of such title is further amended—

(1) in subsection (b)(6) (as redesignated by subsection (a)(1)) and subsection (c)(1), by striking out "section 138(a)(2)(B)" and inserting in lieu thereof "section 139(a)(2)(B)"; and

(2) in subsection (h)(1), by striking out "section 138(a)(2)(A)" and inserting in lieu thereof "section 139(a)(2)(A)".

PART IV—CIVIL RESERVE AIR FLEET

SEC. 841. DEFINITION OF CONTRACTOR.

Section 9511(8) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of clause (A); and

(2) by inserting before the period at the end the following: ", or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet".

SEC. 842. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACTUAL COMMITMENT OF AIRCRAFT.

Chapter 931 of title 10, United States Code, is amended—

(1) in subsection (a) of section 9512, by inserting "AUTHORITY TO CONTRACT.—" after "(a)";

(2) in subsection (c) of section 9512, by striking out "(c)" and inserting in lieu thereof "(d) AUTHORITY TO CONTRACT AND PAY DIRECTLY.—";

(3) in subsection (b) of section 9512, by striking out "(b)" and inserting in lieu thereof "(c) TERMS AND REQUIRED REPAYMENT.—";

(4) by redesignating subsection (a) of section 9513 as subsection (b) and transferring such subsection (as so redesignated) to section 9512 and inserting such subsection after subsection (a);

(5) by redesignating subsection (b) of section 9513 as subsection (e) and transferring such subsection (as so redesignated) to the end of section 9512;

(6) in subsection (b) of section 9512, as redesignated and transferred to such section by paragraph (4)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section", and

(B) by inserting "CONTRACT REQUIREMENTS.—" after "(b)";

(7) in subsection (c) of section 9512, as redesignated by paragraph (3), by striking out "the terms required by section 9513 of this title and";

(8) in subsection (e) of section 9512, as redesignated and transferred to such section by paragraph (5)—

(A) by striking out "under section 9512 of this title" and inserting in lieu thereof "entered into under this section", and

(B) by inserting "COMMITMENT TO CIVIL RESERVE AIR FLEET.—" after "(e)"; and

(9) by striking out the heading of section 9513.

SEC. 843. USE OF MILITARY INSTALLATIONS BY CONTRACTORS.

(a) AUTHORITY.—Chapter 931 of title 10, United States Code, as amended by section 842, is further amended by adding at the end the following new section 9513:

"§9513. Use of military installations by Civil Reserve Air Fleet contractors

"(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

"(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

"(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

"(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

"(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, a technical stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

"(c) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the Air Force (and any other armed force having jurisdiction over any installation covered by the contract) from all actions, suits, or claims of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

"(d) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary concerned may, without providing prior notice, deny access to an installation designated under the contract when the Secretary determines that it is necessary to do so in order to meet military exigencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 9513 and inserting in lieu thereof the following:

"9513. Use of military installations by Civil Reserve Air Fleet contractors.".

PART V—MISCELLANEOUS

SEC. 851. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF PROVISION RELATING TO MANUFACTURE AT FACTORIES AND ARSENALS.

(a) CONSOLIDATION, REVISION, AND EXTENSION TO DEPARTMENT OF DEFENSE OF AUTHORITY.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2542. Factories and arsenals: manufacture at

"(a) The Secretary of Defense or the Secretary of a military department may have supplies needed for the Department of Defense or such military department, as the case may be, made in factories or arsenals owned by the United States.

"(b) The Secretary of Defense or the Secretary of the military department concerned may abolish any United States arsenal that such Secretary considers unnecessary.".

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

"2542. Factories and arsenals: manufacture at.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) ARMY AUTHORITY.—

(A) REPEAL.—Section 4532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 433 of such title is amended by striking out the item relating to section 4532.

(2) AIR FORCE AUTHORITY.—

(A) REPEAL.—Section 9532 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 933 of such title is amended by striking out the item relating to section 9532.

SEC. 852. REGULATIONS ON PROCUREMENT, PRODUCTION, WAREHOUSING, AND SUPPLY DISTRIBUTION FUNCTIONS.

(a) IN GENERAL.—Section 2202 of title 10, United States Code, is amended to read as follows:

"§2202. Regulations on procurement, production, warehousing, and supply distribution functions

"The Secretary of Defense shall prescribe regulations governing the performance within the Department of Defense of the procurement, production, warehousing, and supply distribution functions, and related functions, of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking out the item related to section 2202 and inserting in lieu thereof the following:

"2202. Regulations on procurement, production, warehousing, and supply distribution functions.".

SEC. 853. REPEAL OF REQUIREMENTS REGARDING PRODUCT EVALUATION ACTIVITIES.

(a) REPEAL.—Section 2369 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking out the item related to section 2369.

SEC. 854. CODIFICATION AND REVISION OF LIMITATION ON LEASE OF VESSELS, AIRCRAFT, AND VEHICLES.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401 the following new section:

"§2401a. Lease of vessels, aircraft, and vehicles

"The Secretary of Defense or the Secretary of a military department may not enter into any contract with a term of 18 months or more, or extend or renew any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement, unless the Secretary has considered all costs of such contract (including estimated termination liability) and has determined in writing that the contract is in the best interest of the Government.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401 the following new item:

"2401a. Lease of vessels, aircraft, and vehicles.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 9081 of Public Law 101–165 (103 Stat. 1147; 10 U.S.C. 2401 note) is repealed.

SEC. 855. REPEAL OF APPLICATION OF PUBLIC CONTRACTS ACT TO CERTAIN NAVAL VESSEL CONTRACTS.

(a) REPEAL.—Section 7299 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7299.

SEC. 856. CONSOLIDATION OF LIMITATIONS ON PROCUREMENT OF GOODS OTHER THAN AMERICAN GOODS.

Section 2534 of title 10, United States Code, is amended—

(1) by striking out subsections (a) through (f); and

(2) by inserting after the section heading the following:

"(a) LIMITATION ON CERTAIN PROCUREMENTS.—The Secretary of Defense may procure the following items only if they are manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title):

"(1) BUSES.—Multipassenger motor vehicles (buses).

"(2) CHEMICAL WEAPONS ANTIDOTE.—Chemical weapons antidote contained in automatic injectors (or components for such injectors), but only if the company that manufactures the item not only manufactures it in the United States but also meets the following requirements:

"(A) The company is an existing producer under the industrial preparedness program at the time the contract is awarded.

"(B) The company has received all required regulatory approvals.

"(C) The company has the plant, equipment, and personnel to perform the contract in existence in the United States at the time the contract is awarded.

"(3) VALVES AND MACHINE TOOLS.—(A) Items in the following categories:

"(i) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping for naval surface ships and submarines.

"(ii) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

"(B) Contracts for the procurement of items described in subparagraph (A) include contracts—

"(i) for the use of such items in any property under the control of the Department of Defense, including Government-owned, contractor-operated facilities; and

"(ii) entered into by contractors on behalf of the Department of Defense for the purposes of providing such items to other contractors as Government-furnished equipment.

"(C) In any case in which a contract for items described in subparagraph (A) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories, each supply class shall be evaluated separately for purposes of determining whether the limitation in this subsection applies.

"(D) This paragraph is effective through fiscal year 1996.

"(4) AIR CIRCUIT BREAKERS.—Air circuit breakers for naval vessels.

"(5) SONOBUOYS.—Sonobuoys.

"(6) BALL BEARINGS AND ROLLER BEARINGS.—Ball bearings and roller bearings, in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on October 23, 1992. This paragraph is effective through fiscal year 1995.

"(b) EXCEPTIONS.—The Secretary of Defense may waive the limitation in subsection (a) with respect to the procurement of an item listed in that subsection if the Secretary determines that any of the following apply:

"(1) Application of the limitation would cause unreasonable costs or delays to be incurred.

"(2) United States producers of the item would not be jeopardized by competition from a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(3) Application of the limitation would impede cooperative programs entered into between the Department of Defense and a foreign country and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(4) Satisfactory quality items manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title) are not available.

"(5) Application of the limitation would result in the existence of only one source for the item that is an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title).

"(6) The procurement is for an amount less than the simplified acquisition threshold and simplified purchase procedures are being used.

"(7) Application of the limitation is not in the national security interests of the United States.

"(8) Application of the limitation would adversely affect a United States company.

"(c) PRINCIPLE OF CONSTRUCTION WITH FUTURE LAWS.—A provision of law may not be construed as modifying or superseding the provisions of this section, or as requiring funds to be limited, or made available, by the Secretary of Defense to a particular domestic source by contract, unless that provision of law—

"(1) specifically refers to this section;

"(2) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(3) specifically identifies the particular domestic source involved and states that the contract to be awarded pursuant to such provision of law is being awarded in contravention of this section.".

SEC. 857. DEPARTMENT OF DEFENSE ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.

Section 2386 of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Technical data and computer software.

"(4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.".

SEC. 858. DEPARTMENT OF DEFENSE REVIEW OF ANTITRUST CASES WITH NATIONAL SECURITY IMPLICATIONS.

(a) IN GENERAL.—Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2508. Antitrust cases with national security implications: Secretary of Defense review

"(a) REVIEW.—The Secretary of Defense shall conduct a review of any proposed acquisition of a business concern that is a critical United States defense supplier with respect to which the Attorney General or the Federal Trade Commission receives notice under the antitrust laws. In conducting such review, the Secretary shall assess the likely effect of the proposed acquisition (if carried out) on the policy objectives for the national technology and industrial base (as set forth in section 2501(a) of this title) and on such other considerations relating to national security as the Secretary considers appropriate.

"(b) COMMUNICATION OF VIEWS OF SECRETARY.—In any case in which the Secretary determines, as the result of a review and assessment under subsection (a), that a proposed acquisition is likely to have an appreciable effect (whether positive or negative) on the policy objectives for the national technology and industrial base or on other considerations relevant to national security (as determined by the Secretary), the Secretary shall immediately communicate that determination, in writing, to the Attorney General and the Federal Trade Commission. The Secretary shall include in such communication the Secretary's evaluation concerning the proposed acquisition.

"(c) DEFINITION.—In this section, the term 'critical United States defense supplier' means a company organized under the laws of the United States that is—

"(1) a contractor or critical subcontractor for a major system, as defined in section 2302(9) of this title;

"(2) a contractor for a contract awarded to a particular source pursuant to paragraph (3) of section 2304(c) of this title for the reasons described in clause (A) of that paragraph; or

"(3) in such other category as the Secretary of Defense may prescribe by regulation as being critical to the national technology and industrial base.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2508. Antitrust cases with national security implications: Secretary of Defense review.".

Subtitle C—Other Matters

SEC. 871. ENVIRONMENTAL CONSEQUENCE ANALYSIS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS.—Before development under a major defense acquisition program begins, the Secretary of Defense shall analyze the life-cycle environmental costs of such program.

(b) GUIDANCE.—The Secretary of Defense shall issue guidance, to apply uniformly throughout the Department of Defense, regarding—

(1) how to ensure timely compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to major defense acquisition programs (as defined in section 2430 of title 10, United States Code); and

(2) how to analyze the life-cycle environmental costs for such major defense acquisition program.

(c) DATA BASE FOR NEPA DOCUMENTATION.—The Secretary of Defense shall establish and maintain a data base for documents prepared by the Department of Defense in complying with the National Environmental Policy Act of 1969 with respect to major defense acquisition programs. Any such document relating to a major defense acquisition program shall be maintained in the data base for 5 years after commencement of low-rate initial production of the program.

SEC. 872. AWARD OF CONTRACTS AND GRANTS ON THE BASIS OF COMPETITION.

(a) POLICY.—Section 2301 of title 10, United States Code (as amended by section 811) is further amended by adding at the end the following new subsection:

"(e)(1) It is the policy of Congress that the Department of Defense should not be required by legislation to award a new contract or grant to a specific non-Federal Government entity (a

practice commonly known as earmarking) for basic research, exploratory development, advanced technology development, and manufacturing technology activities. It is further the policy of Congress that any program, project, or technology identified in legislation be procured through competitive procedures, and that any such program, project, or technology not be so narrowly described in legislation that only one institution qualifies for competition.

"(2) A provision of law may not be construed as requiring the Department of Defense to award a new contract or grant to a specific non-Federal Government entity unless that provision of law—

"(A) specifically refers to this subsection;

"(B) specifically identifies the particular non-Federal Government entity to be awarded the contract or grant; and

"(C) sets forth the national defense purpose to be fulfilled by requiring the department to award a new contract or grant to the specified non-Federal Government entity.

"(3) For purposes of this subsection—

"(A) a contract is a new contract unless the work provided for in the contract is a continuation of the work provided for in a preceding contract; and

"(B) a grant is a new grant unless the work funded by the grant is substantially a continuation of the work for which funding is provided in a preceding grant.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANGAGEMENT

SEC. 901. REVISION OF NATIONAL GUARD BUREAU CHARTER.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 11 the following new chapter:

"CHAPTER 12—NATIONAL GUARD BUREAU

"291. National Guard Bureau.
"292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade.
"293. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force.
"294. Chief of National Guard Bureau: annual report.
"295. Vice Chief of the National Guard Bureau.
"296. Other senior National Guard Bureau officers.
"297. Definition.

"§291. National Guard Bureau

"(a) NATIONAL GUARD BUREAU.—There is in the Department of Defense the National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force.

"(b) PURPOSES.—The National Guard Bureau is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and Department of the Air Force, and (2) the several States.

"§292. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade

"(a) APPOINTMENT.—There is a Chief of the National Guard Bureau, who is responsible for the organization and operations of the National Guard Bureau. The Chief of the National Guard Bureau is appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

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

"(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(3) are in a grade above the grade of brigadier general.

"(b) TERM OF OFFICE.—An officer appointed as Chief of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. An officer may be reappointed as Chief of the National Guard Bureau.

"(c) ADVISER ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"(d) GRADE.—The Chief of the National Guard Bureau shall be appointed to serve in a grade above major general.

"§293. Functions of National Guard Bureau: Charter from Secretaries of the Army and Air Force

"The Secretary of the Army and the Secretary of the Air Force shall jointly develop and prescribe a charter for the National Guard Bureau. The charter shall cover the following matters:

"(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

"(2) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

"(3) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

"(4) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

"(5) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

"(6) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

"(7) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

"(8) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

"(9) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

"(10) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

"(11) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

"(12) Such other functions as the Secretaries may prescribe.

"§294. Chief of National Guard Bureau: annual report

"(a) ANNUAL REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense an annual report on the state of the National Guard and the ability of the National Guard to meet its missions. The report shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

"(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113(c) of this title is submitted to Congress.

"§295. Vice Chief of the National Guard Bureau

"(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

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

"(B) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(C) are in a grade above the grade of colonel.

"(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

"(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

"(B) The term of the Vice Chief of the National Guard Bureau shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

"(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief and Vice Chief of the National Guard Bureau.

"(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

"(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade above brigadier general.

"(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHIEF AND VICE CHIEF.—When there is a vacancy in the offices of both Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.

"§296. Other senior National Guard Bureau officers

"(a) ADDITIONAL GENERAL OFFICERS.—(1) In addition to the Chief and Vice Chief of the National Guard Bureau, there shall be assigned to the National Guard Bureau—

"(A) two general officers selected by the Secretary of the Army from officers of the Army National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

"(B) two general officers selected by the Secretary of the Air Force from officers of the Air National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

"(2) The officers so selected shall assist the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to their respective branches.

"(b) OTHER OFFICERS.—There are in the National Guard Bureau a legal counsel, a comptroller, and an inspector general, each of whom shall be appointed by the Chief of the National Guard Bureau. They shall perform such duties as the Chief may prescribe.

"§297. Definition

"In this chapter, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam and the Virgin Islands.".

(2) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 11 the following:

"12. National Guard Bureau ..... 291".

(b) CONFORMING REPEAL.—(1) Section 3040 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 305 of such title is amended by striking out the item relating to section 3040.

(c) CONFORMING AMENDMENT.—The text of section 108 of title 32, United States Code, is amended to read as follows:

"If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 902. ARMY RESERVE COMMAND.

(a) IN GENERAL.—(1) Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3083. Army Reserve Command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Army a United States Army Reserve Command, which shall be maintained as a separate command of the Army. The Army Reserve Command shall be established and maintained by the Secretary of the Army with the advice and assistance of the Chief of Staff of the Army.

"(b) SUPERVISION BY CHIEF OF STAFF.—The Secretary of the Army shall provide for the Chief of Staff of the Army to exercise supervision over the Army Reserve Command and to perform all other responsibilities and functions with respect to such command as are specified or authorized in subsections (c), (d), and (e) of section 3033 of this title.

"(c) COMMANDER.—Unless otherwise directed by the Secretary, the Chief of the Army Reserve shall be the commander of the Army Reserve Command. The commander of the Army Reserve Command reports directly to the Chief of Staff of the Army.

"(d) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve Command all forces of the Army Reserve.

"(e) FUNCTIONS OF CHIEF OF STAFF.—The Chief of Staff of the Army, acting through the active component command structure, shall—

"(1) be responsible for establishing standards, evaluating units, validating units, and providing training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization;

"(2) establish procedures for the evaluation of reserve component units by active component units for the purpose of determining whether, or to what extent, they meet the standards established under paragraph (1);

"(3) establish policies for acceptance of premobilization readiness evaluation results where appropriate during a mobilization in order to minimize the time required to certify reserve units as ready for combat operations and to avoid unnecessary duplicative training;

"(4) validate and certify the readiness of reserve component units after they are mobilized; and

"(5) establish training doctrine (with associated tasks, conditions, and standards) for individual and unit training and standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

"(f) RESPONSIBILITY.—The commander of the Army Reserve Command is responsible for meeting the standards and complying with the evaluation, certification, and validation requirements established by the Chief of Staff pursuant to paragraphs (1) and (2) of subsection (e).".

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

"3083. Army Reserve Command.".

(b) CONFORMING REPEAL.—Section 903 of Public Law 101-510 (10 U.S.C. 3074 note) is repealed.

(c) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary for implementing of section 3082 of title 10, United States Code, as added by subsection (a).

(d) SCHEDULE FOR IMPLEMENTATION.—Implementation of section 3082 of title 10, United States Code, as added by subsection (a), shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 903. ASSIGNMENT OF RESERVE FORCES TO COMBATANT COMMANDS.

Section 162 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) ASSIGNMENT OF RESERVE FORCES.—(1) Except as provided in subsection (d), reserve component forces shall be subject to paragraphs (1) and (2) of subsection (a) only after being called or ordered to active duty (other than for training) in accordance with chapter 39 and sections 3013, 5013, and 8013 of this title, as applicable.

"(2) The Secretary of each military department, in accordance with directives issued by the Secretary of Defense, shall allocate reserve component units under the Secretary's jurisdiction to the combatant command or commands to which it is expected that they may be assigned after being called or ordered to active duty (other than for training).

"(3) The commanders of the combatant commands to which a reserve component unit may be assigned after being called or ordered to active duty (other than for training) shall establish standards in the areas of (A) joint training, and (B) readiness to carry out missions assigned to the commanders. The Secretaries of the military departments, in accordance with their responsibilities under chapters 303, 503, and 803 of this title, shall prepare reserve component units to meet the standards established by the commanders of the combatant commands.

"(4) As directed by the Secretary of Defense, and notwithstanding paragraphs (1), (2), and (3), reserve component special operations units and personnel designated under section 167(b) of this title may be treated in the same manner as active forces under paragraph (1) of subsection (a).

"(d) AUTHORITY OF GOVERNORS OVER NATIONAL GUARD.—Nothing in this section shall be construed to limit or otherwise modify the authorities reserved to the Governors of the several States over forces of the National Guard when those forces are not in Federal service.

"(e) DEFINITION.—In this section, the term 'forces' refers to military units and personnel that the Secretary of a military department has determined, in accordance with the Secretary's responsibilities under chapter 303, 505, or 803 of this title, as applicable, to be prepared for the effective prosecution of war, in accordance with section 3062, 5062, 5063, or 8062 of this title and, therefore, capable of carrying out missions assigned to the commander of a combatant command.".

SEC. 904. BUDGET SUPPORT FOR RESERVE ELEMENTS OF SPECIAL OPERATIONS COMMAND.

Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) BUDGET SUPPORT FOR RESERVE ELEMENTS.—The budget proposal for the special operations command that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the Secretary of the military department concerned, propose to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit. The budget proposal for a military department that is submitted to the Secretary of Defense for any fiscal year may not, without the concurrence of the commander of the special operations command, propose funding for special operations forces in the military personnel budget for a reserve component in that military department that has the effect of proposing to eliminate, or to significantly reduce the level of funding for, a reserve component special operations unit.".

SEC. 905. CHANGE OF TITLE OF COMPTROLLER OF THE DEPARTMENT OF DEFENSE TO UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) IN GENERAL.—(1) Section 135 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)"; and

(B) in subsections (b), (c), (d), and (e), by striking out "Comptroller" each place it appears and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(2) The heading for such section is amended to read as follows:

"§135. Under Secretary of Defense (Comptroller)".

(3) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"135. Under Secretary of Defense (Comptroller).".

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) Section 131(b)(4) of title 10, United States Code, is amended by striking out "Comptroller" and inserting in lieu

thereof "Under Secretary of Defense (Comptroller)".

(2) Section 138(d) of such title is amended by striking out "and Comptroller".

(c) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller).".

(d) REFERENCES IN OTHER LAWS.—Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).

SEC. 906. RECLARIFICATION OF INDEPENDENT STATUS OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(c) of title 10, United States Code, is amended by inserting after "(c)" the following: "Within the Office of the Secretary of Defense, the Director reports to the Under Secretary of Defense (Comptroller).".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 4301 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1004. DATE FOR SUBMISSION OF FUTURE-YEARS MISSION BUDGET.

Section 222(a) of title 10, United States Code, is amended by striking out "at the same time that" in the second sentence and inserting in lieu thereof "within 30 days after the date on which".

Subtitle B—Contingency Operations

SEC. 1021. FUNDING FOR CONTINGENCY OPERATIONS.

(a) RESTRICTION.—Section 127a of title 10, United States Code, is amended—

(1) by striking out paragraph (3) of subsection (b);

(2) by transferring subsection (d) to the end of the section and redesignating that subsection as subsection (j);

(3) by inserting after subsection (c) the following new subsection (d):

"(d) LIMITATION ON SOURCE OF FUNDS FOR CONTINGENCY OPERATIONS.—The Secretary of Defense may not use amounts in an operation and maintenance operating forces account (known as a budget activity 1 account) in fully reimbursing the Defense Business Operations Fund under a plan referred to in subsection (c).";

(4) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(5) by inserting after subsection (e) the following new subsection (f):

"(f) RESTRICTION.—(1) When an operating unit of the armed forces is assigned to carry out an operational mission for which funds were not specifically provided in the budget for the then-current fiscal year, otherwise applicable funding procedures described in paragraph (2) may not be waived unless the operational mission is designated as a National Contingency Operation under subsection (a).

"(2) Paragraph (1) applies to a provision of law or a Government accounting practice that requires (or that has the effect of requiring) that when an operating unit of the armed forces receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit shall reimburse that support unit (or that fund) for the costs incurred by the support unit (or the fund) in providing such support.".

(b) EXTENSION OF USES OF APPROPRIATED FUND.—Subsection (e) of such section is amended—

(1) in the subsection heading, by striking out "INCREMENTAL PERSONNEL COSTS ACCOUNT" and inserting in lieu thereof "NATIONAL CONTINGENCY OPERATION NON-DBOF COSTS FUND";

(2) in the first sentence, by striking out "Personnel" and inserting in lieu thereof "Non-DBOF Costs"; and

(3) in the second sentence, by inserting before the period the following: "and for other costs attributable to a National Contingency Operation for which funds cannot be provided through the Defense Business Operations Fund (or a successor fund), and for no other purpose".

Subtitle C—Other Matters

SEC. 1031. ANNUAL REPORT ON DENIAL, REVOCATION, AND SUSPENSION OF SECURITY CLEARANCES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

(b) MATTER TO BE INCLUDED IN REPORT.—The Secretary shall include in each such report the following information with respect to the fiscal year preceding the fiscal year during which the report is submitted (shown separately for members of the Armed Forces, civilian officers and employees of the Department of Defense, and employees of contractors of the Department of Defense):

(1) The number of denials, revocations, and suspensions of a security clearance, including clearance for special access programs and for sensitive compartmented information.

(2) For cases involving the denial of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the denial of the clearance to the date of the final determination of the denial, as well as the shortest and longest time period in such cases.

(3) For cases involving the suspension of a security clearance, the average time period from the date of the initial determination and notification to the individual concerned of the suspension of the clearance to the date of the final determination of the suspension, as well as the shortest and longest time period of such cases.

(4) The number of cases in which a security clearance was suspended in which the resolution of the matter was the restoration of the security clearance, and the average period of time for such suspensions.

(5) The number of cases in which an individual who had a security clearance denied or revoked remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the final determination to deny or revoke the clearance.

(6) The number of cases in which an individual who had a security clearance suspended, and in which no final determination had been made, remained employed with the employing contractor or agency, or remained a member of the Armed Forces, for three months, for six months, and for twelve months after the date of the suspension.

(7) The number of cases in which an appeal was made from a final determination to deny or revoke a security clearance and, of those, the number in which the appeal resulted in the granting or restoration of the security clearance.

SEC. 1032. COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) SIZE OF COMMISSION.—Section 952(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1738) is amended by striking out "seven members" and inserting in lieu thereof "ten members".

(b) CONFORMING AMENDMENT.—Section 956(b)(1) of such Act (107 Stat. 1740) is amended by striking out "Four members" and inserting in lieu thereof "Six members".

(c) DEADLINE FOR APPOINTMENT OF ADDITIONAL MEMBERS OF COMMISSION.—The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by subsection (a) shall be appointed by the Secretary of Defense within 45 days after the date of the enactment of this Act.

SEC. 1033. PROHIBITION ON AUTHORIZATION OF PAYMENT OF COSTS UNDER DEFENSE CONTRACTS FOR RESTRUCTURING COSTS OF A MERGER OR ACQUISITION.

On and after May 4, 1994, the Secretary of Defense may not authorize payment of any restructuring costs associated with a merger or acquisition that are incurred by a contractor under contract with the Department of Defense.

SEC. 1034. TRANSFER OF CERTAIN B-17G AIRCRAFT.

The Secretary of the Air Force shall transfer all right, title, and interest of the Air Force in a B-17G aircraft, serial number 44-83684, to the organization known as Planes of Fame, Chino, California.

SEC. 1035. USS INDIANAPOLIS (CA-35): GALLANTRY, SACRIFICE AND A DECISIVE MISSION TO END WW II.

(a) The Congress finds that—

(1) the USS INDIANAPOLIS served the people of the United States with valor and distinction throughout World War Two in action against enemy forces in the Pacific Theater of operations from 7 December 1941 to 29 July 1945,

(2) the fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa,

(3) this mighty ship repeatedly proved herself a swift, hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-shipping, shore bombardments, anti-air and invasion support roles, serving with honor and great distinction as Fifth Fleet Flagship under Adm. Raymond Spruance, USN, and Third Fleet Flagship under Adm. William F. Halsey, USN,

(4) this gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots,

(5) following the accomplishment of her mission, the INDIANAPOLIS departed Tinian for Guam. And from Guam she embarked for the Leyte Gulf where she would join with the fleet assembling for the invasion of Japan. And at 0014 hours on 30 July 1945, the USS INDIANAPOLIS was sunk by enemy torpedo action,

(6) of her crew of 1,198 officers and men, approximately 900 survived the initial torpedo attack. And, owing to the fact that her communication ability had been destroyed in the attack, INDIANAPOLIS' sinking was not discovered for 5 fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure. Only 319 were rescued, and

(7) from her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the USS INDIANAPOLIS, and her crew left an indelible imprint on our nation's struggle to eventual victory. And this selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Naval Service.

(b) Therefore, the Congress of the United States, acting on behalf of the grateful people of the United States, hereby recognizes the invaluable contributions of the USS INDIANAPOLIS to the ending of WW II. And on the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on July 30th, 1995, the Congress hereby commends this gallant ship and her crew for selfless and heroic service to the United States of America.

SEC. 1036. SENSE OF CONGRESS CONCERNING COMMENDATION OF INDIVIDUALS EXPOSED TO MUSTARD AGENTS DURING WORLD WAR II TESTING ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should issue to each individual described in subsection (b) a commendation in honorary recognition of the individual's special service, loyalty, and contribution to the United States.

(b) COVERED INDIVIDUALS.—Individuals referred to in subsection (a) are those individuals who, as members of the Armed Forces or employees of the Department of War during World War II, were exposed (without their knowledge or consent) to mustard agents in connection with testing performed by the Department of War during that war.

(c) NOTIFICATION OF EXPOSURE.—The Secretary of Defense shall notify each surviving individual described in subsection (b) of—

(1) the exposure described in subsection (a);

(2) the possible health effects of the exposure that are known to the Secretary; and

(3) the likely options available to the individual for medical treatment for any adverse health effects resulting from the exposure.

(d) FURNISHING OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS.—The Secretary of Defense shall provide to the Secretary of Veterans Affairs any information of the Department of Defense regarding the exposure described in subsection (a), including the names of the individuals described in subsection (b).

SEC. 1037. SENSE OF CONGRESS CONCERNING ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, for the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, should be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned should determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981, and ending on February 1, 1992, meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations should be made as expeditiously as possible after the date of the enactment of this Act.

TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1994".

SEC. 1102. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1995, the sum of $3,256,400,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $15,000,000 of the amounts authorized to be appropriated pursuant to title I.

(2) $2,375,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $866,400,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993 (title XIII of Public Law 103-160; 107 Stat. 1783) and the amendments made by that Act.

(3) The programs and activities authorized by this title and the amendments made by this title.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1111. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS FOR FISCAL YEAR 1995.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1102(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $771,600,000 shall be available for activities described in the defense reinvestment program element of the budget of the Department of Defense for fiscal year 1995.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $355,600,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $50,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $50,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $15,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title.

(6) $65,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) $15,000,000 shall be used for assistance pursuant to subsection (c)(3) of such section; and

(B) $50,000,000 shall be available to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(9) $35,000,000 shall be available for the agile manufacturing/enterprise integration program.

(10) $50,000,000 shall be available for the maritime technology program, as provided for in section 1352(c)(2) of the National Shipbuilding and Shipyard Conversion Act of 1993 (subtitle D of title XIII of Public Law 103-160; 10 U.S.C. 2501 note).

(11) $37,000,000 shall be available to the Secretary of Defense to support the activities of the Department of Defense and Department of Justice Dual-Use Technology Research and Development Center.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994 TECHNOLOGY REINVESTMENT PROJECTS.—Funds allocated under paragraphs (1) through (7) of subsection (b) to the defense reinvestment programs described in such paragraphs may also be used to make awards to technology reinvestment projects that were solicited under such programs in fiscal year 1994.

SEC. 1112. CLARIFICATION OF ELIGIBLE NON-DEPARTMENT OF DEFENSE PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFINITION OF ELIGIBLE ENTITIES.—Section 2491 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) The term 'eligible entity' means an eligible firm or a labor organization (as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)).".

(b) CONFORMING AMENDMENTS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities"; and

(B) in subsection (f)(6), by striking out "eligible firms" and inserting in lieu thereof "eligible entities".

(2) Section 2512 of such title is amended—

(A) in subsection (a)—

(i) by striking out "eligible firms" and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities"; and

(B) in subsection (e)(6), by striking out "eligible firms" and inserting in lieu thereof "eligible entities".

(3) Section 2513 of such title is amended—

(A) in subsection (c)(1)(A)(i), by inserting before the semicolon the following: "or other eligible entities operating in such region";

(B) in subsection (e), by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(C) in subsection (f)—

(i) by striking out "eligible firms" and inserting in lieu thereof "eligible entities"; and

(ii) by striking out "such firms" and inserting in lieu thereof "such eligible entities".

(4) Section 2522(b) of such title is amended—

(A) by striking out "eligible firms" both places it appears and inserting in lieu thereof "eligible entities"; and

(B) by striking out "such firms" and inserting in lieu thereof "such eligible entities".

SEC. 1113. ADDITIONAL CRITERIA FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) In the case of loan guarantees under subsection (b)(3), the extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.".

SEC. 1114. FINANCIAL COMMITMENT REQUIREMENTS FOR SMALL BUSINESS CONCERNS FOR PARTICIPATION IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c)(3) of such title is amended by adding at the end the following new subparagraph:

"(C) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

"(4) The Secretary shall consider a proposal for a regional technology alliance that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the alliance. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the regional technology alliance from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the proposal submitted by the small business concern.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended by adding at the end the following new subparagraph:

"(E) The Secretary shall consider a proposal for a manufacturing extension program that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the program. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the manufacturing extension program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary may revoke the selection of the partnership proposal submitted by the small business concern.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a program proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a proposal submitted by a small business concern, the Secretary shall extend to the small business concern a period of not less than 90 days within which to arrange to meet its financial commitment requirements under the program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated program costs, the Secretary may revoke the selection of the program proposal submitted by the small business concern.".

(f) DEFINITION OF PERSON OF A FOREIGN COUNTRY.—Section 2491 of such title, as amended by section 1112(a) of this Act, is further amended by adding at the end the following new paragraph:

"(17) The term 'person of a foreign country' has the meaning given such term in section 3502(d) of the Primary Dealers Act of 1988 (22 U.S.C. 5342(d)).".

SEC. 1115. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) BENEFITS TO UNITED STATES ECONOMY.—In providing for the establishment or financial support of partnerships and other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1111(a), the Secretary of Defense shall ensure that the principal economic benefits of, and the job creation resulting from, such arrangements accrue to the economy of the United States.

(b) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds made available under subsection (a) of section 1111 for defense reinvestment programs described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1121. FUNDS FOR ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount made available pursuant to section 1102(a), $54,100,000 shall be available to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

SEC. 1122. STUDIES AND PLANS FOR MARKET DIVERSIFICATION.

(a) FORM OF COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION.—Section 2391(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The terms 'community adjustment' and 'economic diversification' include the development of feasibility studies and business plans for market diversification by businesses and labor organizations located in a community adversely

affected by an action described in clause (A), (B), (C), or (E) of subsection (b)(1).".

(b) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $10,000,000 shall be available only to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code, for the purpose of developing feasibility studies and business plans for market diversification by businesses and labor organizations located in communities adversely affected by an action described in clause (A), (B), (C), or (E) of paragraph (1) of such section. The funds provided to a particular State or local government under this subsection in fiscal year 1995 may not exceed $50,000.

SEC. 1123. ADVANCE COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION PLANNING.

(a) ASSISTANCE AUTHORIZED.—Section 2391(b) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (4) the following new paragraph:

"(5) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in planning community adjustments and economic diversification even though the State or local government is not currently eligible for assistance under paragraph (1) if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the advance planning is dependent on defense expenditures.".

(b) CONFORMING AMENDMENTS.—Paragraph (8) of such section, as redesignated by subsection (a)(1), is amended by striking out "paragraph (6)" both places it appears and inserting in lieu thereof "paragraph (7)".

(c) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available under section 1121, $5,000,000 shall be available only to provide advance adjustment planning under paragraph (5) of section 2391(b) of title 10, United States Code, as added by subsection (a)(2). The funds provided to a particular State or local government under such paragraph in fiscal year 1995 may not exceed $1,000,000.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1131. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

Of the amount made available pursuant to section 1102(a), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410j of title 10, United States Code.

SEC. 1132. PROGRAMS TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN EMPLOYMENT POSITIONS AS PUBLIC SAFETY OFFICERS.

(a) SEPARATED MEMBERS.—Section 1152 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "law enforcement officers" and inserting in lieu thereof "public safety officers"; and

(B) by inserting "or fire departments" after "agencies";

(2) in subsection (b)(1)(B), by inserting "or fire fighting," after "police";

(3) in subsection (d)(1)—

(A) by striking out "law enforcement officers" and inserting in lieu thereof "public safety officers";

(B) by inserting "and fire departments" after "law enforcement agencies";

(C) by striking out "with these agencies"; and

(D) by striking out "a law enforcement agency" and inserting in lieu thereof "the agency or department";

(4) in subsection (d)(2)—

(A) by striking out "law enforcement officer" and inserting in lieu thereof "public safety officer";

(B) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(C) by striking out "law enforcement agency" the second place it appears and inserting in lieu thereof "agency or department";

(5) in subsection (d)(4)—

(A) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(B) by inserting "or department" after "the agency";

(6) in subsection (d)(5)—

(A) by inserting "or fire department" after "law enforcement agency" the first place it appears; and

(B) by striking out "law enforcement agency" the second place it appears and inserting in lieu thereof "agency or department";

(7) in subsection (e)(1), by inserting "and fire departments" after "law enforcement agencies"; and

(8) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'public safety officer' means a law enforcement officer or a firefighter."; and

(C) by adding at the end the following new paragraph:

"(4) The term 'firefighter' includes a public employee member of a rescue squad or ambulance crew.".

(b) TERMINATED EMPLOYEES.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1598a. Assistance to terminated employees to obtain employment as public safety officers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible civilian employees of the Department of Defense after the termination of their employment to obtain employment as public safety officers with State and local law enforcement agencies or fire departments.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1994, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense; or

"(B) has occupational training or experience related to law enforcement or fire fighting or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1994, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select civilian employees to participate in the placement program on the basis of applications submitted to the Secretary not later than one year after the date the employees receive a notice of termination. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that participant.

"(d) PLACEMENT OF PARTICIPANTS AS PUBLIC SAFETY OFFICERS.—Subsections (d), (e), and (f) of section 1152 of this title shall apply with respect to the placement program authorized by this section.".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 1152 of title 10, United States Code, is amended to read as follows:

"§1152. Assistance to separated members to obtain employment as public safety officers".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking out the item relating to section 1152 and inserting in lieu thereof the following new item:

"1152. Assistance to separated members to obtain employment as public safety officers.".

(3) The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

"1598a. Assistance to terminated employees to obtain employment as public safety officers.".

(d) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $25,000,000 shall be available for the public safety officer placement programs authorized by sections 1152 and 1598a of title 10, United States Code.

SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS.

(a) COOPERATIVE ARRANGEMENTS.—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to establish cooperative arrangements between the Department of Defense and a consortium of two or more entities described in subsection (b) for the purpose of assisting bilingual members of the Armed Forces after their separation from active duty, and bilingual civilian employees of the Department of Defense after the termination of their employment, to obtain certification and employment as bilingual elementary or secondary school teachers in mathematics or science.

(b) ELIGIBLE ENTITIES.—The entities with which the Secretary of Defense may enter into a cooperative arrangement under the pilot program are as follows:

(1) Local governments of States that contain military installations and a high concentration of residents of Hispanic descent.

(2) A consortium of two or more Hispanic-serving institutions of higher education (as defined in section 316(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(1))) that have a solid background, expertise, and experience in operating bilingual teacher training programs in mathematics and science with an emphasis in English as a second language.

(c) ELIGIBLE MEMBERS AND EMPLOYEES.—(1) A member of the Armed Forces shall be eligible to participate in a cooperative arrangement established under the pilot program if the member—

(A) during the seven-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) A civilian employee of the Department of Defense shall be eligible to participate in a cooperative arrangement established under the pilot program if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(d) STIPEND FOR PARTICIPANTS.—A member of the Armed Forces or a civilian employee of the Department of Defense who participates in a cooperative arrangement established under the pilot program shall be eligible to receive an educational stipend in the same amount as provided under paragraph (1) of subsection (g) of section 1151 of title 10, United States Code, subject to the conditions specified in paragraphs (2) and (3) of such subsection and section 1598(e)(2) of such title.

(e) ADMINISTRATIVE COSTS.—The Secretary of Defense shall cover the reasonable management costs of the pilot program incurred by the non-Federal entities participating in the cooperative arrangements established under the pilot program.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "bilingual" means the ability to communicate in both the English and Spanish languages.

(2) The term "State" includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $3,000,000 shall be available to the Secretary of Defense to carry out this section.

SEC. 1134. DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS.

(a) BUSINESS OWNERSHIP DEMONSTRATION PROJECT.—During fiscal year 1995, the Secretary of Defense may carry out a demonstration project in not more than two eligible communities to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) who reside in the community to own their own businesses. The Secretary shall carry out the demonstration project in consultation with the Secretary of Commerce.

(b) ELIGIBLE COMMUNITIES.—To be eligible for selection by the Secretary of Defense as a site for the demonstration project, a community shall be required to meet two of the following conditions:

(1) The local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract (or having such contract terminated by the Department of Defense) or closing a major facility.

(2) The local economy may be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons.

(3) The local economy would be adversely affected by the closing of two or more military installations.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to assist the following persons to own their own businesses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ACTIVITIES UNDER DEMONSTRATION PROJECT.—Under the demonstration project, the Secretary of Defense shall—

(1) develop a business plan to establish a facility in each community in which the demonstration project is conducted to assist persons described in subsection (c) to own their own businesses;

(2) conduct a market study to identify markets for the facility;

(3) develop innovative approaches to capital formation for the facility and persons described in subsection (c);

(4) conduct a skills assessment study to determine the number and type of employees needed to operate the facility; and

(5) analyze the potential to use persons described in subsection (c) as employees of the facility.

SEC. 1135. DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS A METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS.

(a) SHIP RECYCLING DEMONSTRATION PROJECT.—The Secretary of Defense may carry out a demonstration project in not more than three eligible locations to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) to obtain employment by participating in the establishment and operation of ship recycling facilities.

(b) ELIGIBLE LOCATIONS.—A location shall be eligible for selection by the Secretary of Defense as a site for the demonstration project if the location contains one or more military installations that have been selected for closure or realignment pursuant to a base closure law and such installations include naval and port facilities. Competitive procedures shall be used in the selection of locations in which to conduct the demonstration project.

(c) MEMBERS AND DEFENSE WORKERS TO BE ASSISTED.—The purpose of the demonstration project is to promote the establishment and operation of ship recycling facilities that will provide employment for the following persons:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or layoff) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(d) ASSISTANCE AUTHORIZED.—To carry out the demonstration project in an eligible location selected by the Secretary, the Secretary may make grants to, and enter into contracts and cooperative agreements with, State governments, local governments, private entities, nonprofit organizations, and institutions of higher education operating in that location:

(e) ACTIVITIES SUPPORTED.—An entity (or group of such entities) receiving assistance under the demonstration project shall use the assistance to perform, or support the performance of, any of the following:

(1) Develop a business plan to establish a ship recycling facility for military and commercial ships currently in service and projected for future scrapping.

(2) In consultation with the private sector, conduct a market study of—

(A) the existing private sector capacity to perform ship recycling;

(B) the utilization of existing ship recycling capacity;

(C) the regional impact on markets for scrap generated from ship recycling;

(D) the environmental remediation requirements associated with ship recycling;

(E) the ability to incorporate the private sector into the ship recycling facilities established pursuant to the demonstration; and

(F) such other issues related to ship recycling as the Secretary considers appropriate.

(3) Conduct a skills assessment study to determine the number and type of employees needed to operate a ship recycling facility.

(4) Develop plans for the cost effective environmental remediation of ships to be recycled at the facility.

(5) Demonstrate the feasibility of a ship recycling facility to become financially self-sustaining or project a reasonable timetable for the completion of the demonstration project, in which case the entity shall develop training, skills enhancement, and career placement programs to assist employees involved in ship recycling to secure new occupations and careers.

(6) Support regional ship recycling start-up activities.

(7) Analyze the potential to use persons described in subsection (c) as employees at a ship recycling facility.

(f) TRANSFER OF EXCESS NAVAL VESSELS.—The Secretary of Defense may allocate among the ship recycling facilities established under the demonstration project excess naval vessels of the United States for recycling.

(g) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), $15,000,000 shall be available to the Secretary of Defense to carry out the demonstration project.

Subtitle D—ARMS Initiative

SEC. 1141. EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993 through 1995".

Subtitle E—Other Matters

SEC. 1151. CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

(a) TIME FOR NOTICE REQUIREMENT AFTER SUBMISSION OF BUDGET.—Subsection (a) of section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended—

(1) by striking out "As soon as reasonably practicable" and inserting in lieu thereof "Not later than 30 days"; and

(2) by striking out "and not more than 180 days after such date,".

(b) TIME FOR NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Subsection (b) of such section is amended—

(1) by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 30 days"; and

(2) by striking out "and not more than 180 days after such date,".

(c) TIME FOR NOTICE REQUIREMENT ON WITHDRAWAL OF NOTIFICATION.—Subsection (f) of such section is amended—

(1) by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 30 days"; and

(2) by striking out "and not more than 45 days after such date,".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1995".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), 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
Arkansas	Pine Bluff Arsenal	$97,000,000
California	Fort Irwin	$10,000,000
Georgia	Fort Benning	$4,650,000
	Fort Gordon	$48,250,000
Hawaii	Schofield Barracks	$10,000,000
Kentucky	Fort Campbell	$36,400,000
Maryland	Aberdeen Proving Grounds	$2,750,000
	Adelphi Laboratory Center	$6,600,000
New Jersey	Bayonne Military Ocean Terminal	$4,050,000
New York	Fort Drum	$19,150,000
	U.S. Military Academy, West Point	$28,000,000
North Carolina	Fort Bragg	$29,000,000
	Sunny Point Military Ocean Terminal	$22,200,000
Oregon	Umatilla Depot Activity	$179,000,000
Oklahoma	Fort Sill	$18,000,000
Pennsylvania	Tobyhanna Depot	$17,000,000
Texas	Fort Bliss	$20,800,000
	Fort Hood	$49,000,000
	Fort Sam Houston	$7,050,000
Virginia	Fort Lee	$21,000,000
	Fort Myer	$7,300,000
Washington	Fort Lewis	$64,000,000
CONUS Classified	Classified Location	$1,900,000

(b) OUTSIDE THE UNITED STATES.—Using 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	Location	Amount
Korea	Camp Casey	$40,800,000
Kwajalein Atoll	Kwajalein	$6,400,000
Worldwide	Host Nation Support	$25,000,000

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 installation for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Colorado	Fort Carson	145 units	$16,500,000
Georgia	Fort Stewart	128 units	$10,600,000
Hawaii	Schofield Barracks	190 units	$26,000,000
Massachusetts	Natic Research Center	35 units	$4,150,000
New York	U.S. Military Academy, West Point	56 units	$8,000,000
South Carolina	Fort Jackson	105 units	$12,000,000
Texas	Fort Bliss	215 units	$21,400,000
	Fort Sam Houston	100 units	$10,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,992,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $49,760,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,139,036,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $703,100,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $72,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,126,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $164,402,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,121,208,000, of which not more than $243,442,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT FORT BRAGG, NORTH CAROLINA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Using amounts previously appropriated for this purpose, the Secretary of the Army may carry out a military construction project for the construction of a library at Fort Bragg, North Carolina, in the total amount of $5,500,000.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Amphibious Task Force	$10,700,000
	Camp Pendleton Marine Corp Base	$7,470,000
	China Lake Naval Air Warfare Center	$6,000,000
	El Centro Naval Air Facility	$3,000,000
	Lemoore Naval Air Station	$7,000,000
	North Island Naval Air Station	$18,830,000
	Port Hueneme Construction Battalion Center	$9,650,000
	San Diego Marine Corps Recruit Depot	$1,090,000
	San Diego Naval Station	$4,100,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$2,900,000
Florida	Blount Island	$10,000,000
	Jacksonville Fleet and Industrial Supply Center	$2,200,000
	Pensacola Naval Air Station	$2,100,000
Hawaii	Kaneohe Bay Marine Corps Air Station	$171,000
Illinois	Great Lakes Navy Public Works Center	$13,000,000
Indiana	Crane Naval Surface Warfare Center	$8,415,000
Maryland	Indian Head Naval Surface Warfare Center	$10,000,000
	Patuxent River Naval Air Warfare Center	$8,200,000
	United States Naval Academy	$2,000,000
New Jersey	Lakehurst Naval Air Warfare Center	$2,950,000
New Mexico	White Sands Naval Ordnance Missile Test Station	$1,390,000
North Carolina	Camp Lejeune Marine Corp Base	$14,850,000
	Cherry Point Marine Corps Air Station	$2,100,000
Pennsylvania	Philadelphia Naval Shipyard	$11,500,000
Rhode Island	Newport Naval Education and Training Center	$14,500,000
	Newport Naval War College	$28,000,000
South Carolina	Beauford Marine Corps Air Station	$10,800,000
	Parris Island Marine Corps Recruit Depot	$8,550,000
Texas	Ingleside Naval Station	$14,110,000
	Kingsville Naval Air Station	$1,530,000
Virginia	Chesapeake Naval Security Group Activity	$1,150,000
	Dam Neck Fleet Combat Training Center	$7,000,000
	Little Creek Amphibious Base	$5,000,000
	Norfolk Marine Corps Security Force Battalion Atlantic	$6,480,000
	Norfolk Naval Base	$5,100,000
	Norfolk Naval Station	$17,430,000
	Oceana Naval Air Station	$4,700,000
	Quantico Marine Corps Combat Development Command	$19,900,000
Washington	Bremerton Puget Sound Naval Shipyard	$11,040,000
	Everett Naval Station	$21,690,000
	Whidbey Island Naval Air Station	$5,200,000
Various Locations	Aircraft Fire Rescue and Vehicle Maintenance Facilities	$2,200,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Crete Naval Support Activity	$3,050,000
Guam	Public Works Center	$21,600,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
Italy	Naples Naval Support Activity	$28,460,000
	Sigonella Naval Air Station	$13,750,000
Puerto Rico	Sabana Seca Naval Security Group Activity	$1,650,000
United Kingdom	Saint Mawgan Joint Communication Center	$3,900,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the 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 installation for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	196 units	$28,552,000
	San Diego Navy Public Works Center	136 units	$18,262,000
Hawaii	Pearl Harbor Public Works Center	100 units (replacement)	$16,000,000
Maryland	Patuxent River Naval Air Station	Housing Office	$863,000
Mississippi	Gulfport Construction Battalion Center	120 units	$10,370,000
Texas	Corpus Christi Naval Air Station	100 units	$11,800,000
Virginia	Norfolk Navy Public Works Center	Warehouse & Self Help Center	$555,000
Washington	Everett Naval Station	Housing Office	$780,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,681,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $155,602,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,569,850,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $325,996,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $72,410,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $43,380,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $267,465,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $853,599,000, of which not more than $114,336,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l 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) $18,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island).

SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT NAVAL SUPPLY CENTER, PENSACOLA, FLORIDA.

(a) REAUTHORIZATION.—Notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), the Secretary of the Navy may carry out the military construction project at the Naval Supply Center, Pensacola, Florida, which involves construction of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514).

(b) CONFORMING AMENDMENT.—Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), is further amended—

(A) in the matter preceding the paragraphs, by striking out "$1,759,990,000" and inserting in lieu thereof "$1,765,690,000"; and

(B) in paragraph (1), by striking out "$667,700,000" and inserting in lieu thereof "$673,400,000".

SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT NAVAL STATION, FLORIDA.

(a) COMMENCEMENT OF DESIGN ACTIVITIES.—At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Florida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environmental impact study to identify environmental issues associated with such improvements, the Secretary shall begin design work for such military construction projects as may be necessary to provide for such a capability.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed as an authorization to the Secretary to proceed with the construction of facilities specifically designed to make Mayport Naval Station capable of serving as a homeport for a nuclear powered aircraft carrier.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$9,600,000
	Maxwell Air Force Base Annex	3,700,000
Alaska	Cape Lisburne Long Range Radar Site	$2,800,000
Arizona	Davis Monthan Air Force Base	$1,400,000
California	Beale Air Force Base	$11,850,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Edwards Air Force Base	$14,850,000
	McClellan Air Force Base	$10,150,000
	Travis Air Force Base	$12,600,000
	Vandenberg Air Force Base	$6,550,000
Colorado	Peterson Air Force Base	$1,750,000
Delaware	Dover Air Force Base	$10,500,000
Florida	Cape Canaveral Air Force Station	$10,450,000
Georgia	Moody Air Force Base	$13,400,000
	Robins Air Force Base	$21,200,000
Idaho	Mountain Home Air Force Base	$4,950,000
Illinois	Scott Air Force Base	$2,700,000
Kansas	McConnell Air Force Base	$500,000
Louisiana	Barksdale Air Force Base	$1,500,000
Maryland	Andrews Air Force Base	$6,300,000
Mississippi	Columbus Air Force Base	$10,000,000
	Keesler Air Force Base	$11,240,000
Missouri	Whiteman Air Force Base	$24,290,000
Montana	Malstrom Air Force Base	$7,200,000
Nebraska	Offutt Air Force Base	$2,260,000
New Jersey	McGuire Air Force Base	$17,000,000
New Mexico	Holloman Air Force Base	$10,950,000
	Kirtland Air Force Base	$3,200,000
North Carolina	Pope Air Force Base	$4,750,000
North Dakota	Grand Forks Air Force Base	$5,200,000
	Minot Air Force Base	$10,350,000
Ohio	Wright-Patterson Air Force Base	$8,250,000
Oklahoma	Altus Air Force Base	$3,750,000
	Tinker Air Force Base	$20,443,000
	Vance Air Force Base	$11,680,000
South Carolina	Charleston Air Force Base	$11,400,000
South Dakota	Ellsworth Air Force Base	$5,950,000
Tennessee	Arnold Air Force Base	$1,900,000
Texas	Brooks Air Force Base	$6,500,000
	Dyess Air Force Base	$5,400,000
	Kelly Air Force Base	$16,550,000
	Lackland Air Force Base	$5,200,000
	Sheppard Air Force Base	$3,300,000
Virginia	Langley Air Force Base	$5,500,000
Washington	Fairchild Air Force Base	$14,350,000
	McChord Air Force Base	$10,400,000
Wyoming	F.E. Warren Air Force Base	$2,650,000
CONUS Classified	Classified Location	$2,141,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	$12,350,000
	Spangdahlem Air Base	$9,473,000
Greenland	Thule Air Base	$2,450,000
Portugal	Lajes Field, Azores	$2,850,000
United Kingdom	Lakenheath Royal Air Force Base	$7,100,000
Overseas Classified	Classified Location	$4,050,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installatio for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	25 units	$2,100,000
Arizona	Davis-Monthan Air Force Base	110 units	$10,029,000
California	Beale Air Force Base	76 units	$8,842,000
	Edwards Air Force Base	34 units	$4,629,000
	Los Angeles Air Force Station	50 units	$5,000,000
	Vandenberg Air Force Base	128 units	$16,460,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
District of Columbia	Bolling Air Force Base	100 units	$9,000,000
Florida	Patrick Air Force Base	75 units	$7,145,000
Idaho	Mountain Home Air Force Base	4 units	$881,000
	Mountain Home Air Force Base	60 units	$5,712,000
Kansas	McConnell Air Force Base	70 units	$8,322,000
Louisiana	Barksdale Air Force Base	82 units	$8,236,000
Missouri	Whiteman Air Force Base	Housing Office	$567,000
New Mexico	Cannon Air Force Base	1 unit	$230,000
	Holloman Air Force Base	76 units	$7,733,000
	Kirtland Air Force Base	106 units	$10,058,000
North Carolina	Pope Air Force Base	120 units	$14,874,000
	Seymour Johnson Air Force Base	74 units	$6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	$709,000
South Carolina	Shaw Air Force Base	3 units	$631,000
Texas	Dyess Air Force Base	59 units	$7,077,000
Utah	Hill Air Force Base	138 units	$11,400,000
Virginia	Langley Air Force Base	148 units	$14,421,000
Washington	Fairchild Air Force Base	6 units	$1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	$11,321,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,275,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,770,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,548,040,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $388,554,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $38,273,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,386,000.

(5) For the construction of the climatic test chamber at Eglin Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594), $20,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $243,482,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $801,345,000, of which not more than $112,757,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by l the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. REVISION OF FAMILY HOUSING PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1869) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "Infrastructure" and inserting in lieu thereof "45 units".

SEC. 2306. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1867) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "$2,600,000" and inserting in lieu thereof "$8,200,000".

(b) CONFORMING AMENDMENT.—Section 2304(a) of such Act (107 Stat. 1870) is amended—

(1) in the matter preceding the paragraphs, by striking out "$2,040,031,000" and inserting in lieu thereof "$2,045,631,000"; and

(2) in paragraph (1), by striking out "$877,539,000" and inserting in lieu thereof "$883,139,000".

SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3.

Of the amount authorized to be appropriated under section 301(4) for the Air Force (and made available for real property maintenance), $10,000,000 shall be available to the Secretary of the Air Force to proceed with the modification of Air Force Plant No. 3, Tulsa, Oklahoma.

SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIREMENT OF MINUTEMAN II MISSILES.

Section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1775) is repealed.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Intelligence Agency	Bolling Air Force Base, Washington, D.C.	$600,000
Defense Logistics Agency	Defense Construction Supply Center, Columbus, Ohio	$2,200,000
	Defense Contract Management Area Office, El Segundo, California	$5,100,000
	Defense Fuel Support Point, Craney Island, Virginia	$3,652,000
	Headquarters, Defense Logistics Agency, Ft. Belvoir, Virginia	$4,600,000
Defense Medical Facility Office	Fort Dix, New Jersey	$2,000,000
	Fort McPherson, Georgia	$11,400,000
	McClellan Air Force Base, California	$10,280,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
National Security Agency	Fort Meade, Maryland	$5,458,000
Office Secretary of Defense	CONUS Classified, Classified Location	$5,300,000
Section 6 Schools	Naval Surface Warfare Center, Virginia	$1,300,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$12,300,000
	Kirtland Air Force Base, New Mexico	$9,600,000
	Naval Base Coronado, San Diego, California	$3,400,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition) at the location, for the purpose, and in the amount set forth in the following table:

Air Force: Family Housing

Country	Agency	Purpose	Amount
Belgium	National Security Agency	1 unit	$300,000

SEC. 2403. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2835 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,999,138,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $77,190,000.

(2) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $120,000,000.

(3) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $66,000,000.

(4) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $75,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,348,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,501,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $45,960,000.

(8) For energy conservation projects authorized by section 2404, $50,000,000.

(9) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $87,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,417,148,000.

(11) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $350,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $29,031,000, of which not more than $24,051,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by l the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1) of this section.

SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD TO NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of the Navy shall transfer $3,000,000 to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, which provides access to the Naval Weapons Station, Charleston, South Carolina, to help alleviate the adverse effects of the closure of the Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program, as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program, as authorized by section 2501, in the amount of $119,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1994, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $145,067,000; and

(B) for the Army Reserve, $37,410,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $11,905,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $210,212,000; and

(B) for the Air Force Reserve, $55,516,000.

SEC. 2602. PROHIBITION ON USING FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

Unless otherwise specifically authorized by a law enacted after the date of the enactment of this Act, funds appropriated pursuant to the authorization of appropriations in section 2601 may only be used for the purpose of paying for the costs of acquisition, architectural and engineering services,

and construction of facilities for the Guard and Reserve Forces (and for contributions for such purposes) under chapter 133 of title 10, United States Code, in the case of projects for the Guard and Reserve Forces specified in the joint explanatory statement of the committee of conference to accompany the bill H.R. 4301 of the One Hundred and Third Congress.

SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended—

(1) in paragraph (1), by striking out "$283,483,000" and inserting in lieu thereof "$289,398,000"; and

(2) in paragraph (2), by striking out "$25,013,000" and inserting in lieu thereof "$33,713,000".

SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT DIX, NEW JERSEY.

Funds appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602) for the renovation of facilities at Fort Dix, New Jersey, for the purpose of accommodating a consolidated New Jersey National Guard headquarters may also be used for additions and alterations to such facilities for the same purpose.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1997; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1998 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190, 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	$150,000
Georgia	Camp Merrill	Family Housing New Construction (36 Units)	$4,550,000
	Fort Benning	General Instruction Facility	$2,150,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility	$3,600,000
		Ammunition Demilitarization Utilities	$7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse	$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center	$5,400,000
Italy	Sigonella Naval Air Station	Operations Control Center	$9,850,000
Outside United States	Various locations	Satellite terminal	$8,770,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson Air Force Station (formerly Shemya Air Force Base)	Hazardous Materials Storage	$4,000,000

Army National Guard: Extension of 1992 Project Authorizations

State	Location	Project	Amount
California	Stockton	Additions & Alterations CSMS	$1,613,000
District of Columbia	Fort Belvoir	Addition, Aviation AASF	$2,765,000
Maryland	Cheltenham	Armory	$3,300,000
	Towson	DLOG Warehouse	$373,000
Mississippi	West Point	Maintenance Shop	$1,270,000
	Tupelo	Maintenance Shop	$992,000
	Senatobia	Maintenance Shop	$723,000
Nevada	Washoe County	Maintenance Shop	$1,050,000
North Carolina	Camp Butner	Range	$986,000
Ohio	Toledo	Armory	$3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	$578,000
	Camp Fogarty	Armory	$5,151,000
West Virginia	Huntington	Guard & Reserve Center	$2,983,000

Army Reserve: Extension of 1992 Project Authorizations

State	Location	Project	Amount
Massachusetts	Taunton	USAR Center	$3,526,000
Ohio	Perrysburg	Reserve Center Addition	$2,749,000
Pennsylvania	Johnstown	Army&Marine Corps Aviation Facility	$30,224,000
Tennessee	Jackson	Joint Training Facility	$1,537,000
West Virginia	Huntington	Guard & Reserve Center	$6,617,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1782), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2201 or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) is as follows:

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	$5,300,000

Defense Agencies: Extension of 1991 Project Authorization

State	location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization & Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1994; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. STRENGTHENING MONETARY LIMITATION ON RENOVATION OF FACILITIES.

(a) APPLICATION OF LIMITATION TO REPAIRS.—Section 2811 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "repair projects and" after "carry out";

(B) by striking out "that combine maintenance, repair, and minor construction projects"; and

(C) by adding at the end the following new sentence: "For purposes of this section, a repair project combines maintenance and repair for a facility and a renovation project combines maintenance, repair, and minor construction projects."; and

(2) in subsection (b), by inserting "repair project or" after "such a".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2811. Repair or renovation of facilities".

(2) The item related to such section in the table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended to read as follows:

"2811. Repair or renovation of facilities.".

SEC. 2802. NAVY HOUSING INVESTMENT AGREEMENTS.

(a) INVESTMENT AGREEMENTS AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2837. Investment agreements with private developers of housing

"(a) INVESTMENT AGREEMENTS.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation, under the jurisdiction of the Secretary, at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

"(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

"(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

"(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—Any investment agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title.

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board established under section 2838 of this title.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received from the repayment of investments or profits on investments under subsection (a).

"(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for contracts, investments, and expenses necessary for the implementation of this section and section 2838 of this title.

"(e) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

"(f) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(g) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1999.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2837. Investment agreements with private developers of housing.".

SEC. 2802. NAVY HOUSING INVESTMENT BOARD.

(a) INVESTMENT BOARD AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 (as added by section 2802) the following new section:

"§2838. Navy Housing Investment Board

"(a) ESTABLISHMENT.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

"(b) MEMBERS.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. Among such members, the Secretary may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

"(2) The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

"(c) DUTIES.—The Navy Housing Investment Board shall—

"(1) advise the Secretary regarding which proposed investment agreements under section 2837 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

"(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

"(d) TERMINATION OF BOARD.—The Navy Housing Investment Board shall terminate on November 30, 1999.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2837 (as added by section 2802) the following new item:

"2838. Navy Housing Investment Board.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE CLOSURE PROCESS OF ADVANCE ECONOMIC PLANNING UNDERTAKEN BY COMMUNITIES ADJACENT TO MILITARY INSTALLATIONS.

Section 2903(c)(3) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following: "However, in recommending military installations for closure or realignment, the Secretary (and the Commission in reviewing such recommendations) shall not—

"(A) in calculating the economic impact of the closure or realignment of a military installation, consider advance economic planning undertaken by a community as a precaution against the possible closure or realignment of the military installation; or

"(B) otherwise penalize communities that undertake such advance economic planning.".

SEC. 2812. REPAYMENT OF STATE AND LOCAL COSTS INCURRED IN CONNECTION WITH ESTABLISHMENT OF CERTAIN MILITARY INSTALLATIONS SELECTED FOR CLOSURE.

(a) REPAYMENT REQUIRED ON ACCOUNT OF CLOSURE.—In such aggregate amount as may be provided in advance in appropriation Acts to carry out this section, the Secretary of Defense shall repay a State, county, or municipal entity (or an agency or political subdivision of any such entity) for any funds described in subsection (b) that were expended or obligated by such entity to assist the United States in establishing a military installation described in subsection (e). The amount repaid shall include interest, calculated at a rate that is the greater of the interest rate of any bonds issued and the interest rate of Federal Treasury notes.

(b) DESCRIPTION OF FUNDS TO BE REPAID.—The funds referred to in subsection (a) that are required to be repaid shall include funds raised and bonds issued for the purposes of military construction, pier construction and improvement, land purchase, and infrastructure and utility improvements in direct support of the military installation to be closed.

(c) BASE ON-TIME COST REPORT.—Any payment required to be made under subsection (a) with respect to a military installation shall be used in the calculation of the Base On-Time Cost Report used to determine the cost of closing the installation. A possible sale of assets at the installation may not be included in such calculation.

(d) PROHIBITION OF CERTAIN REQUIRED PAYMENTS.—An entity described in subsection (a), or an agency or political subdivision of such an entity, may not be required to pay for the cost of any improvement at the military installation.

(e) MILITARY INSTALLATIONS COVERED.—This section shall apply with respect to military installations—

(1) for which construction in connection with the establishment of the installation began on or after January 1, 1985; and

(2) which were selected for closure on or after January 1, 1993.

SEC. 2813. LIMITATION ON SOURCES OF FUNDS AVAILABLE TO IMPLEMENT BASE CLOSURES AND REALIGNMENTS.

Section 2905(a)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "and may use" and all that follows through "maintenance;" and inserting in lieu thereof "and shall use for such purposes funds in the Account;".

SEC. 2814. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED PENDING COMPLETION OF REDEVELOPMENT PLANS.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(3)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority identifies such items as unnecessary to the reuse or redevelopment of the installation.".

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b)(3)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "Subject to subparagraphs (E) and (F), pending the completion of the redevelopment plan for the installation and approval of the redevelopment plan by the Secretary, the Secretary shall ensure that all items of personal property located at the installation are retained at the installation unless the redevelopment authority identifies such items as unnecessary to the reuse or redevelopment of the installation.".

SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FUTURE MOBILIZATION OPTIONS

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the Armed Forces to remobilize to the end strength levels authorized for fiscal year 1987 by sections 401, 403, 411, 412, and 421 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859). The report shall identify those military construction projects, if any, that would be necessary to facilitate such remobilization and any defense assets disposed of under a base closure or realignment, such as air space, that would be difficult to reacquire in the event of such remobilization.

(b) TIME FOR SUBMISSION.—Not later than January 1, 1995, the Secretary shall submit the report required by this section to Congress. Not later than September 30, 1995, the Secretary shall revise and resubmit the report to Congress to reflect the consequences of the closure or realignment of military installations selected for closure or realignment in 1995.

Subtitle C—Changes to Existing Land Conveyance Authority

SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended—

(1) is paragraph (1)—

(A) by striking out "City"the second place it appears and inserting in lieu thereof "Cities"; and

(B) by inserting "the City of Alameda, California," after "California," the first place it appears; and

(2) in paragraphs (2) and (3), by striking out "City" each place it appears and inserting in lieu thereof "Cities".

SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) PARTICIPATING POLITICAL SUBDIVISIONS.—Subsection (c)(3) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph—

"(i) from initially participating in the written agreement referred to in paragraph (2); or

"(ii) from agreeing at a later date to participate in the regional correctional facility to be constructed and operated on the parcel of land conveyed pursuant to this section either as a member of the government or by contract with such governmental entity.".

(b) TIME FOR CONSTRUCTION AND OPERATION.—Subsection (d)(1)(A) of such section is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following new clause:

"(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than April 1, 1997;"; and

(2) in clause (ii), by striking out "five years after such date" and inserting in lieu thereof "April 1, 2002".

SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS. NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, NEW YORK, AS NATURE PRESERVE.

(a) PRESERVATION AS NATURE PRESERVE REQUIRED.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484, 106 Stat. 2626) is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d); and

(2) by inserting before subsection (c), as so redesignated, the following new subsections:

"(a) PURPOSE.—It is the purpose of this section to ensure that the Calverton Pine Barrens is maintained and preserved, in perpetuity,m as a nature preserve in its current undeveloped state.

"(b) PROHIBITION ON INCONSISTENT DEVELOPMENT.—The Secretary of the Navy shall not carry out or permit any development, commercial or residential, at the Calverton Pine Barrens that is inconsistent with the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking out "PROHIBITION.—" and inserting in lieu therefore "REVERSIONARY INTEREST.—"; and

(2) by striking out "for commercial purposes" and all that follows through the period and inserting in lieu thereof "in a manner inconsistent with the purpose specified in subsection (a) (as determined by the head of the department or agency making the conveyance).".

SEC. 2824. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FOR DIX, NEW JERSEY.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (division B

of Public Law 103-160; 107 Stat. 1904) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Tulsa, Oklahoma (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, which consists of approximately 337 acres located in Tulsa, Oklahoma, and is known as Air Force Plant No. 3. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59, JOHNSON CITY (WESTOVER), NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Broome County Industrial Development Authority (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Air Force Plant No. 59, Johnson City (Westover), New York. The Secretary may also convey facilities, equipment and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such equipment are likely to continue or be reinstituted on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Authority in exchange for security services, fire protection, and maintenance provided by the Authority for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority, directly or through an agreement with another public or private entity, shall use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at Air Force Plant No. 59.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this section shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE RADAR BOMB SCORING SITE, DICKINSON, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the North Dakota Board of Higher Education (in this section referred to as the "Board") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 4 acres located in Dickinson, North Dakota, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Dickinson, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board—

(1) use the property, recreational facilities, and housing facilities conveyed under such subsection for housing, recreation, and other purposes that, as determined by the Secretary, will promote and enhance educational opportunities provided by Dickinson State University; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE FACILITY, RIO VISTA, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Rio Vista, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) containing the Reserve training facility located in Rio Vista, California.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City use the property for recreational purposes.

(c) CONSIDERATION.—In recognition of the public use to which the conveyed property will be devoted, the Secretary may require the City to pay to the United States an amount equal to less than the fair market value of the property, as determined by the Secretary, as consideration for the conveyance under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, NAVAL WEAPONS, INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—To facilitate the economic redevelopment of appropriate portions of the Naval Weapons Industrial Reserve Plant located in Calverton, New York, the Secretary of the Navy may convey to an appropriate redevelopment authority (designated by the Secretary) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,900 acres comprising the fenced-in portion of the Naval Weapons Industrial Reserve Plant. The conveyance authorized under this subsection shall be made without consideration.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Cost of such survey shall be borne by the State of New York or the redevelopment authority to whom the property is conveyed.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LEASE OF PROPERTY, NAVAL RADIO RECEIVING FACILITY, IMPERIAL BEACH, CORONADO, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to the Young Men's Christian Association of San Diego County, a California nonprofit public benefit corporation (in this section referred to as the "YMCA"), such interests in a parcel of real property (including any improvements thereon) consisting of approximately 45 acres at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, as the Secretary considers appropriate for the YMCA to operate and maintain a summer youth residence camp known as the YMCA San Diego

Unified Recreational Facility (Camp SURF). Pursuant to the lease, the Secretary may authorize the YMCA to construct facilities on the parcel.

(b) LEASE TERMS.—The lease authorized in subsection (a) shall be for a period of 50 years, or such longer period as the Secretary determines to be in the best interests of the United States.

(c) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the YMCA shall—

(1) agree to maintain and enhance the natural resources of the leased premises; and

(2) pay to the United States an amount in cash equal to the difference between the rental price prescribed by the Secretary under subsection (d) and the value of natural resources maintenance and enhancements performed by the YMCA, as determined by the Secretary.

(d) DETERMINATION OF RENTAL PRICE.—Acknowledging the benefits the YMCA has provided to the Armed Forces and the specific benefits Camp Surf provides to the children of San Diego, the Secretary may prescribe a rental price for the real property leased under subsection (a) that is less than fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers necessary to protect the operation of the Naval Radio Receiving Facility, Imperial Beach, and to protect the interests of the United States.

SEC. 2837. RELEASE OF REQUIREMENTS AND REVERSIONARY INTEREST ON CERTAIN PROPERTY IN BALTIMORE, MARYLAND.

(a) RELEASE REQUIRED.—The Secretary of Defense may release the requirements and the reversionary interest of the United States that are described in section 2 of the Act entitled "An Act granting a site for a dry-dock in the city of Baltimore upon certain conditions.", approved June 19, 1878 (Chapter 310; 20 Stat. 167).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms or conditions in connection with the release required under this section as the Secretary considers appropriate to protect the interests of the United States.

(c) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2838. RELEASE OF REVERSIONARY INTEREST ON CERTAIN PROPERTY IN YORK COUNTY, JAMES CITY COUNTY, AND NEWPORT NEWS, VIRGINIA.

(a) RELEASE AUTHORIZED.—The Secretary of the Navy may release the reversionary interest of the United States in the real property conveyed by the deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a deed between the United States and the Commonwealth of Virginia dated August 17, 1966, which conveyed to the Commonwealth of Virginia certain parcels of land located in York County, James City County, and the city of Newport News, Virginia.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States and to ensure that the real property will continue to be used for a public purposes.

(d) INSTRUMENT OF RELEASE.—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

Subtitle E—Other Matters

SEC. 2851. AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Oxnard Harbor District, Port Hueneme, California, a special district of the State of California (in this section referred to as the "District"), under which the District may use United States Navy Wharf Number 3 and associated real property comprising up to 25 acres located at the Naval Construction Battalion Center, Port Hueneme, California (in this section referred to as the "Center").

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the District with an option to extend the agreement for three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the District—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the District shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the District's use of the property.

(2) The Secretary may include a provision in the agreement requiring the District—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration to the port operations area (or to roads and railways serving the area) at the Center.

(2) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY DISTRICT.—The Secretary may authorize the District to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the District and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM FOR DEFENSE PERSONNEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and conduct an education and training program for members of the Armed Forces and civilian employees of the Department of Defense whose responsibilities include planning or executing the environmental mission of the Department. The Secretary shall conduct the program to ensure that such members and employees obtain and maintain the knowledge and skill required to comply with existing environmental laws and regulations.

(b) IDENTIFYING ENVIRONMENTAL TRAINING CENTERS.—As part of the program, the Secretary shall identify military facilities that have existing expertise (or the capacity to develop such expertise) in conducting education and training activities in various environmental disciplines. The Secretary may designate such facilities as national environmental training centers and shall encourage the use of such a center by members and employees referred to in subsection (a) who are not under the jurisdiction of the military department operating the center.

SEC. 2853. REPEAL OF RESTRICTION ON LAND TRANSACTIONS RELATING TO PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

Section 2856 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1908) is repealed.

SEC. 2854. REPORT ON USE OF MILITARY INSTALLATIONS IN OKINAWA.

(a) REPORT REQUIRED.—Not later than October 15, 1994, the Secretary of Defense shall submit a report to Congress regarding the United States military presence in Okinawa.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A description and evaluation of United States security needs in Okinawa.

(2) An infrastructure inventory and utilization rate of defense facilities in Okinawa.

(3) An evaluation of the economic and environmental impact that these facilities have on the citizens of Okinawa.

(4) A description of any action that the Secretary of Defense can undertake to affirmatively respond to requests from the Okanawan Prefectural Government for the exchange or return of lands held by the Secretary.

(5) An evaluation of the extent to which the assistance of the Government of Japan is required in order to close United States military installations in Okinawa or exchange or return of lands held by the Secretary in Okinawa.

SEC. 2855. STUDY OF HEIGHT RESTRICTION AND AVIGATION REQUIREMENTS SURROUNDING EGLIN AIR FORCE BASE, FLORIDA.

(a) STUDY REQUIRED.—The Secretary of the Air Force shall conduct a comprehensive study of current and anticipated future avigation requirements for the area surrounding Eglin Air Force Base, Florida. As part of the study, the Secretary shall review all Air Force mission requirements and take into consideration the economic growth and development needs of the adjacent community.

(b) REPORT ON STUDY.—Not later than March 31, 1995, the Secretary of the Air Force shall submit to Congress a report containing the results of the study required under subsection (a), including recommendations for any changes to the existing avigation easements currently in place at Eglin Air Force Base.

SEC. 2856. CONTINUED OPERATION OF MILITARY MEDICAL TREATMENT FACILITY AT K. I. SAWYER AIR FORCE BASE, MICHIGAN.

(a) SENSE OF CONGRESS.—In light of the large number of retired military personnel and their dependents who currently receive health care services at the military medical treatment facility located at K. I. Sawyer Air Force Base, Michigan, which was selected to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), it is the sense of Congress that the Secretary of Defense and the Secretary of the Air Force should pursue all practicable options (including transfer of the facility to the jurisdiction of the Department of Veterans Affairs) necessary to keep the facility in operation to serve the health care needs of retired military personnel and their dependents.

(b) RETIRED MILITARY PERSONNEL DEFINED.—For purposes of this section, the term "retired military personnel" means members and former members of the uniformed services who—

(1) are entitled to retired or retainer pay, or equivalent pay; and

(2) are eligible to receive medical and dental care in facilities of the uniformed services under section 1074(b) of title 10, United States Code.

SEC. 2857. TECHNICAL AMENDMENT TO CORRECT REFERENCE IN LAND TRANSACTION.

Section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1898) is amended by striking out "Washington Gas Company" and inserting in lieu thereof "American Water Company".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) RESEARCH AND DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for research and development in carrying out weapons activities necessary for national security programs in the amount of $1,339,937,000, to be allocated as follows:

(1) For core research and development, $795,251,000, to be allocated as follows:

(A) For operating expenses, $653,341,000.

(B) For capital equipment, $69,420,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $72,490,000, to be allocated as follows:

Project GPD-101, general plant projects, various locations, $8,500,000.

Project 95-D-102, CMR upgrades, Los Alamos National Laboratory, New Mexico, $3,300,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $13,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $21,810,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $4,900,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $20,980,000.

(2) For stockpile stewardship for operating expenses, $152,419,000.

(3) For inertial fusion, $176,473,000, to be allocated as follows:

(A) For operating expenses, $166,755,000.

(B) For capital equipment, $9,718,000.

(4) For technology transfer, $215,794,000, to be allocated as follows:

(A) For operating expenses, $209,794,000.

(B) For capital equipment, $6,000,000.

(b) TESTING.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for testing in carrying out weapons activities necessary for national security programs in the amount of $192,300,000, to be allocated as follows:

(1) For testing capabilities and readiness $186,000,000, to be allocated as follows:

(A) For operating expenses, $150,000,000.

(B) For capital equipment, $15,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $21,000,000, to be allocated as follows:

Project GPD-101, general plant projects, various locations, $4,000,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $17,000,000.

(2) For Marshall Islands dose reconstruction, $6,300,000, to be allocated as follows:

(A) For operating expenses, $5,830,000.

(B) For capital equipment, $470,000.

(c) STOCKPILE SUPPORT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for stockpile support in carrying out weapons activities necessary for national security programs in the amount of $1,605,556,000 to be allocated as follows:

(1) For operating expenses for stockpile support, $1,393,085,000.

(2) For operating expenses for reconfiguration, $94,271,000.

(3) For capital equipment, $12,880,000.

(4) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $105,320,000, to be allocated as follows:

Project 88-D-122, facilities capability assurance program, various locations, $14,820,000.

Project GPD-121, general plant projects, various locations, $1,000,000.

Project 95-D-122, sanitary sewer upgrade Y-12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $15,000,000.

Project 93-D-123, complex-21, various locations, $58,000,000.

(d) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out weapons activities necessary for national security programs in the amount of $154,852,000, to be allocated as follows:

(1) For weapons program direction, operating expenses, $152,498,00.

(2) For capital equipment, $2,354,000.

(e) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (d) reduced by $89,276,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs 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) for Project 92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, California, $512,000.

(b) ENVIRONMENTAL RESTORATION.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,527,469,000.

(2) The amount authorized to be appropriated pursuant to this subsection is the amount authorized to be appropriated in paragraph (1) reduced by $133,900,000, as a result of the productivity savings initiative.

(c) WASTE MANAGEMENT.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,852,682,000, to be allocated as follows:

(A) For operating expenses, $2,384,066,000.

(B) For capital equipment, $104,790,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $363,826,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, $23,542,000.

Project 95-D-401, radiological support facilities, Richland, Washington, $1,585,000.

Project 95-D-402, install permanent electrical service, WIPP, $700,000.

Project 95-D-403, hazardous waste storage facility, AL, $597,000.

Project 95-D-405, industrial landfill V and construction demolition landfill VII, Y12 Plant, Oakridge, Tennessee, $1,000,000.

Project 95-D-406, road 5-01 reconstruction, area 5, Nevada, $2,338,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, $2,000,000.

Project 95-D-408, Phase II liquid effluent treatment and disposal, RL, $7,100,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, $3,292,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $21,373,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, $6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, $17,700,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, $4,000,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, $42,200,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, $1,700,000.

Project 94-D-417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, $300,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $3,300,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $3,300,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $14,810,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $88,605,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $26,525,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $5,000,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $2,846,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $3,995,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $3,819,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,747,000.

Project 90–D–178, TSA retrieval enclosure, ID, $7,594,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $300,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $18,000,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $5,900,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $6,000,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $45,058,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $160,800,000, as a result of the productivity savings initiative.

(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $426,409,000, to be allocated as follows:

(1) For operating expenses, $386,974,000.

(2) For capital equipment, $25,435,000.

(3) 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), for Project 95–E–600, Hazardous materials training center, Richland, Washington, $14,000,000.

(e) TRANSPORTATION MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $20,684,000, to be allocated as follows:

(1) For operating expenses, $20,240,000.

(2) For capital equipment, $444,000.

(f) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $84,948,000, to be allocated as follows:

(1) For operating expenses, $83,748,000.

(2) For capital equipment, $1,200,000.

(g) FACILITY TRANSITION AND MANAGEMENT.—(1) Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for facility transition and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $795,857,000, to be allocated as follows:

(A) For operating expenses, $685,550,000.

(B) For capital equipment, $23,947,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $86,360,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $20,495,000.

Project 95–D–453, primary highway route north of the Wye Barricade, Richland, Washington, $2,500,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 95–D–455, Idaho National Engineering Laboratory radio communications upgrade, Idaho National Engineering Laboratory, Idaho, $1,440,000.

Project 95–D–456, Security facilities upgrade, Idaho chemical processing plant, Idaho National Engineering Laboratory, Idaho, $986,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $2,500,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,219,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $7,800,000.

Project 94–D–415, Idaho National Engineering Laboratory medical facilities, Idaho National Engineering Laboratory, Idaho, $4,920,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $10,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $7,800,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,000,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $4,000,000.

Project 92–D–125, Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $2,100,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,900,000.

Project 92–D–186, steam system rehabilitation, phase II, Richland, Washington, $5,600,000.

(2) The total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by $5,000,000, as a result of the productivity savings initiative.

(h) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (g) reduced by $240,300,000, for use of prior year balances.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) MATERIALS SUPPORT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for materials support in carrying out nuclear materials support necessary for national security programs in the amount of $910,255,000, to be allocated as follows:

(1) For reactor operations, $163,634,000.

(2) For processsing of nuclear materials, $410,468,000.

(3) For supporting services, $167,776,000.

(4) For capital equipment, $52,427,000.

(5) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $59,950,000, to be allocated as follows:

Project 95–D–154, Health physics site support facility, Savannah River, South Carolina, $2,000,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $11,300,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $2,700,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $3,000,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $5,000,000.

Project GPD–146, general plant projects, various locations, $21,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $750,000.

Project 95–D–156, radio trunking system, Savannah River, South Carolina, $2,100,000.

Project 95–D–157, D–area powerhouse life extension, Savannah River, South Carolina, $4,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $2,000,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,200,000.

(6) For program direction, $56,000,000.

(b) OTHER DEFENSE PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for other defense programs in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $691,204,000, to be allocated as follows:

(1) For verification and control technology, $352,102,000, to be allocated as follows:

(A) For operating expenses, $336,229,000.

(B) For capital equipment, $15,873,000.

(2) For nuclear safeguards and security, $85,816,000, to be allocated as follows:

(A) For operating expenses, $82,421,000.

(B) For capital equipment, $3,395,000.

(3) For security investigations, $38,827,000.

(4) For security evaluations, $14,780,000.

(5) For the Office of Nuclear Safety, $24,679,000, to be allocated as follows:

(A) For operating expenses, $24,629,000.

(B) For capital equipment, $50,000.

(6) For worker and community transition, $125,000,000.

(7) For fissile material control and disposition, $50,000,000.

(c) NAVAL REACTORS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for naval reactors in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $730,651,000, to be allocated as follows:

(1) For naval reactors development, $698,651,000, to be allocated as follows:

(A) For operating expenses:

(i) For plant development, $146,700,000.

(ii) For reactor development, $348,951,000.

(iii) For reactor operation and evaluation, $136,000,000.

(iv) For program direction, $18,800,000.

(B) For capital equipment, $28,200,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $20,000,000, to be allocated as follows:

Project GPN-101, general plant projects, various locations, $6,200,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, $2,400,000.

Project 95-D-201, Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $700,000.

Project 93-D-200, Engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,900,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

(2) For enrichment materials for operating expenses, $32,000,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by—

(1) $40,000,000, for recovery of overpayment to the Savannah River Pension Fund; and

(2) $343,406,000, for use of prior year balances for materials support and other defense programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $129,430,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 102 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, the Congress.

(b) REPORT; COMPUTATION OF DEADLINE FOR SUBMISSION.—(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 the 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 provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. 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) Except as provided in paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by the Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Congress of transfers made under the authority of this section.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. REQUIREMENT OF CONCEPTUAL DESIGN FOR REQUEST OF CONSTRUCTION FUNDS.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—The Secretary of Energy may not make a request to the Congress for funds for a construction project which is in support of national security programs of the Department of Energy until the Secretary submits to the congressional defense committees a conceptual design for that project.

(b) EXCEPTION.—The requirement of subsection (a) does not apply to emergency planning, design, and construction activities under section 3127.

SEC. 3127. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3128. 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. 3129. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.

(a) CONDUCT OF PROGRAM.—(1) As part of the stockpile stewardship program established in

section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note), the Secretary of Energy shall conduct a stockpile stewardship recruitment and training program at the Sandia National Laboratories, the Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.

(2) The recruitment and training program shall be conducted in coordination with the Chairman of the Nuclear Weapons Council established in section 179 of title 10, United States Code, and the directors of the laboratories referred to in paragraph (1).

(b) SUPPORT OF DUAL-USE PROGRAMS.—(1) As part of the recruitment and training program, the directors of the laboratories referred to in subsection (a)(1) may hire undergraduate students, graduate students, and postdoctoral fellows and sponsor research conducted by such individuals for military or nonmilitary dual-use programs related to nuclear weapons stockpile stewardship.

(2) Of amounts appropriated to the Secretary of Energy pursuant to section 3101(a)(1) for weapons activities for core research and development and allocated by the Secretary for education initiatives, $5,000,000 shall be made available for carrying out paragraph (1). The amount made available under this paragraph shall be allocated equally among the laboratories referred to in subsection (a)(1).

(c) ESTABLISHMENT OF RETIREE CORPS.—As part of the training and recruitment program, the Secretary, in coordination with the directors of the laboratories referred to in subsection (a)(1), shall establish a retiree corps for the laboratories under which the directors shall hire on a part-time basis retired scientists who have expertise in the research and development of nuclear weapons to provide appropriate assistance on nuclear weapons issues, to contribute relevant information to be archived, and to help to provide training to other scientists.

(d) REPORT.—(1) Not later than February 1, 1995, the Secretary of Energy shall submit to the congressional defense committees a report on the personnel demographic trends at the laboratories referred to in subsection (a)(1) and on actions taken by the Department of Energy to remedy identified shortfalls in various skill areas.

(2) The report shall be prepared in coordination with the Chairman of the Nuclear Weapons Council and the directors of the laboratories. Information included in the report shall be aggregated and compiled into statistical categories.

(3) The report shall include the following:

(A) An inventory of the weapons-related tasks that the laboratories need to perform to support their nuclear weapons responsibilities.

(B) An inventory of the skills necessary to complete the weapons-related tasks referred to in subparagraph (A).

(C) For each laboratory, a specification of the number of scientists needed in each skill area to perform such tasks.

(D) A statement of the number of scientists in each skill area at each laboratory, by age.

(E) An assessment of which skill areas are understaffed.

(F) A statement of the number of scientists entering the weapons program at each laboratory, and their skill areas.

(G) A statement of the number of full-time equivalent personnel with weapon skills, their distribution by skill and, for each such skill, their distribution by age.

(H) A statement of the number of scientists retiring from the weapons program and the skill areas in which they worked in the year preceding their retirement.

(I) Based on the information contained in subparagraphs (A) through (H), a projection of what areas will become understaffed in the five years following the date of the submission of the report.

(J) A statement of alternatives for retaining and recruiting scientists for the weapons programs at the laboratories in order to preserve a sufficient skill base and to fulfill stockpile stewardship responsibilities.

(K) The recommendations of the Secretary for implementing any of the alternatives referred to in subparagraph (J).

SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995, $176,473,000 shall be available for the defense inertial confinement fusion program, of which—

(1) not less than $20,765,000 shall be available for program activities at the University of Rochester, Rochester, New York; and

(2) not less than $8,750,000 shall be available for program activities at the Naval Research Laboratory, Washington, District of Columbia.

SEC. 3133. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as follows:

(1) $50,000, assessed against the Fernald Environmental Management Project, Ohio, under such Act.

(2) $50,000, assessed against the Portsmouth Gaseous Diffusion Plant, Ohio, under such Act.

SEC. 3134. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $11,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3135. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995 for waste management activities for environmental restoration and waste management activities necessary for national security programs, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3136. WORKER HEALTH AND PROTECTION.

Of amounts appropriated to the Department of Energy for fiscal year 1995 pursuant to section 3101 for weapons activities for operating expenses, $2,500,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

SEC. 3137. LIMITATION ON USE OF PROGRAM DIRECTION FUNDS.

The Secretary of Energy may not obligate more than 50 percent of the funds appropriated pursuant to this title for fiscal year 1995 for operating expenses for program direction in carrying out environmental restoration and waste management activities necessary for national security programs until the Secretary submits to the Congress the reports required to be submitted under subsections (a) and (d) of section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950) in the year during which that fiscal year ends.

SEC. 3138. LIMITATION ON USE OF FUNDS FOR NEW CONSTRUCTION PROJECTS.

The Secretary of Energy may not obligate or expend funds appropriated for a new construction project until the Secretary has approved a conceptual design for that project. In this section, the term "new construction project" means a construction project necessary for national security programs of the Department of Energy for which funds were initially requested for fiscal year 1995.

SEC. 3139. LIMITATION ON USE OF FUNDS FOR SPECIAL ACCESS PROGRAMS.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be obligated for a limited access program or special access program until the Secretary of Energy submits to the congressional defense committees the report required under section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a).

SEC. 3140. PROHIBITION ON PREFINANCING.

The Secretary of Energy may not set aside funds appropriated to the Secretary for national security programs for any fiscal year for the purpose of retaining personnel of the Department of Energy in the event that there is a lapse of funds appropriated for such purpose for the following fiscal year.

Subtitle D—Other Matters

SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

The Secretary of Energy shall establish procedures to account for the use of funds, in each fiscal year beginning with fiscal year 1995, for the performance of the programs and activities of the Department of Energy for which funds are appropriated for national security programs of the Department of Energy. The procedures shall account for funds appropriated for such programs and activities which are not used for the purpose for which such funds were appropriated. The procedures shall provide for an accounting of all encumbered funds, unencumbered funds, unobligated funds, costed funds, and uncosted obligations of the Department of Energy in each such fiscal year.

SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

(a) APPROVAL BY NUCLEAR WEAPONS COUNCIL.—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement.".

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

"(e) ANNUAL REPORT.—(1) Each fiscal year, before the preparation of the annual budget request of the Department of Energy, the Chairman of the Council shall submit to the Secretary of Energy a report on the following:

"(A) The effectiveness and efficiency of the Council, and of the deliberative and decision-making processes used by the Council, in carrying out the responsibilities described in subsection (d).

"(B) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for

the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of—

"(i) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

"(ii) the schedule for completion of each such activity or study; and

"(iii) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modifications and with established or projected military requirements.

"(2) Each fiscal year, at the same time as the submission of the President's budget, the Secretary of Energy shall submit the report referred to in paragraph (1), in classified form, to the Committees on Armed Services and Appropriations of the Senate and House of Representatives.".

(c) TECHNICAL AMENDMENT.—Subsections (a)(3) and (b) of such section are amended by striking out "appointed" each place it appears and inserting in lieu thereof "designated".

SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CERTAIN ACTIVITIES AT THE NEVADA TEST SITE, NEVADA.

Not later than March 1, 1995, the Secretary of Energy shall submit to the Congress a report on the feasibility of conducting the following activities at the Nevada Test Site, Nevada:

(1) The demilitarization of large rocket motor and conventional ordnance.

(2) Disarmament and demilitarization, generally.

(3) The conduct of experiments that assist in monitoring compliance with international agreements on the nonproliferation of nuclear weapons.

(4) The provision of support to the Department of Energy nuclear weapons complex.

(5) The conduct of programs for the Department of Energy and the Department of Defense to develop simulator technologies for nuclear weapons design and effects, including advanced hydrodynamic simulators, inertial confinement fusion test facilities, and nuclear weapons effects simulators (such as the Decade and Jupiter simulators).

(6) The conduct of the stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1946; Public Law 103-160).

(7) Experiments related to the non-proliferation of nuclear weapons, including experiments with respect to disablement, nuclear forensics, sensors, and verification and monitoring.

SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY NUCLEAR WEAPONS PRODUCTION CYCLE.

(a) REPORT.—Not later than March 31, 1995, the Secretary of Energy shall submit to the Congress a report that contains a description of all waste streams generated during each step of the complete cycle of production and disposition of nuclear weapon components by the Department of Energy. The description for each such step shall be based on a unit of analysis that is appropriate for that step. The report shall include an estimate of the volume of waste generated per unit of analysis and an analysis of the toxicity of each waste stream.

(b) DEFINITIONS.—In this section:

(1) The term "waste stream" means waste materials the storage, treatment, or disposition of which is regulated under Federal law, except that such term does not include usable source materials and usable special nuclear materials.

(2) The terms "source material" and "special nuclear material" have the meaning given such terms in section 11(z) and (aa), respectively, of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z), (aa)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1995, $18,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. CONDITIONS ON AUTHORITY TO DISPOSE OF CERTAIN STRATEGIC AND CRITICAL MATERIALS.

Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2649) is amended by striking out "before October 1, 1994." and inserting in lieu thereof the following: "until after the President certifies to Congress that—

"(1) there is a reliable domestic source for the adequate and timely production of these materials; and

"(2) such source can be called upon in times of a national emergency or a significant mobilization of the Armed Forces.".

SEC. 3302. REJECTION OF CHANGE IN STOCKPILING PRINCIPLES.

(a) ESTABLISHMENT OF PRINCIPLES.—Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "Before October 1, 1994, the quantities" and inserting in lieu thereof "The quantities"; and

(2) by striking out paragraph (3).

(b) BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.—Section 14(b) of such Act (50 U.S.C. 98h-5(b)) is amended—

(1) in the second sentence, by striking out "Before October 1, 1994, such assumptions" and inserting in lieu thereof "Such assumptions"; and

(2) by striking out the third sentence.

SEC. 3303. LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES.

(a) PREFERENCE FOR DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c), the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or is capable of engaging in such operations; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) APPLICATION OF SECTION.—The requirements specified in subsection (a) shall apply during fiscal year 1995.

SEC. 3304. CONDITIONAL PROHIBITION ON PROPOSED DISPOSAL OF ZINC FROM NATIONAL DEFENSE STOCKPILE.

(a) PROHIBITION.—Except as provided in subsection (b), the President may not proceed with the disposal from the National Defense Stockpile of any portion of the 75,000 short tons of zinc that was proposed for disposal in the annual materials plan submitted to Congress under section 11(b) of such Act (50 U.S.C. 98h-2) in March 1994.

(b) EXCEPTION.—Subsection (a) shall not apply to the disposal of zinc from the National Defense Stockpile if the President certifies to Congress before proceeding with such disposal that any such disposal would not cause any undue disruption of the usual markets of producers, processors, and consumers of zinc.

(c) DEFINITION.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3305. SPECIAL PROGRAM FOR CONVERSION OF LOW CARBON FERRO CHROMIUM TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) REQUIRED UPGRADING.—During each of the fiscal years 1995 and 1996, the President shall obtain bids from domestic producers of high purity electrolytic chromium metal for the conversion of low carbon ferro chromium held in the National Defense Stockpile. On the basis of such bids, the President shall award contracts for the conversion of such chromium into high purity electrolytic chromium metal for inclusion in the National Defense Stockpile.

(b) QUANTITIES TO BE UPGRADED.—Contracts awarded under subsection (a) shall provide for the addition of not less than 500 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(c) USE OF BARTER.—The President shall carry out this section only through the use of the barter authority provided to the President under section 6(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(c)) for the management of the National Defense Stockpile.

(d) DEFINITION.—For purposes of this section, 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).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $129,658,000 for fiscal year 1995 for the purpose of carrying out title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as added by section 3402.

SEC. 3402. TRANSFER OF FEDERAL CIVIL DEFENSE ACT OF 1950 TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) INCLUSION AS ADDITIONAL TITLE.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating title VI as title VII;

(2) by redesignating sections 601, 602, 603, and 604 as sections 701, 702, 703, and 704, respectively; and

(3) by inserting after title V the following new title VI:

"TITLE VI—FEDERAL CIVIL DEFENSE

"SEC. 601. DECLARATION OF POLICY.

"The purpose of this title is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this title.

"SEC. 602. DEFINITIONS.

"In this title:

"(1) The term 'hazard' means an emergency or disaster resulting from—

"(A) a natural disaster; or

"(B) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.

"(2) The term 'attack-related disaster' means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shellfire, or nuclear, radiological, chemical, bacteriological, or biological means or other weapons or processes.

"(3) The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

"(4) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).

"(5) The term 'organizational equipment' means equipment determined by the Director to be necessary to a civil defense organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans.

"(6) The term 'materials' includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense.

"(7) The term 'facilities', except as otherwise provided in this title, includes buildings, shelters, utilities, and land.

"(8) The term 'Director' means the Director of the Federal Emergency Management Agency.

"(9) The term 'neighboring countries' includes Canada and Mexico.

"(10) The term 'State' includes interstate civil defense authorities established under section 611(g).

"SEC. 603. ADMINISTRATION OF TITLE.

"This title shall be carried out by the Director of the Federal Emergency Management Agency.

"Subtitle A—Powers and Duties

"SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.

"The Director is authorized, in order to carry out the policy described in section 601 to perform the following functions:

"(a) Prepare national plans and programs for the civil defense of the United States, making such use of plans and programs previously initiated by the National Security Resources Board as is feasible; sponsor and direct such plans and programs; and request such reports on State plans and operations for civil defense as may be necessary to keep the President, Congress, and the several States advised of the status of civil defense in the United States.

"(b) Delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities and review and coordinate the civil defense activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

"(c) Make appropriate provision for necessary civil defense communications and for dissemination of warnings to the civilian population of a hazard.

"(d) Study and develop civil defense measures designed to afford adequate protection of life and property, including research and studies as to the best methods of treating the effects of hazards, developing shelter designs and materials for protective covering or construction, and developing equipment or facilities and effecting the standardization thereof to meet civil defense requirements.

"(e) Conduct or arrange, by contract or otherwise, for training programs for the instruction of civil defense officials and other persons in the organization, operation, and techniques of civil defense; conduct or operate schools or including the payment of travel expenses, in accordance with subchapter I of chapter 57 of title 5, United States Code, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and provide instructors and training aids as deemed necessary. The terms prescribed by the Director for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed ½ of the total cost of such expenses. Not more than one national civil defense college and three civil defense technical training schools shall be established under the authority of this subsection. The Director is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.

"(f) Publicly disseminate appropriate civil defense information by all appropriate means.

"(g) Assist and encourage the States to negotiate and enter into interstate civil defense compacts; review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity therein and consistency with the national civil defense plans and programs; assist and coordinate the activities thereunder; and aid and assist in encouraging reciprocal civil defense legislation by the States which will permit the furnishing of mutual aid for civil defense purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard. A copy of each such civil defense compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress shall be granted to each such compact, upon the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the compact is transmitted to it; but only if, between the date of transmittal and expiration of such 60-day period, there has not been passed a concurrent resolution stating in substance that the Congress does not approve the compact. Nothing in this subsection shall be construed as preventing Congress from withdrawing at any time its consent to any such compact.

"(h) Procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession thereof. Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title, prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes (40 U.S.C. 255). The Director shall report not less often than quarterly to the Congress all property acquisitions made pursuant to this subsection. The Director is authorized to lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized law. The Director is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Director shall prescribe.

"(i) Make financial contributions, on the basis of programs or projects approved by the Director, to the States for civil defense purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities. No contributions shall be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local civil defense workers. The amounts authorized to be contributed by the Director to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws. Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban population of the critical target areas (as determined by the Director, after consultation with the Secretary of Defense) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States. The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate same to other States under the formula described in the preceding sentence. The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection. The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State civil defense programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (1)

is intended for use, in whole or in part, for any purpose other than civil defense, and (2) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding sentences of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for civil defense purposes. The Director shall report not less often than annually to Congress all contributions made pursuant to this subsection. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5)), and every such employee shall receive compensation at a rate not less than one and ½ times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276(c)).

"(j) Arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for civil defense purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be covered into the Treasury as miscellaneous receipts.

"SEC. 612. MUTUAL AID PACTS BETWEEN SEVERAL STATES AND NEIGHBORING COUNTRIES.

"The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries.

"SEC. 613. IDENTITY INSIGNIA.

"The Director may prescribe insignia, arm bands, and other distinctive articles (including designs previously covered under Letters Patent which were assigned to the United States and held by the Office of Civilian Defense created by Executive Order Numbered 8757 issued May 20, 1941) which may be manufactured for or possessed or worn by persons engaged in civil defense activities pursuant to rules and regulations for the manufacture, possession, or wearing thereof established by the Director. The manufacture, possession, or wearing of any such insignia, arm band, or other distinctive article otherwise than in accordance with such rules and regulations shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

"SEC. 614. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.

"(a) GENERAL AUTHORITY.—To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate civil defense authorities established pursuant to section 611(g)) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Director) for the civil defense of the States. The financial contributions to the States under this section shall not exceed ½ of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses.

"(b) PLAN REQUIREMENTS.—Plans submitted under this section shall—

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Director;

"(4) provide for the employment of a full-time civil defense director, or deputy director, by the State;

"(5) provide that the State shall make such reports in such form and content as the Director may require; and

"(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

"(c) TERMS AND CONDITIONS.—The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

"(d) APPLICATION OF OTHER PROVISIONS.—In carrying out this section, the provisions of section 611(g) and 621(h) shall apply.

"(e) ALLOCATION OF FUNDS.—For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the target and support areas and the areas which may be affected by hazards with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not utilized by a State in a plan submitted hereunder. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein.

"(f) SUBMISSION OF PLAN.—In the event a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations hereunder, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director will best assure the adequate development of the civil defense capability of the Nation.

"(g) ANNUAL REPORTS.—The Director shall report annually to the Congress all contributions made pursuant to this section.

"SEC. 615. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

"Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

"SEC. 616. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this title for civil defense activities and measures related to hazards.

"Subtitle B—General Provisions

"SEC. 621. ADMINISTRATIVE AUTHORITY.

"For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the following administrative authorities:

"(a) Employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with subchapter III of chapter 51 and chapter 53 of title 5, United States Code.

"(b) Employ not more than 100 such part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of this title. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the Director.

"(c) Utilize the services of Federal agencies and, with the consent of any State or local government, accept and utilize the services of State and local civil agencies; establish and utilize such regional and other offices as may be necessary; utilize such voluntary and uncompensated services by individuals or organizations as may from time to time be needed; and authorize the States to establish and organize such individuals and organizations into units to be known collectively as the United States Civil Defense Corps. The members of such corps shall not be deemed by reason of such membership to be appointees or employees of the United States.

"(d) Notwithstanding any other provision of law, accept gifts of supplies, equipment, and facilities and utilize or distribute such gifts for civil defense purposes in accordance with the provisions of this title.

"(e) Reimburse any Federal agency for any of its expenditures or for compensation of its personnel and utilization or consumption of its materials and facilities under this title to the extent funds are available.

"(f) Purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44, United States Code.

"(g) Prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title through or with the aid of such officials of the Federal Emergency Management Agency as the Director may designate.

"(h) When, after reasonable notice and opportunity for hearing to the State or other person,

the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this title for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure. Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder. As used in this subsection, the term 'person' means the political subdivision of any State or combination or group thereof, any interstate civil defense authority established pursuant to subsection 611(g), or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.

"SEC. 622. EXEMPTION FROM CERTAIN PROHIBITIONS.

"The authority granted in subsections (b) and (c) of section 621 shall be exercised in accordance with regulations of the President, who may also provide by regulation for the exemption of persons employed or whose services are utilized under the authority of such subsections from the operation of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

"SEC. 623. SECURITY REGULATIONS.

"(a) ESTABLISHMENT.—The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

"(b) LIMITATIONS ON EMPLOYEE ACCESS TO INFORMATION.—No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Director.

"(c) NATIONAL SECURITY POSITIONS.—No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director for any other reason shall deem it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director for evaluation in writing. Thereafter the Director may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director for action.

"(d) EMPLOYEE OATHS.—Each Federal employee of the Federal Emergency Management Agency, except the subjects of the United Kingdom and the Dominion of Canada specified in section 621(b), shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for civil defense shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

'I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

'And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of (name of civil defense organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence.'

After appointment and qualification for office, the director of civil defense of any State, and any subordinate civil defense officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of title 18, United States Code.

"SEC. 624. UTILIZATION OF EXISTING FACILITIES.

"In performing duties under this title, the Director shall—

"(1) cooperate with the various departments and agencies of the Federal Government;

"(2) utilize, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and

"(3) refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this title.

"SEC. 625. ANNUAL REPORT TO CONGRESS.

"The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director shall deem appropriate.

"SEC. 626. APPLICABILITY OF TITLE.

"The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

"SEC. 627. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

"There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Bureau of the Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or transfer shall be reported in full detail to the Congress within thirty days after such allocation or transfer.

"SEC. 628. ATOMIC ENERGY ACT OF 1946.

"Nothing in this title shall be construed to amend or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 629. FEDERAL BUREAU OF INVESTIGATION.

"Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation.

"SEC. 630. SEPARABILITY.

"If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title, and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 631. APPLICABILITY OF REORGANIZATION PLAN NUMBERED 1.

"The applicability of Reorganization Plan Numbered 1 of 1958 (23 F.R. 4991) shall extend to any amendment of this title except as otherwise expressly provided in such amendment.".

(b) CONFORMING REPEAL.—The Act entitled "An Act to authorize a Federal civil defense program, and for other purposes.", approved January 12, 1951 (50 U.S.C. App. 2251 et seq.), is repealed.

(c) CONFORMING AMENDMENTS.—(1) Section 202(c) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking "section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c)), " and inserting "section 611(c) of this Act".

(2) The undesignated paragraph under the heading "CIVIL DEFENSE PROCUREMENT FUND" in chapter XI of the Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264; 65 Stat. 61) is repealed.

(3) Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out "the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297)." and inserting in lieu thereof "title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

TITLE XXXV—NAVAL PETROLEUM RESERVES

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $199,456,000 for fiscal year 1995 for the purpose of carry out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1995.

During fiscal year 1995, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at the price prescribed by section 7430(b)(2)(A) of title 10, United States Code.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except amendments printed in House Report 103–509 and amendments en bloc described in section 4 of House Resolution 429.

Except as specified in section 3, 4, or 5 of the resolution or unless otherwise specified in the report, the amendments shall be considered in the order

printed, may be offered only by a member designated in the report, shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, except that pro forma amendments for the purpose of debate may be offered by the chairman and ranking minority member of the Committee on Armed Services.

After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, there shall be an additional period of general debate which shall be confined to ballistic missile defense and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 2 of the report. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, it shall be in order to consider the amendments printed in part 3 of the report relating to burdensharing.

After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, there shall be an additional period of general debate which shall be confined to the Trident II (D-5) missile and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 4 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 4 of the report, and pursuant to the order of the House of earlier today, it shall be in order to consider any amendment printed in part 1 of the report not previously considered.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part 1 of the report or germane modifications of any such amendment.

Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments made in order by the resolution out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of or continued postponement of further proceedings on each of the amendments printed in the report and any amendments offered pursuant to section 4 of the resolution, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

For what purpose does the gentleman from California rise?

Mr. DELLUMS. Mr. Chairman, I rise first to congratulate the Chair on the clarity of his instructions to govern the proceedings. I followed them very carefully.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, pursuant to section 4 of House Resolution 429, I offer amendments en bloc consisting of amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, amendment No. 14, as modified, and finally amendment No. 15 printed in part 1 of House Report 103-509, and the amendments printed in part 5 of that report.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments, as modified, offered by Mr. DELLUMS, is as follows:

AMENDMENTS EN BLOC OFFERED BY MR. DELLUMS

Amendment offered by Mr. DELLUMS: Page 49, line 12, strike out "$2,655,200,000" and insert in lieu thereof "$2,180,200,000".

Page 49, line 14, strike out "(none of the" and all that follows through line 17 and insert in lieu thereof a period.

Page 49, after line 23, insert the following:

(20) For Project Peace, $15,000,000.

(21) For Former Soviet Union Threat Reduction, $400,000,000.

(22) For Overseas Humanitarian, Disaster, and Civic Aid programs, $60,000,000.

Page 52, after line 11, insert the following new section:

SEC. 306. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $25,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes, as determined by the Secretary of Defense.

Page 111, after line 10, insert the following new sections:

SEC. 384. OPERATION OF OVERSEAS FACILITIES OF THE DEPARTMENT OF DEFENSE BY UNITED STATES FIRMS.

(a) OPERATION OF FACILITIES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2542. Operation of overseas facilities of the Department of Defense by United States firms

"(a) OPERATION OF OVERSEAS FACILITIES.—A contract to operate a Department of Defense facility not in the United States (or its territories or possessions) for the production or distribution of subsistence items may be awarded only to a United States firm. The facility shall be operated in accordance with Federal law governing the production or distribution of such items.

"(b) DEFINITION.—In this section, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.".

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

"2542. Operation of overseas facilities of the Department of Defense by United States firms.".

(b) EFFECTIVE DATE.—Section 2542 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations issued, contracts awarded or extended, or subcontracts approved, after January 1, 1995.

SEC. 385. EXCLUSION OF CERTAIN TROOPS IN CALCULATION OF AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

Subsection (c)(1) of section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by adding at the end the following: "For purposes of this paragraph, members of the Armed Forces of the United States assigned to permanent duty ashore in Iceland, Greenland, and the Azores are excluded in calculating the end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO.".

Page 168, after line 17, insert the following:

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States has committed itself to fight and win two Persian Gulf-type regional wars almost simultaneously. Both the Bush and Clinton administrations have embraced the so-called "win/win" strategy which requires sizing the military for two major regional conflicts.

(2) The involvement of the United States in relief efforts in Somalia, the continued involvement of the United States in Bosnia, and the possible need for military action in Korea reaffirm the importance of a sufficient-sized military to deter aggression and enforce America's interests abroad.

(3) The United States military will be called upon in the future to perform an increasing number of humanitarian and relief missions, causing increased strain on the resources of the Armed Forces.

(4) The United States military force structure has shrunk dramatically since the Persian Gulf War in 1991. Critical force enhancements which will not be deployed for several

years are needed to achieve decisive victory in major regional conflicts.

Page 168, strike out line 18 and insert in lieu thereof the following:

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

Page 266, after line 20, insert the following new subtitle:

Subtitle B—Counter-Drug Activities

SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "through 1995" and inserting in lieu thereof "through 1997".

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1995 under section 301 for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

Page 268, after line 24, insert the following:

SEC. 1022. EXTENSION OF AUTHORITY TO ENTER INTO CERTAIN COOPERATIVE AGREEMENT AUTHORITIES TO INCLUDE THE UNITED NATIONS AND REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER.

(a) LOGISTICS AGREEMENTS.—Section 2341 of title 10, United States Code, is amended—

(1) by striking out "and" the first place it appears in paragraph (1) and inserting in lieu thereof a comma, and

(2) by inserting after "from North Atlantic subsidiary bodies" the following: ", and from the United Nations Organization or any regional international organization of which the United States is a member".

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) the United Nations Organization or any regional international organization of which the United States is a member; or"; and

(2) in paragraph (2), by striking out "subsidiary body" both places it appears and inserting in lieu thereof "organization";

(c) METHOD OF PAYMENT FOR ACQUISITIONS AND TRANSFERS.—Section 2344(b)(4) of such title is amended by adding at the end the following new sentence: "The pricing principles set forth in paragraphs (1) and (2) shall also apply to agreements under this subchapter with the United Nations Organization or any regional international organization of which the United States is a member.".

(d) DEFINITIONS.—Section 2350 of such title is amended—

(1) in paragraph (1)—

(A) by inserting "(including airlift)" after "transportation";

(B) by inserting "calibration services," after "maintenance services,"; and

(C) by adding at the end the following new sentence: "Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act."; and

(2) by adding at the end the following new paragraph:

"(4) The term 'transfer' means loaning, or otherwise temporarily providing, logistic support, supplies, and services under the terms of a cross-servicing agreement.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to any acquisition or transfer of logistic support, supplies, and services under the authority of subchapter I of chapter 138 of title 10, United States Code, that is initiated after the date of the enactment of this Act.

SEC. 1023. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID.

(a) OHDACA PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Oversesas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 2547, and 2551 of title 10, United States Code, by section 2219 of title 10, United States Code, as added by section 1024, and by section 1025.

(b) LIMITATION.—Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until—

(1) the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1839) have been prescribed; and

(2) the report required to be submitted by subsection (d) of that section has been submitted.

SEC. 1024. DISASTER RELIEF.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2219. Disaster relief; Defense Emergency Response Fund

"(a) DOMESTIC DISASTER RELIEF.—The Defense Emergency Response Fund (established by title V of Public Law 101–165 (103 Stat. 1126)) is available only for assistance in the case of disasters occurring in the United States.

"(b) OVERSEAS DISASTER RELIEF.—Whenever the Secretary of Defense is directed to provide disaster relief assistance in the case of a natural or manmade disaster occurring outside the United States, the Secretary shall designate the activity of the Department of Defense to provide that assistance to be a National Contingency Operation under section 127a of this title.

"(c) ORGANIZING POLICIES AND PROGRAMS.—Amounts appropriated for any fiscal year for Oversesas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2219. Disaster relief; Defense Emergency Response Fund.".

SEC. 1025. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

(a) PROGRAM.—The Secretary of Defense shall carry out a program to assist other nations in clearing landmines for humanitarian purposes. Such assistance may be provided in the form of financial assistance, in-kind or personnel assistance, or both.

(b) LIMITATION ON ACTIONS OF UNITED STATES PERSONNEL.—The Secretary of Defense shall ensure that United States military personnel are not engaged in the physical lifting or destroying of landmines except in support of United States military operations.

(c) SOURCE OF FUNDS.—Of the funds authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, such sums as determined by the Secretary of Defense shall be available for the program under subsection (a) and may be used for—

(1) activities to support the clearing of landmines for humanitarian purposes, including activities relating to the furnishing of education, training, technical assistance, equipment, and technology; and

(2) contributions to nongovernmental organizations that have experience in landmine clearance to support activities described in paragraph (1).

Page 277, after line 2, insert the following new sections:

SEC. 1038. MILITARY-TO-MILITARY CONTACT PROGRAM.

(a) AUTHORIZATION.—Of amounts appropriated pursuant to section 301(5) for Defense-wide activities, $45,800,000 shall be available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) REPORT TO CONGRESS.—Not more than $10,000,000 of the funds authorized by subsection (a) may be obligated until the Secretary of Defense submits to Congress a report describing in detail how the military-to-military contact program will be executed during fiscal year 1995.

SEC. 1039. LIMITATION ON OBLIGATION OF FUNDS FOR OVERSEAS BASING ACTIVITIES.

(a) LIMITATION.—The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1995 may not exceed $8,181,000,000, except to the extent provided by the Secretary of Defense under subsection (b).

(b) EXCEPTION.—The Secretary of Defense may increase the amount of the limitation under subsection (a) by such amount as the Secretary determines to be necessary in the national interest, except that such increase may not exceed $400,000,000. The Secretary may not make any such increase until the Secretary notifies the Congress of the Secretary's intent to make such an increase and a period of 15 days elapses after the day on which the notification is received by the Congress.

(c) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1995 for the purposes covered by subsection (a) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

(d) DEFINITION.—In this section, the term "overseas basing activities" has the meaning given such term in section 1401(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.

1825), except that such term does not include activities of the Department of Defense for which funds are provided through appropriations for Military Personnel.

Page 308, after line 24, insert the following new title:

TITLE XII—COOPERATIVE THREAT REDUCTION, COUNTERPROLIFERATION, AND RELATED MATTERS

Subtitle A—Cooperative Threat Reduction

SEC. 1201. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REQUIRED REPORT.—Of the amount authorized to be appropriated in section 301 for Cooperative Threat Reduction programs, not more than 10 percent may be obligated until the Secretary of Defense submits to Congress a report on the efforts made by the United States Government (including the use of audits, examinations, and on-site inspections) to ensure that United States assistance provided under the Cooperative Threat Reduction program in fiscal year 1994 and prior years is fully accounted for and is being used for its intended purposes.

(b) INFORMATION TO BE INCLUDED.—The report—

(1) shall include—

(A) a listing of United States Cooperative Threat Reduction assistance provided as of the time the report is submitted;

(B) a description of the whereabouts and conditions of the aid; and

(C) a determination of whether the aid in question has been used for its intended purpose; and

(2) shall describe the activities planned in fiscal year 1995 to ensure that United States assistance provided that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which the report described in subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessing the Secretary's report and making any recommendations the Comptroller General considers appropriate.

SEC. 1202. REPORT ON CONTROL AND ACCOUNTABILITY OF MATERIAL RELATING TO WEAPONS OF MASS DESTRUCTION.

The Secretary of Defense shall submit to Congress a report on progress being made in each state of the former Soviet Union that is a recipient of assistance under Cooperative Threat Reduction programs toward the development of an effective system of control and accountability for material related to weapons of mass destruction in that country. Under such a system, officials of the United States and of the recipient country should have an accurate accounting of the weapons of mass destruction in that country and the fissile and chemical materials from those weapons. The report shall be submitted not later than three months after the date of the enactment of this Act.

SEC. 1203. COOPERATIVE THREAT REDUCTION.

(a) FUNDING REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for programs of cooperative threat reduction with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such cooperative threat reduction programs.

(b) MATTERS TO BE INCLUDED IN ANNUAL REPORT.—The Secretary of Defense shall include in the report under subsection (a) the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of cooperative threat reduction programs.

(2) A multiyear plan for the use of amounts and other resources provided by the United States for cooperative threat reduction programs and to provide guidance for preparation of annual budget submissions.

(c) SUBSEQUENT REVISIONS TO REPORT.—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for cooperative threat reduction programs.

(d) FISCAL YEAR 1995 LIMITATION.—Of the amount authorized in this Act for cooperative threat reduction programs, the sum of $50,000,000 may not be obligated until the President certifies to Congress that the United States is making a concerted effort to ensure that allies of the United States are increasing their levels of support for activities that will aid in accomplishing the objectives of the cooperative threat reduction programs.

(e) COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of this section, cooperative threat reduction programs are those programs described in section 1203(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1778).

Subtitle B—Counterproliferation Activities

SEC. 1211. EXTENSION AND REVISION OF COUNTERPROLIFERATION AUTHORITIES.

(a) EXTENSION OF INTERNATIONAL NONPROLIFERATION AUTHORITIES.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal year 1994"; and

(2) in subsection (e), by striking out "of fiscal year 1994" and inserting in lieu thereof "of a fiscal year".

(b) ADDITIONAL NONPROLIFERATION AUTHORITIES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "the International Atomic Energy Agency (IAEA)" and inserting in lieu thereof "international organizations";

(B) by striking out "nuclear";

(C) by striking out "aggressive" and inserting in lieu thereof "effective"; and

(D) by striking out "the Treaty on" and all that follows in such paragraph and inserting in lieu thereof "international agreements on nonproliferation.";

(2) in paragraph (2), by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense";

(3) in paragraph (4), by striking out "nuclear proliferation" and all that follows in such paragraph and inserting in lieu thereof "proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons."; and

(4) by adding at the end the following new paragraph:

"(5) Activities supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons.".

(c) REPEAL OF FUNDING LIMITATIONS.—Subsection (d) of such section is amended—

(1) by striking out paragraphs (1) and (3); and

(2) by striking out "(2)".

(d) CROSS REFERENCE AMENDMENT.—Subsection (e)(2) of such section is amended by striking out "and under subsection (d)(4)".

SEC. 1212. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amended by striking out "During fiscal year 1994, the Secretary" and inserting in lieu thereof "The Secretary";

(b) REPEAL OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by striking out subsections (d) and (e); and

(2) by redesignating subsection (f) as subsection (d).

SEC. 1213. FISCAL YEAR 1995 AMOUNT.

(a) FISCAL YEAR 1995 AMOUNT.—Of the total amount authorized to be appropriated in section 301 for Defense-wide activities, $30,159,000 is available for the purposes of conducting counterproliferation activities.

(b) RESTRICTION.—None of the amount specified in subsection (a) may be obligated until 15 days after the date on which the Secretary of Defense submits to the congressional committees named in section 1607(1) of Public Law 103-160 a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843);

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

SEC. 1214. LIMITATION ON FUNDS FOR STUDIES PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORT.

(a) LIMITATION.—Of the total amount specified in section 1213(a) for counterproliferation activities for fiscal year 1995, $2,000,000 shall be withheld from obligation until the report described in subsection (b) has been submitted to Congress.

(b) REPORT.—The report referred to in subsection (a) is the report required to be submitted to Congress not later than May 30, 1994, pursuant to section 1422 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1829).

Page 414, after line 4, insert the following new section:

SEC. 3155. RELEASE OF CERTAIN RESTRICTED DATA.

Subsection (f) of section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162(f)) is amended by adding at the end the following: "This subsection does not preclude the President from releasing to a degree and in a manner which is more limited than a public release of such data any Restricted Data which is exchanged with a member state of the Commonwealth of Independent States pursuant to a bilateral exchange of such data.".

Amendment offered by Mr. SPENCE: At the end of subtitle E of title III (page 83, after line 8), insert the following new section:

SEC. 355. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) AUTHORITY.—Section 2605 of title 10, United States Code, is amended—

(1) by striking out "the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)" in subsection (a) and inserting in lieu thereof "a defense dependents' school"; and

(2) by striking out "the defense dependent's education system" in subsection (b) and inserting in lieu thereof "defense dependents' schools".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'defense dependents' school' means the following:

"(1) A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(2) An elementary or secondary school established pursuant to section 2164 of this title.".

(c) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 2605. Acceptance of gifts for defense dependents' schools".

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2605. Acceptance of gifts for defense dependents' schools.".

Amendment offered by Mr. ABERCROMBIE: At the end of subtitle F of title I (page 25, after line 4) insert the following new section:

SEC. 165. OPERATION OF SEALIFT VESSELS FOR WHICH ASSISTANCE IS PROVIDED THROUGH NATIONAL DEFENSE SEALIFT FUND.

Section 2218(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) A vessel that is constructed, altered, converted, purchased, operated, maintained, leased, or chartered with funds in the National Defense Sealift Fund pursuant to subsection (c)(1)—

"(i) may not be operated or maintained directly by the Department of Defense or Department of Transportation; and

"(ii) may not be crewed by employees of the United States.

"(B) Operation and maintenance of any such vessel with funds in the National Defense Sealift Fund (including retention of the vessel in reduced operating status) shall be conducted using private operating companies employing only merchant mariners on board such vessel who are United States citizens. To the extent possible, preference in employing such mariners shall be given to otherwise qualified former or retired military personnel who are released from active duty as a result of the downsizing of the armed forces.

"(C) Subparagraphs (A) and (B) do not apply during time of war or national emergency declared by the President or the Congress if the Secretary of Defense certifies that no qualified private contractor or private sector merchant mariners are available to operate the vessel.

"(D) Nothing in this paragraph shall be construed to—

"(i) require the separation by reduction in force of any employee of the United States who, on the date of the enactment of this paragraph, is employed as a crewmember on a vessel described in subparagraph (A); or

"(ii) restrict the ability to embark military detachments to operate special equipment.".

Amendment offered by Ms. SHEPHERD: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . TRANSPORTATION OF CHEMICAL MUNITIONS.

(a) PROHIBITION OF TRANSPORTATION ACROSS STATE LINES.—The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.

(b) TRANSPORTATION OF CHEMICAL MUNITIONS NOT IN CHEMICAL WEAPONS STOCKPILE.—If it is considered necessary, the Secretary of Defense may transport to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, if the transportation of those munitions to that facility can be accomplished while protecting public health and safety.

Amendment offered by Mr. KLINK: At the end of subtitle F of title III (page 111, after line 10), insert the following new section:

SEC. . AUTHORITY TO TRANSFER CERTAIN EXCESS PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary of Defense may, until January 1, 1997, authorize the transfer, on a nonreimbursable basis, of any property described in section 2535 of title 10, United States Code, to any nonprofit educational institution or training school whenever the program proposed by such institution or school for the use of such property is in the public interest.

Amendment offered by Mr. MCCURDY: At the end of subtitle B of title II (page 42, after line 5), insert the following new section:

SEC. . ARROW/ACES PROGRAM.

Of the amount provided in section 201 for Defensewide activities, $52,400,000 is available for the Arrow/ACES program.

Amendment offered by Mr. SKELTON: At the end of subtitle B of title V (page 128, after line 20), insert the following new section:

SEC. 516. SEMIANNUAL REPORT ON SEPARATIONS OF ACTIVE ARMY OFFICERS.

Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 106 Stat. 2536) is amended by adding at the end the following new subsection:

"(e) On a semiannual basis, the Secretary of the Army shall furnish to the Chief of the National Guard Bureau a list containing the name, home of record, and last-known mailing address of each officer of the Army who during the previous six months was honorably separated from active service in the grade of major or below.".

Amendment offered by Mr. DEUTSCH: At the end of title VII (page 208, after line 7), insert the following new section:

SEC. 725. ORAL TYPHOID VACCINE INVENTORY OF DEPARTMENT OF DEFENSE.

(a) NUMBER OF DOSES MAINTAINED IN INVENTORY.—The Secretary of Defense shall direct that the number of doses of oral typhoid vaccine maintained in inventory by the Department of Defense during a fiscal year is not less than the number of doses of parenteral injection typhoid vaccine maintained in inventory by the Department during that fiscal year.

(b) WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress of the reasons for the waiver.

Amendment offered by Mr. HUNTER: In subsection (d) of the amendment made by section 322 (page 59, line 24), strike out "by non-Federal Government personnel".

In subsection (d)(4) of the amendment made by section 322 (page 60, lines 8 and 9), strike out "by a contractor to a depot".

Amendment offered by Mr. BEREUTER: At the end of title X (page 277, after line 2) add the following:

SEC. 1038. FINDINGS AND SENSE OF CONGRESS CONCERNING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The North Atlantic Treaty Organization has served as a bulwark of peace, security, and democracy for the United States and the members of the alliance since 1949.

(2) The unswerving resolve of the member states of the North Atlantic Treaty Organization to mutual defense against the threat of communist aggression was central to the demise of the Warsaw Pact.

(3) The North Atlantic Treaty Organization is the most successful international security organization in history, and is well suited to help marshal our cooperative political, diplomatic, economic, and humanitarian efforts, buttressed by credible military capability aimed at deterring conflict, and thus contributing to international peace and security.

(4) The threat of instability in Eastern and Central Europe, as well as in the Southern and Eastern Mediterranean, continues to pose a fundamental challenge to the interests of the member states of the North Atlantic Treaty Organization.

(5) North Atlantic Treaty Organization assets have been deployed in recent years for more than the territorial defense of alliance members; and the Rome Summit of October 1991 adopted a new strategic concept for the North Atlantic Treaty Organization that entertained the possibility of operations beyond the alliance's self-defense area.

(6) In Oslo in July 1992, and in Brussels in December 1992, the alliance embraced the deployment of North Atlantic Treaty Organization forces to peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe.

(7) The North Atlantic Treaty Organization should attempt to cooperate with and seek a mandate from international organizations such as the United Nations when considering responses to out of area crises.

(8) Not all members of the international community share a commonality of interests that would ensure timely action by the United Nations Security Council.

(9) The security interests of the member countries of the North Atlantic Treaty Organization must not be held hostage to indecision at the United Nations or a veto by a permanent member of the Security Council.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) it should be the policy of the United States that the North Atlantic Treaty Organization retains the right of autonomy of action regarding missions in addition to collective defense should the United Nations Security Council or the Conference on Security and Cooperation in Europe fail to act;

(2) while it is desirable to work with other international organizations and arrangements where feasible in dealing with threats to the peace, the North Atlantic Treaty Organization is not an auxiliary to the United Nations or other organization; and

(3) ultimately the member states of the North Atlantic Treaty Organization reserve the right to act in defense of their vital interests independent of decisions by any international organization or arrangement.

Amendment offered by Mr. SOLOMON: At the end of title X (page , after line), insert the following new section:

SEC. 1038. REPORT ON STATUS OF DEFENSE RANDOM DRUG TESTING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress describing the policy and procedures under which the Armed Forces conduct random drug testing of members of the Armed Forces, the frequency of such testing, and the number of members annually required to submit to such testing. The report shall describe any changes that were made or proposed to be made to such policy or procedures or to the frequency of such testing during the one-year period ending on the date of the enactment of this Act.

Amendment, as modified offered by Mr. MONTGOMERY: In lieu of the text of H.R. 1040, as passed the House on May 11, 1993, insert at the end of division A (page 308, after line 24), a new title XII as follows:

TITLE XII—RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

SEC. 1201. SHORT TITLE.

This title may be cited as the "Reserve Officer Personnel Management Act".

SEC. 1202. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

Subtitle A—Reserve Officer Personnel Management

PART I—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 1211. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle E—Reserve Components

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap. Sec.
"1001. Definitions 10001
"1003. Reserve Components Generally 10101
"1005. Elements of Reserve Components 10141
"1007. Administration of Reserve Components 10201
"1009. Reserve Forces Policy Boards and Committees 10301
"1011. National Guard Bureau 10501
"1013. Budget Information and Annual Reports to Congress 10541

"PART II—PERSONNEL GENERALLY

"1201. Authorized Strengths and Distribution in Grade 12001
"1203. Enlisted Members 12101
"1205. Appointment of Reserve Officers 12201
"1207. Warrant Officers 12241
"1209. Active Duty 12301
"1211. National Guard Members in Federal Service 12401
"1213. Special Appointments, Assignments, Details, and Duties 12501
"1215. Miscellaneous Prohibitions and Penalties ..
[No present sections]
"1217. Miscellaneous Rights and Benefits 12601
"1219. Standards and Procedures for Retention and Promotion 12641
"1221. Separation 12681
"1223. Retired Pay for Non-Regular Service 12731
"1225. Retired Grade 12771

"PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

"1401. Applicability and Reserve Active-Status Lists 14001
"1403. Selection Boards 14101
"1405. Promotions 14301
"1407. Failure of Selection for Promotion and Involuntary Separation 14501
"1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal 14701
"1411. Additional Provisions Relating to Involuntary Separation 14901

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"1601. Training Generally .....
[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve 16131
"1608. Health Professions Stipend Program 16201
"1609. Education Loan Repayments .. 16301

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"1801. Issue of Serviceable Material to Reserve Components ..
[No present sections]
"1803. Facilities for Reserve Components 18231
"1805. Miscellaneous Provisions 18501

"PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

"Chap. Sec.
"1401. Applicability and Reserve Active-Status Lists 14001
"1403. Selection Boards 14101
"1405. Promotions 14301
"1407. Failure of Selection for Promotion and Involuntary Separation 14501
"1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701
"1411. Additional Provisions Relating to Involuntary Separation 14901

"CHAPTER 1401—APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

"Sec.
"14001. Applicability of this part.
"14002. Reserve active-status lists: requirement for each armed force.
"14003. Reserve active-status lists: position of officers on the list.
"14004. Reserve active-status lists: eligibility for Reserve promotion.
"14005. Competitive categories.
"14006. Determination of years in grade.

"§ 14001. Applicability of this part

"This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§ 14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§ 14003. Reserve active-status: position of officers on the list

"(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§ 14004. Reserve active-status lists: eligibility for Reserve promotion

"Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§ 14005. Competitive categories

"Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§ 14006. Determination of years in grade

"For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

"Sec.
"14101. Convening of selection boards.
"14102. Selection boards: appointment and composition.
"14103. Oath of members.
"14104. Confidentiality of board proceedings.
"14105. Notice of convening of selection board.
"14106. Communication with board by officers under consideration.
"14107. Information furnished by the Secretary concerned to promotion boards.

"14108. Recommendations by promotion boards.
"14109. Reports of promotion boards: in general.
"14110. Reports of promotion boards: review by Secretary.
"14111. Reports of selection boards: transmittal to President.
"14112. Dissemination of names of officers selected.

"§ 14101. Convening of selection boards

"(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§ 14102. Selection boards: appointment and composition

"(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§ 14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§ 14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§ 14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§ 14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§ 14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board

convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§ 14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§ 14109. Reports of promotion boards: in general

"(a) REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) CERTIFICATION.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) SHOW-CAUSE RECOMMENDATIONS.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§ 14110. Reports of promotion boards: review by Secretary

"(a) REVIEW OF REPORT.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) RETURN OF REPORT FOR FURTHER PROCEEDINGS.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§ 14111. Reports of selection boards: transmittal to President

"(a) TRANSMITTAL TO PRESIDENT.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) REMOVAL OF NAME FROM BOARD REPORT.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

"§ 14112. Dissemination of names of officers selected

"Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"CHAPTER 1405—PROMOTIONS

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"§ 14301. Eligibility for consideration for promotion: general rules

"(a) ONE-YEAR RULE.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

"(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

"(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

"(b) REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) OFFICERS BELOW THE ZONE.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

"(e) RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) CERTAIN RESERVE OFFICERS OF THE AIR FORCE.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§ 14302. Promotion zones

"(a) PROMOTION ZONES GENERALLY.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§ 14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O-1 AND O-2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O-3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§ 14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§ 14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§ 14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§ 14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade)

on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§ 14308. Promotions: how made

"(a) PROMOTION LIST.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) PROMOTION; HOW MADE; ORDER.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) DATE OF RANK.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) OFFICERS WITH RUNNING MATES.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) ARMY RESERVE AND AIR FORCE RESERVE PROMOTIONS TO FILL VACANCIES.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) EFFECTIVE DATE OF PROMOTION AFTER FEDERAL RECOGNITION.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) ARMY AND AIR FORCE GENERAL OFFICER PROMOTIONS.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§ 14309. Acceptance of promotion; oath of office

"(a) ACCEPTANCE.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§ 14310. Removal of officers from a list of officers recommended for promotion

"(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) CONTINUED ELIGIBILITY FOR PROMOTION.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§ 14311. Delay of promotion: involuntary

"(a) DELAY DURING INVESTIGATIONS AND PROCEEDINGS.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the

officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§ 14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§ 14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§ 14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve

officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§ 14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§ 14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.

"14501. Failure of selection for promotion.

"14502. Special selection boards: correction of errors.

"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
"14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.
"14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.
"14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and lieutenant commanders of the Navy.
"14507. Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.
"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
"14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
"14511. Separation at age 62: major generals and rear admirals.
"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
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"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§ 14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§ 14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) REPORT.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) APPLICABLE PROVISIONS.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove

an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) TIME LIMITS FOR CONSIDERATION.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) DESIGNATION OF BOARDS.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§ 14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) AUTHORIZED DISCHARGES.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) TIME FOR DISCHARGE.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) REGULATIONS.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§ 14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) GENERAL RULE.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) EXCEPTIONS.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§ 14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§ 14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§ 14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) LIEUTENANT COLONELS AND COMMANDERS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) COLONELS AND NAVY CAPTAINS.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

"(c) RETENTION OF BRIGADIER GENERALS.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) RETENTION OF MAJOR GENERALS.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the

Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§ 14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§ 14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§ 14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§ 14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§ 14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§ 14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§ 14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§ 14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.
"14701. Selection of officers for continuation on the reserve active-status list.
"14702. Retention on reserve active-status list of certain officers until age 60.
"14703. Authority to retain chaplains and officers in medical specialties until specified age.
"14704. Selective early removal from the reserve active-status list.
"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
"14706. Computation of total years of service.

"§ 14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act

in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§ 14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§ 14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§ 14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.

"14902. Separation for substandard performance and for certain other reasons.

"14903. Boards of inquiry.

"14904. Rights and procedures.

"14905. Officer considered for removal: retirement or discharge.

"14906. Officers eligible to serve on boards.

"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§ 14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§ 14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§ 14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to

show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§ 14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§ 14906. Officers eligible to serve on boards

"(a) COMPOSITION OF BOARDS.—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART II—CONFORMING AMENDMENTS

SEC. 1221. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 1222. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) AUTHORITY.—Section 123 is amended to read as follows:

"§ 123. Authority to suspend officer personnel laws during war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.".

(b) CONFORMING REPEAL.—Section 644 is repealed.

SEC. 1223. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 1224. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.".

SEC. 1225. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 1226. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.".

SEC. 1227. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law.".

SEC. 1228. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 1229. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 1230. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§ 310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.".

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.".

Subtitle B—Other Personnel Policy Amendments

PART I—APPOINTMENTS

SEC. 1231. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

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

SEC. 1232. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 1233. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§ 596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.".

SEC. 1234. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 1233) the following new section:

"§ 596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.".

SEC. 1235. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1291, section 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 1236. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART II—SEPARATION AND RETIREMENT

SEC. 1241. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.".

PART III—OTHER AMENDMENTS

SEC. 1251. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: "While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.".

SEC. 1252. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

Subtitle C—Reorganization and Consolidation of Laws Relating to Reserve Components

SEC. 1261. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 1211, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"CHAPTER 1001—DEFINITIONS

"Sec.

"10001. Definition of State.

"§ 10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.

"10101. Reserve components named.

"10102. Purpose of reserve components.

"10103. Basic policy for order of National Guard into Federal service.

"10104. Army Reserve: composition.

"10105. Army National Guard of the United States: composition.

"10106. Army National Guard: when a component of the Army.

"10107. Army National Guard of the United States: status when not in Federal service.

"10108. Naval Reserve: administration.

"10109. Marine Corps Reserve: administration.

"10110. Air Force Reserve: composition.

"10111. Air National Guard of the United States: composition.

"10112. Air National Guard: when a component of the Air Force.

"10113. Air National Guard of the United States: status when not in Federal service.

"10114. Coast Guard Reserve.

"§ 10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§ 10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§ 10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§ 10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§ 10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§ 10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§ 10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§ 10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§ 10109. Marine Corps Reserve: administration

"(a) The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§ 10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§ 10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§ 10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§ 10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§ 10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.
"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.
"10142. Ready Reserve generally.
"10143. Ready Reserve: Selected Reserve.
"10144. Ready Reserve: Individual Ready Reserve.
"10145. Ready Reserve: placement in.
"10146. Ready Reserve: transfer from.
"10147. Ready Reserve: training requirements.
"10148. Ready Reserve: failure to satisfactorily perform prescribed training.
"10149. Ready Reserve: continuous screening.
"10150. Ready Reserve: transfer back from Standby Reserve.
"10151. Standby Reserve: composition.
"10152. Standby Reserve: inactive status list.
"10153. Standby Reserve: status of members.
"10154. Retired Reserve.

"§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§ 10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§ 10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

"§ 10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

"§ 10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§ 10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

"§ 10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§ 10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§ 10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§ 10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§ 10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§ 10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§ 10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§ 10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.

"10201. Assistant Secretary of Defense for Reserve Affairs.

"10202. Regulations.

"10203. Reserve affairs: designation of general or flag officer of each armed force.

"10204. Personnel records.

"10205. Members of Individual Ready Reserve: requirement of notification of change of status.

"10206. Members: periodic physical examinations.

"10207. Mobilization forces: maintenance.

"10208. Annual mobilization exercise.

"10209. Regular and reserve components: discrimination prohibited.

"10210. Dissemination of information.

"10211. Policies and regulations: participation of reserve officers in preparation and administration.

"10212. Gratuitous services of officers: authority to accept.

"10213. Reserve components: dual membership prohibited.

"10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.

"10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§ 10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 138(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§ 10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§ 10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§ 10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§ 10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§ 10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§ 10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§ 10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§ 10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

"(1) among Regulars;

"(2) among Reserves; and

"(3) between Regulars and Reserves.

"§ 10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§ 10211. Policies and regulations: participation of Reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§ 10212. Gratuitous services of officers: authority to accept

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.

"§ 10213. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§ 10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§ 10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.".

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"261. Reference to chapters 1003, 1005, and 1007.

"§ 261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.".

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98-525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§ 10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§ 10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§ 10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.".

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted

after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.".

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§ 3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.".

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§ 8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.".

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

"CHAPTER 1011—NATIONAL GUARD BUREAU

"Sec.
"10501. National Guard Bureau: organization; function.
"10502. Chief of Bureau: appointment.
"10503. Chief of Bureau: term of office; grade; filling vacancy.
"10504. National Guard Bureau: assignment of officers of regular or reserve components.

"§ 10501. National Guard Bureau: organization; function

"There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§ 10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§ 10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the 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.

"(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

"(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

"§ 10504. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.".

(2) Section 3040 (as amended by section 1251) and sections 3541 and 8541 are repealed.

(d) ANNUAL REPORTS TO CONGRESS.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.
"10541. National Guard and reserve component equipment: annual report to Congress.
"10542. Army National Guard combat readiness: annual report.".

(2)(A) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(B) The heading of that section is amended to read as follows:

"§ 10541. National Guard and reserve component equipment: annual report to Congress".

(3) Section 3082 is transferred to chapter 1013, as added by paragraph (1), inserted after section 10541 (as transferred and redesignated by paragraph (2)), redesignated as section 10542, and amended by striking out the word in the section heading before the colon and by striking out subsection (c).

SEC. 1262. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 1211, is amended by inserting after part I of such subtitle, as added by section 12601, the following:

"PART II—PERSONNEL GENERALLY

"Chap.	Sec.
"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties	[No present sections]
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.
"12001. Authorized strengths: reserve components.
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
"12003. Authorized strengths: commissioned officers active status.
"12004. Strength in grade: reserve general and flag officers in an active status.
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
"12006. Strength limitations: authority to waive in time of war or national emergency.
"12007. Reserve officers of the Army: distribution.
"12008. Army Reserve and Air Force Reserve: warrant officers.
"12009. Army and Air Force reserve components: temporary increases.
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§ 12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths

authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,000
"Army Reserve	980,000
"Air National Guard and the Air National Guard of the United States	150,000
"Air Force Reserve	500,000.

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§ 12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,000
"Air Force	200,000
"Navy	150,000
"Marine Corps	24,500.

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§ 12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	207
"Air Force	157
"Navy	48
"Marine Corps	10.

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	28
"Medical Corps	5
"Chaplain Corps	1
"Judge Advocate General's Corps	1
"Dental Corps	2.
"Nurse Corps	1.
"Medical Service Corps	1.

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§ 12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§ 12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

"(1) each special branch; and

"(2) all other branches taken together.

"§ 12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§ 12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter,

for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§ 12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§ 12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

"(a) The number of enlisted members in pay grades E–8 and E–9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74

"(b) Whenever the number of members serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E–8.".

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§ 12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.
"12101. Definition.
"12102. Reserve components: qualifications.
"12103. Reserve components: terms.
"12104. Reserve components: transfers.
"12105. Army Reserve and Air Force Reserve: transfer from Guard components.
"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§ 12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§ 12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§ 12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§ 12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.".

(2) Sections 510 (as amended by section 1231(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	Redesignated section
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.
"12201. Qualifications for appointment.
"12202. Commissioned officer grades.
"12203. Commissioned officers: appointment, how made; term.
"12204. Commissioned officers: original appointment; limitation.
"12205. Commissioned officers: appointment; educational requirement.
"12206. Commissioned officers: appointment of former commissioned officers.
"12207. Commissioned officers: service credit upon original appointment.
"12208. Officers: appointment upon transfer.
"12209. Officer candidates: enlisted Reserves.
"12210. Attending Physician to the Congress: reserve grade while so serving.
"12211. Officers: Army National Guard of United States.

"12212. Officers: Air National Guard of United States.
"12213. Officers; Army Reserve: transfer from Army National Guard of United States.
"12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.
"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.".

(2) Sections 591 (as amended by section 1231(b)), 592, 593 (as amended by section 1232), 594, 596, 596a (as added by section 1233), 596b (as added by section 1234), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 203)	12206
596b (as added by section 204)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1236(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213
8352	12214

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

"Sec.
"591. Reference to chapters 1205 and 1207.

"§ 591. Reference to chapters 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).".

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209—ACTIVE DUTY

"Sec.
"12301. Reserve components generally.
"12302. Ready Reserve.
"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
"12304. Selected Reserve: order to active duty other than during war or national emergency.
"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
"12306. Standby Reserve.
"12307. Retired Reserve.
"12308. Retention on active duty after becoming qualified for retired pay.
"12309. Reserve officers: use of in expansion of armed forces.
"12310. Reserves: for organizing, administering, etc., reserve components.
"12311. Active duty agreements.
"12312. Active duty agreements: release from duty.
"12313. Reserves: release from active duty.
"12314. Reserves: kinds of duty.
"12315. Reserves: duty with or without pay.
"12316. Payment of certain Reserves while on duty.
"12317. Reserves: theological students; limitations.
"12318. Reserves on active duty: duties; funding.
"12319. Ready Reserve: muster duty.
"12320. Reserve officers: grade in which ordered to active duty.
"12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned.".

(2) Sections 672 through 687, section 689 (as amended by section 1224), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) The heading of section 12321 (as so redesignated) is amended to read as follows:

"§ 12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned".

(4) Chapter 39 is amended by inserting after section 671b the following:

"§ 672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.
"12401. Army and Air National Guard of United States: status.
"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
"12405. National Guard in Federal service: status.
"12406. National Guard in Federal service: call.
"12407. National Guard in Federal service: period of service; apportionment.
"12408. National Guard in Federal service: physical examination.

"§ 12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§ 12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§ 12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§ 12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§ 12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§ 12406. National Guard in Federal service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§ 12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§ 12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.".

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.
"12501. Reserve components: detail of members of regular and reserve components to assist.
"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§ 12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§ 12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.
"12601. Compensation: Reserve on active duty accepting from any person.
"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§ 12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.".

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.
"12641. Standards and procedures: Secretary to prescribe.
"12642. Standards and qualifications: result of failure to comply with.
"12643. Boards for appointment, promotion, and certain other purposes: composition.
"12644. Members physically not qualified for active duty: discharge or transfer to retired status.
"12645. Commissioned officers: retention until completion of required service.
"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.".

(2) Sections 1001, 1002, 266, 1004 (as amended by section 1261(b)(4)), and 1005 through 1007 are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
1001	12641
1002	12642
266	12643

1004 12644
1005 12645
1006 12646
007 12647

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§ 12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§ 12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"1001. Reference to chapter 1219.

"§ 1001. Reference to chapter 1219

"Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).".

(i) SEPARATION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221—SEPARATION

"Sec.
"12681. Reserves: discharge authority.
"12682. Reserves: discharge upon becoming ordained minister of religion.
"12683. Reserve officers: limitation on involuntary separation.
"12684. Reserves: separation for absence without authority or sentence to imprisonment.
"12685. Reserves separated for cause: character of discharge.
"12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§ 12681. Reserves: discharge authority

"Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§ 12682. Reserves: discharge upon becoming ordained minister of religion

"Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§ 12683. Reserve officers: limitation on involuntary separation

"(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply—

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

"(1) who has been absent without authority for at least three months; or

"(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§ 12685. Reserves separated for cause: character of discharge

"A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

"(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§ 12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

"Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.".

(2) Sections 1162 and 1163 are repealed.

(j) RETIRED PAY.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.
"12731. Age and service requirements.
"12731a. Temporary special retirement qualification authority.
"12732. Entitlement to retired pay: computation of years of service.
"12733. Computation of retired pay: computation of years of service.
"12734. Time not creditable toward years of service.
"12735. Inactive status list.
"12736. Service credited for retired pay benefits not excluded for other benefits.
"12737. Limitation on active duty.
"12738. Limitations on revocation of retired pay.
"12739. Computation of retired pay.

"§ 12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

"(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

"(A) the person performed active duty during World War I or World War II; or

"(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

"(2) In this subsection:

"(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

"(C) The term "Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

"(D) The term "Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

"(E) The term "Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

"(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"§ 12731a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 12731 of this title, the Secretary concerned may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1999, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1999.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2713).

"(d) EXCLUSION.—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard.

"§ 12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§ 12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§ 12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§ 12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§ 12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§ 12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§ 12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§ 12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.".

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.
"1331. Reference to chapter 1223.

"§ 1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

"CHAPTER 1225—RETIRED GRADE

"Sec.
"12771. Reserve officers: grade on transfer to Retired Reserve.
"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
"12773. Limitation on accrual of increased pay or benefits.
"12774. Retired lists.

"§ 12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§ 12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§ 12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.".

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§ 1376. Temporary disability retired lists".

SEC. 1263. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 1211, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap. Sec.
"1601. Training Generally [No present sections]
"1606. Educational Assistance for Members of the Selected Reserve 16131
"1608. Health Professions Stipend Program 16201
"1609. Education Loan Repayments .. 16301

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.".

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"2131. Reference to chapter 1606.
"2138. Savings provision.

"§ 2131. Reference to chapter 1606.

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.
"16201. Financial assistance: health-care professionals in reserve components.
"16202. Reserve service: required active duty for training.
"16203. Penalties and limitations.
"16204. Regulations.

"§ 16204. Regulations.

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§ 16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.
"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§ 16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.".

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§ 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.".

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§ 2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 1264. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 1211, is amended by adding after part IV of such subtitle (as added by section 1263) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap.	Sec.
"1801. Issue of Serviceable Material to Reserve Components	[No present sections]
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Provisions	18501

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	Redesignated section
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.
"2231. Reference to chapter 1803.

"§ 2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.
"18501. Reserve components: personnel and logistic support by military departments.
"18502. Reserve components: supplies, services, and facilities.

"§ 18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§ 18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 1265. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 301 through 304 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this title.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

Subtitle D—Technical and Clerical Amendments

SEC. 1271. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components ..... 10001".

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209.";

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists.".

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties.".

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title ".

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "section 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof "section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)":

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 1272. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080 and section 3082.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 1273. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 1274. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 1275. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 1262(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 1262(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 1262(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).''; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 1262(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.".

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 1276. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

"310. Federal recognition of National Guard officers: automatic recognition.".

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 1277. AMENDMENTS TO OTHER LAWS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10".

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10".

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) PUBLIC LAW 99-661.—Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) MILITARY SELECTIVE SERVICE ACT.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

Subtitle E—Transition Provisions

SEC. 1281. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel, shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

(b) EXEMPTION.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this title.

SEC. 1282. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) PROMOTIONS TO FILL VACANCIES.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this title, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this title, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this title.

(b) PROMOTIONS OTHER THAN TO FILL VACANCIES.—A reserve officer of the Army or Air Force who, on the day before the effective date of this title, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this title, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this title.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the title, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section

14308(b) of title 10, United States Code, as added by this title.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this title. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of this title, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this title, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this title.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this title, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of this title, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this title), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this title are in an active status; and

(2) on the effective date of this title are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 1283. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of this title, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this title.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this title is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this title, as if such failure or failures had occurred under the provisions of those chapters.

(c) OFFICERS OTHER THAN COVERED OFFICERS RECOMMENDED FOR PROMOTION.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this title (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this title.

(d) OFFICERS FOUND QUALIFIED FOR PROMOTION TO LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—A covered officer who, on the effective date of this title, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this title, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 1284. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) DELAYS IN PROMOTIONS.—(1) A delay in a promotion that is in effect on the day before the effective date of this title under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this title.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code, or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this title.

(b) REMOVALS FROM LIST.—An action that was initiated before the effective date of this title under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this title.

SEC. 1285. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this title, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this title. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this title.

SEC. 1286. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this title, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this title.

SEC. 1287. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1286, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 1288. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this title, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this title, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this title.

SEC. 1289. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 1290. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this title is in an active status, and

(B) on the day before the effective date of this title was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this title is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this title, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this title.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this title, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

Subtitle F—Effective Dates and General Savings Provisions

SEC. 1291. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this title shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 1211, shall become effective on the first day of the ninth month that begins after the date of the enactment of this Act.

(2) Any reference in subtitle E of this title to the effective date of this title is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date of the enactment of this Act and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 1211, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 1211, shall take effect on the date of the enactment of this Act.

SEC. 1292. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this title under section 1291(b)(1) is transferred or amended by this title, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 1293. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this title, the provisions of this title and the amendments made by this title do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this title under section 1291(b)(1).

Amendment offered by Mr. HANSEN: At the end of subtitle B of title XXVIII (page ____, after line ____), insert the following new section:

SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN EMPLOYEES IN CONNECTION WITH CERTAIN BASE REALIGNMENTS.

(a) RESTORATION REQUIRED.—Section 6304(d)(3) of title 5, United States Code, is amended—

(1) by striking "closure of" and inserting "closure of, and any realignment with respect to,";

(2) by striking "(3)" and inserting "(3)(A)"; and

(3) by adding at the end the following new subparagraph:

"(B) For the purpose of subparagraph (A), the term 'realignment' has the meaning given such term in section 2687(a)(2) of title 10.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act.

Amendment offered by Mr. PORTER: At the end of subtitle C of title X (page 19, after line 15), insert the following new section:

SEC. 125. LIMITATION ON COST OF SEAWOLF SUBMARINE PROGRAM.

No more than $4,673,371,000 may be obligated or expended for procurement of the SSN-21 and SSN-22 Seawolf submarines.

The CHAIRMAN. The Clerk will report the modifications.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD at the appropriate point.

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

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I have one amendment in the en bloc amendments. My amendment was a standing bill; on May 11, 1993, a suspension bill which passed by unanimous consent. It went to the Senate. They have not acted on this amendment.

□ 1630

No one voted against the amendment in the House earlier last year. What the amendment does is it clarifies the promotion of Reserve and National Guard officers, it makes it easier to find out about promotions and discharges of military reserve officers, and it is just a codification clearing up Reserve and National Guard officers serving for their country.

Mr. Chairman, I ask for support of the en bloc amendment.

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

Mr. Chairman, today, I am pleased to offer an amendment which would provide explicit authority to the Secretary of Defense to accept gifts for DOD domestic elementary and secondary schools for dependents, also known as Section 6 schools. The Secretary has such authority to accept gifts for DOD dependent schools located overseas, so it only makes sense that he have such authority with respect to domestic schools.

This discrepancy was thankfully brought to my attention by Wendy A. Steiger, president of the Fort Jackson Elementary Schools Board, Fort Jackson, SC. The lack of explicit authority to accept gifts makes it difficult for

parent groups and other organizations to donate items such as computers, library equipment, books and playground equipment to section 6 schools. Currently, if a gift is offered, it must be accepted by the service secretary as a gift to the service which then transfers the gift to the school. This is a cumbersome process which makes gift giving difficult. Because of this, many schools are accepting items on a loan basis.

There ought not to be any obstacles which inhibit or act as a disincentive to the donation of needed educational materials like books and computers. My amendment, by giving the Secretary of Defense the same authority he already enjoys with respect to DOD overseas schools, will facilitate the acceptance of gifts. This is an important issue for our military families and ultimately, for our children.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from South Carolina [Mr. SPENCE] for yielding this time to me, and, Mr. Chairman, the reason that I rise is I would like to indulge in a colloquy regarding the commendation of individuals exposed to mustard gas agents during World War II, and I would like to ask the distinguished chairman of the Subcommittee on Military Forces and Personnel to engage in this colloquy regarding the commendation of these veterans exposed to mustard gas agents during World War II.

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

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

Mr. SKELTON. Mr. Chairman, I would certainly be happy to engage in a colloquy with the gentleman from Florida.

Mr. GOSS. Mr. Chairman, as the gentleman is aware, the bill we are currently debating contains a provision expressing the sense of Congress that the Secretary of Defense should issue a commendation to those individuals who were victims of World War II mustard gas tests, without their knowledge or consent. I just wanted to take this opportunity to emphasize that the Department of Defense fully supports the intent of this provision and has entered sufficient material to that purpose earlier today.

Mr. SKELTON. Mr. Chairman, let me assure the gentleman that the committee greatly appreciates and fully supports his efforts to secure recognition of these deserving veterans. As frequently occurs, the committee chose to express the support as a sense of Congress in this particular bill, and I want to assure the gentleman that I join him in urging the Secretary of Defense to give this sense of Congress favorable consideration.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman of the subcommittee for that very much, as well as the chairman of the full committee for his efforts on this behalf, and I would like to just say at the time of the 50th anniversary, where the celebrations are beginning to get under way, this gives these people something extra to celebrate, and I certainly thank the gentleman, and I thank my colleague, the gentleman from South Carolina [Mr. SPENCE] as well.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, my amendment, which has very strong bipartisan support, calls for the national defense sealift vessels to be crewed by commercial merchant mariners instead of Government employees. It is consistent with the policy established in the previous Republican administration and carried on by the present Democratic administration, and may I say I want to thank the members of several committees, including those on civil service employment, veterans, merchant marine, and the armed services. There has been close bipartisan cooperation.

And let me indicate that the commercial merchant mariners is the sole source of operating crews for the over 100 vessels currently in the Government's active and reserve strategic sealift force, and, Mr. Chairman, we have no better example than what is happening right today. We have only to look at the Miami Herald report of Tuesday, May 17. We are having to hire today two Ukrainian ships at $34,000 a day to handle the responsibilities of the United States Government. The *Gruziya* is coming into the Caribbean at $34,000 a day but will not get here until May 23, and the *Ivan Franko* is going to cost us $29,000 a day excluding food, fuel and port charges because the United States of America, with $270 billion a year being spent on defense, does not have a single ship available with a single American merchant mariner to be able to handle our responsibilities.

Mr. Chairman, this amendment is to take care of a situation that every Member of this House should find disgraceful and shameful. With this amendment we are going to get on track and see to it that American ships, built in American shipyards and crewed by Americans, are going to be taking care of the business properly to be done by Americans whether it is foreign policy, whether it is national defense, whether it is the sealift policy involved. With all of that, Mr. Chairman, it is up to us as Americans to take care of it. I do not think the Ukrainians need to be brought in at this stage of the game to be handling what we should be doing in America.

I urge support for the en bloc amendment. I urge support for the merchant mariner section of the en bloc amendment that not only has bipartisan support, but more than ever, as a result of what is happening today, is completely pertinent to what is going on with national defense policy.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1994.

SUPPORT THE LIBERTY SHIPS OF THE NINETIES

SUPPORT THE ABERCROMBIE AMENDMENT FOR COMMERCIAL OPERATION OF SEALIFT VESSELS

My amendment calls for national defense sealift vessels (as defined by 10 U.S.C. subsection 2218(k)(2)–(3)) to be crewed by commercial merchant mariners instead of government employees. During the Gulf War, every such vessel employed in sealift operations (including fast sealift ships, maritime and afloat prepositioning ships, aviation maintenance support ships, and Ready Reserve Force vessels) was operated successfully by commercial operators employing commercial merchant mariners. With the sole exception of the Navy's two hospital ships, which have been exempted under this amendment, none of the national defense sealift vessels were operated directly by the government or required government operating crews to participate in the war effort.

Moreover, the commercial merchant mariner is the sole source of operating crews for the over one hundred vessels currently in the government's active and reserve strategic sealift force. Reserving employment opportunities for such mariners on vessels funded through the National Defense Sealift Fund is one way to ensure the continued availability of trained mariners for those vessels without incurring the substantial cost of establishing a merchant marine reserve (civilian or military).

In addition, the reservation of employment and vessel operating opportunities in the proposed amendment is consistent with ongoing efforts to ensure the continued existence of a strong maritime industry in the United States and to reduce the size of the government workforce. At the same time, the provision provides employment opportunities for qualified members of the military whose career plans are interrupted by the downsizing of the U.S. Armed Forces, thus furthering the process of defense conversion.

Sincerely,

NEIL ABERCROMBIE.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member would like to thank the distinguished chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS] and the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE] for their cooperation and assistance in bringing the issue of NATO's right of autonomy of action to the attention of this body and for incorporating the amendment is the en bloc amendment now under consideration.

This Member would also extend his particular thanks to the chairman of the Subcommittee on Oversight and Investigations, the distinguished gentleman from Virginia [Mr. SISISKY], and the ranking member, the distinguished gentleman from Utah [Mr.

HANSEN] for the information and support to this Member in crafting this amendment and ensuring that the amendment accurately reflects and confirms fully with U.S. policy. In particular, this Member would note the excellent staff work that the Armed Services Committee staff afforded to this Member, who admittedly is not on their committee.

Mr. Chairman, this amendment seeks to address a rather basic, but increasingly contentious policy issue (at least contentious among some of the parliamentarians of some of our European allies) regarding "out-of-area" action options and responsibilities for the North Atlantic Treaty Organization [NATO]. As this body knows, it is now the policy of NATO to no longer prohibit out-of-area actions, i.e., to restrict its activities to the territory of the 16 member-states of NATO. NATO is active in enforcing the embargo of Serbia, and it is flying missions in Bosnia. And, at the recent heads of state meeting in Brussels, the leaders of NATO member states confirmed that NATO can take on and currently has out-of-area responsibilities.

However, the question has arisen in the North Atlantic Assembly and elsewhere regarding whether NATO can act out-of-area only with or under the specific mandate of the U.N. or the CSCE; or alternatively whether it can act without a U.N. mandate if the leaders of NATO believe their collective national interests are at stake in out-of-area territory. There are some factions and political parties within various U.N. member states which would restrict NATO to operating only under a U.N. or CSCE mandate.

The issue has been debated at recent meetings of the North Atlantic Assembly, the parliamentary arm of NATO, where a great many parliamentarians from our allies would clearly prefer that NATO be constrained to acting only pursuant to U.N. Security Council resolutions. The unanimous position of the U.S. delegation to these meetings has been that NATO must have the flexibility to respond independently if circumstances so dictate.

Certainly it is desirable for NATO to be acting in support of a United Nations resolution. Indeed, in most situations, a U.N. mandate for NATO activity would almost certainly be forthcoming. But, quite frankly, the concern has been that we must not make NATO absolutely dependent upon the actions of an institution such as the U.N. Security Council, where a Chinese or Russian veto could potentially frustrate the will of the members of the Alliance.

There is also the possibility of instances where timely and decisive action could prevent a crisis from escalating. In those instances, NATO action must not run the risk of being delayed by indecision or reluctance within the United Nations or CSCE.

This Member's language simply makes it clear that, from the U.S. perspective, NATO has and must retain the right of autonomy of action despite the actions of inaction of the United Nations, the CSCE of any other international body. And, while it may be desirable to work with the United Nations in instances where out-of-area force deployments are required, this is not a prerequisite for NATO action. As this Member has stated, this language simply reflects the strong majority and probably unanimous view of the U.S. parliamentary delegation to the North Atlantic Assembly as expressed at the 1993 annual meeting in Copenhagen and this position also has been echoed by our U.S. Ambassador to NATO.

Again, Mr. Chairman, this Member thanks his colleagues on the Armed Services Committee for making it possible to clarify this point of U.S. defense and foreign policy.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Chairman, I rise today in support of my amendment of H.R. 4301, the fiscal year 1995 Defense authorization bill, to prohibit the Secretary of Defense from transporting munitions from the chemical weapons stockpiles across State lines. This amendment, although very important, should be noncontroversial, since it merely codifies current Department of Defense policy dating back to 1992. Both the Armed Services Committee and the Department of Defense have indicated that they are prepared to accept my amendment. I would like to thank Chairman DELLUMS and the Armed Services Committee for their assistance and cooperation in shaping this legislation.

This amendment is necessary to prevent the enormous risks to human life and health that would be posed by the transport of these deadly weapons. Many of these munitions, especially the older ones, are decaying and are in exceedingly fragile condition. Even a minor accident, especially if it were in a densely populated area, could be catastrophic, and there is no completely safe method of transportation. Highway accidents occur hundreds of times a day, and there have been four major rail accidents in the last 14 months.

I do not see how anyone in good conscience can dispute the longstanding position of the Department of Defense: moving these weapons is simply too dangerous. Just a whiff of mustard gas can scar the lungs for life; a tiny drop of nerve agent can kill. The communities around the stockpiles have extensive, multimillion dollar emergency response programs to deal with an accidental release; but the thousands of communities along the highways or rail lines that would be used for transport would have no such program and, most likely, no warning.

Please support this commonsense amendment. The Department of Defense and the Armed Services Committee agree that it is too dangerous to transport these weapons. Now is your chance to let your constituents know you agree they should not be put at risk.

□ 1640

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

Mr. PORTER. Mr. Chairman, I rise in support of the chairman's en bloc amendment, which now includes the Porter-Penny *Seawolf* submarine cost cap. Our amendment caps spending on the first two *Seawolf* submarines at $4.673 billion. This commonsense measure will establish a badly needed, legally binding measure of fiscal accountability in the *Seawolf* Program. The gentleman from Minnesota [Mr. PENNY] and I appreciate the chairman and ranking member's acceptance of it.

Mr. Chairman, the cap established in this amendment limits spending to the level the Navy says it needs to finish these vessels. That level is over $330 million above what the vessels were supposed to cost. I repeat, the first two Seawolves are $330 million over budget. These enormous cost overruns have been driven by the design equipment production and other program problems which have marked the Seawolf program since its start and have made it not famous, but notorious. New problems were discovered in the first two Seawolves only weeks ago. These costly problems are troublesome in and of themselves, but are even more serious when considered in the context of our shrinking defense budget.

Mr. Chairman, by passing the Porter-Penny cost cap, we will send a clear message to the Navy and other parties involved in the *Seawolf* Program. We will say that regardless of additional problems, there are limits, that we will throw no more money into these overpriced submarines, and the Navy must get the job done and not siphon off any more resources from other higher priority military needs.

Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] for including the Porter-Penny Seawolf cost cap in the en bloc amendment and urge its adoption.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I thank the gentleman for yielding.

Let me provide my view as a former U.S. Navy enlisted man and someone who has worked in aerospace engineering for over 20 years. I strongly support this bill, and I certainly support the en bloc amendments. I think they strike

the proper balance between providing for a strong conventional defense capability, and at the same time providing important funding for diversification.

In this bill there is $3.6 billion for diversification. People say how is it being spent? Obviously, we need to retrain the troops we are bringing home.

As you know, we are on a 5-year drawdown plan, going from 2.1 million active duty personnel to 1.6 million—100,000 troops a year are coming home. We need to retrain them so we can fit them into our economy.

Certainly there is also money under diversification in order to take the workers who have been laid off in the defense industry and to move them into producing commercial products so that we can be more competitive in the world marketplace, and that makes a lot of sense.

Clearly, providing funding under the Technology Reinvestment Program, providing dual use programs, is extremely important. The best way to put people to work is to develop better commercial products, utilizing the talents of the surplus workers, the high technology people, in our defense industry, and moving them into producing competitive commercial products.

The Technology Reinvestment Program makes a tremendous amount of sense, and we have put $1 billion in it over the last 2 years, and this authorization bill contains another $625 million. It is absolutely the best way to put our laid-off defense workers to work, producing products that we can sell around the world as well as at home.

The dual use idea is a great idea. It is the right thing to do, and I applaud President Clinton for promoting it, along with an industrial policy in our Nation. But it is not a new idea. We have been promoting dual use programs for 8 years.

Two good examples are the program I have been championing called X-ray lithography, producing the next generation of smaller and faster computer chips. Certainly we are using defense money to do it. It is vital to have smaller and faster computers for our space and defense programs, but 88 percent of computer chips are sold commercially. This is what we need to be doing.

Another dual use example where we have had tremendous bipartisan support is in the V-22 Osprey aircraft. Yes, the Marines are crazy for this aircraft, because it goes twice as far and twice as fast as the CH-46 helicopter it replaces, but we will sell the commercial version of this tilt-rotor aircraft around the world to every Nation in the future.

So this is the way to go. This is the way, in fact, to utilize defense money to put our people to work. I certainly applaud this bill.

For those who are concerned about the dollars, yes, defense spending is down, but, remember, we used to spend almost two-thirds of our defense dollars defending our allies. Now we can afford to let them pay more of their own freight. Let us vote for this bill and the en bloc amendments. They make sense and deserve our support.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I applaud Chairman DELLUMS; decision to include in his en bloc amendment the proposal of Mr. HANSEN which would end the distinction between closure and realignment of military bases, as it relates to annual leave accumulation.

The Hansen amendment corrects an unintended inequity in the 1993 Defense authorization measure which has led to the offering of annual leave restoration to employees at closing bases but not at ones that are being realigned.

In order to assist base commanders in carrying out closures or realignments, annual leave which otherwise would be forfeited by an employee may be restored to a separate account for the employee's subsequent use or for inclusion in a lump-sum leave payment if the employee's inability to use the leave results from closure or realignment. It makes good sense to treat all of the displaced employees equally and also to give all the base commanders the same tools to do their jobs.

I also want to commend my chairman of the Post Office and Civil Service Committee [Mr. CLAY] for giving Mr. HANSEN's amendment a careful review. The Hansen amendment is very similar to a bill I introduced earlier in the year which is before the Post Office and Civil Service Committee .

The Hansen amendment corrects an inequity and therefore deserves the support of all of us.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time on this side of the aisle to the distinguished gentleman from Pennsylvania [Mr. KLINK].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KLINK] is recognized for 2 minutes.

Mr. KLINK. Mr. Chairman, it is a pleasure to speak in behalf of my amendment to H.R. 4301, the Defense authorization bill for fiscal year 1995.

Hundreds of the thousands of students in more than 30 States across the Nation have benefited from the Defense Logistics Agency's Tools for Schools program.

This little known, but highly effective program has furthered the vocational training of many, many students by lending about 4,800 lathes, drills, grinding machines, and other tools to more than 900 schools from Massachusetts to California. Last year, the Defense Logistics Agency terminated the program, but the agency expressed an interest in donating the tools to the participating schools.

My amendment would grant the DLA the statutory authority it has requested so that the Secretary of Defense would have the authority to donate the equipment that is currently on loan to these participating schools and community colleges. Without my amendment, the schools will be responsible for shipping the equipment back to the DLA at the schools' expense.

If the schools chose not to keep the equipment they could ship it back to the DLA under their original loan agreements.

The amendment is limited only to the Tools for Schools program which covers about 4,800 pieces of equipment in 900 schools in 31 States. The amendment would further limit the Secretary's authority to donate the equipment until January 1, 1997.

Mr. Chairman, the enactment of this amendment will not result in significant added costs to the Department of Defense. In most instances, the machines would be sold for scrap and have no value to other agencies because of the age of the equipment—most of the equipment is more than 25 years old.

According to the DLA, the cost of handling, storage, and sale of the equipment would likely exceed the value of the property. In addition, the administrative costs of continuing to account for the tools would also be eliminated.

Finally, without my amendment the schools and the community colleges will be required to ship the equipment back to the DLA at the schools' expense.

Mr. Chairman, my amendment has the support of the Armed Services Committee, the Defense Logistics Agency, the American Association of Community Colleges, and the backing of the Association of Community College Trustees. I also have letters of support of my amendment from the DLA and these associations that I want to introduce into the RECORD.

I would urge all members to vote in favor of the Klink Amendment to keep these tools in our schools.

□ 1650

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

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from California [Mr. DELLUMS].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to debate the subject matter of ballistic missile defense.

The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the 10 minutes on this side be controlled by the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], who ably chairs the Subcommittee on Research and Technology, which has jurisdiction over this particular area of the bill.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] shall serve as designee for the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, this amendment builds on the committee's hard work in trimming $400 million from the Clinton administration's budget request for ballistic missile defense without hamstringing development of the most promising and realistic technologies.

The committee mark includes $2.7 billion for ballistic missile defense, which is about the same amount appropriated in fiscal year 1994, so we're not talking about any radical departure from the existing level of funding. I am happy to have the support of Chairman DELLUMS, and I think this amendment represents a sensible and evenhanded approach.

The Clinton administration's Bottom-Up Review recommended that the DOD devote a greater share of missile defense resources to theater-level programs—the types of systems most useful against renegade states like North Korea and Iraq, who threaten to launch short and medium range missiles at their neighbors. The committee authorized $1.8 billion for theater missile defense in recognition of the fact that this is the core of our Ballistic Missile Defense Program. I support theater missile defense. As the Patriot missile demonstrated in the Persian Gulf war, deployment of an effective theater missile defense capability is not only possible, it is a reality.

However, we can cut funding for exotic technologies without damaging national security. The technologies cut by this amendment have no realistic chance of contributing to any system that will be fielded in the near-term, and we can afford to cut back a little bit of the BMD budget to rein in these high-risk, low-payoff programs. I want to emphasize that what we are proposing is a $200 million cut in a $2.7 billion program. This amendment would sustain a prudent level of research and development to fund core theater missile defense programs, the kind that offer a real chance of protecting real people against real threats.

The savings from this amendment would be dedicated to deficit reduction, and it is endorsed by Citizens Against Government Waste. This amendment is the sensible thing to do. It is the right thing to do.

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

Mr. Chairman, I rise in support of a very strong ballistic missile defense program.

Mr. Chairman, I rise to share with my colleagues some thoughts on the future of the U.S. ballistic missile defense [BMD] program, as well as my views on the amendment to H.R. 4301 offered by Mr. MEEHAN to reduce funding for BMD below the level recommended by the Armed Services Committee.

It is important to remember that the budget for BMD has already been cut dramatically from the levels contained in the final Bush budget. Specifically, the Bottom-Up Review recommended a budget profile for missile defense of $17 billion over the fiscal year 1995–1999 period, down from $39 billion in the Bush plan—a cut of over 50 percent. I remain deeply concerned with the implications of this decision.

By deciding to focus only on basic research and development as opposed to actual deployment, the DOD plan postpones indefinitely the date by which an effective national missile defense for the continental United States will be deployable. I need not remind my colleagues that today the United States has no capability to intercept intercontinental ballistic missiles once they are launched. In my opinion, the DOD program is inadequate in light of the continuing efforts of various Third World nations to obtain the means of delivering conventional munitions or even weapons of mass destruction over intercontinental distances.

Reducing the BMD budget below the level recommended by the Armed Services Committee would serve only to magnify these shortcomings.

Mr. Chairman, week after week the Armed Services Committee receives intelligence reports on the proliferation of nuclear, chemical, and biological weapons and the missiles that can be used to launch them. Irresponsible Third World nations, such as Iran, Syria, Iraq, and Libya are making deals with the likes of North Korea and the People's Republic of China [PRC] for assembled missiles and, in some instances, missile production hardware. North Korea's development of several new long-range ballistic missiles that could put at risk all of Northeast Asia, Southeast Asia, the Pacific area, and much of Russia is a particularly worrisome development. Sadly, the proliferation trend is moving in the direction of systems with increased range and accuracy.

Likewise, in the area of warhead development and production, the race continues. It is only a matter of time before unstable, antidemocratic regimes in the Third World will possess the means of destroying Washington or New York or Los Angeles, just as they today possess the means of targeting Tel Aviv, Rome and Ankara.

During the cold war, the paramount nuclear threat to the United States was from a massive first-strike from the Soviet Union. Today, the threat to the United States of a deliberate attack from Russia has clearly diminished. Still, there is the real possibility of an accidental or unauthorized launch from the nuclear forces in the four nuclear republics of the former Soviet Union. As noted by senior CIA analyst Dr. Lawrence Gershwin in a May 18, 1993, speech:

> The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must not that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

Moreover, the PRC today possesses a capability to deliver a major nuclear attack against American cities. In his May 18 speech, Dr. Gershwin publicly confirmed that China does in fact target the United States with a percentage of its intercontinental nuclear forces and the Beijing is planning to modernize these forces with new missiles.

It is quite possible that other, unexpected missile threats to the continental United States could emerge within the next 10–15 years as well. As was noted in a February 1993 report by proliferation experts entitled, "The Emerging Ballistic Missile Threat to the United States," several paths exist wherein Third World nations could acquire the means to target this country with long-range missiles. One such path is the purchase of ICBM capabilities from other states. Another is the development of acquisition of space launch vehicle [SLV] technology or complete systems, and their subsequent conversion to long-range missile capabilities. Furthermore, it is widely accepted that any SLV capable of placing a satellite into low-earth orbit can be converted, with relative ease and with little or no warning, to an ICBM capable of delivering nuclear, chemical or biological warheads to the continental United States. The resulting ICBM capabilities, while few in number, nonetheless could constitute a threat to the United States.

In light of current and prospective threats to the American homeland posed by long-range ballistic missiles, the DOD program to focus the National Missile Defense Program exclusively on basic research is, I believe, unwise.

In the area of Theater Missile Defense [TMD], even this aspect of the U.S. BMD program fell victim to DOD's budgetary reductions. My colleagues will recall that last year DOD announced that TMD was the highest priority within the new administration's refocused BMD program. At the same time, however, the budget request for TMD programs in fiscal year 1994 and throughout the 5-year defense plan was cut substantially below the Bush spending levels.

Mr. Chairman, we should be realistic about the level of funding necessary to field improved TMD systems. Taking the most important U.S. TMD programs through development and into deployment will cost several billion dollars per year. Congress needs to approve the administration's funding request for TMD if U.S. forces and our allies are to benefit from improved protection against emerging theater-class missile systems.

Turning briefly to the BMD funding amendment offered by Mr. MEEHAN, let me summarize by saying that I believe it is vital to the defense of this Nation that we not reduce further the amount authorized for the U.S. BMD program in fiscal year 1995. In fact, the Armed Services Committee voted to cut one-half a billion dollars from the administration's already reduced request for BMD. My strong preference would be to see the funding level for SDI increased at least to the level requested by the DOD.

I strongly urge my colleagues to vote "no" on the Meehan amendment, which would further reduce U.S. BMD funding in fiscal year 1995 below the Armed Services Committee recommended levels. This amendment, if enacted, would further erode our ability to deploy improved TMD systems, as well as delay the date by which the American people could be protected from emerging long-range missile threats.

For these reasons, Mr. Chairman, I strongly oppose the Meehan amendment, and urge my colleagues to do the same.

Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, many Members may ask themselves why we should support a strong program for a defense against ballistic missiles. We can look to the past and to the future for the answers.

During Desert Storm, American service personnel were killed by incoming Scud missiles. If we had had a better defense, these soldiers and airmen would be alive today.

Israel sat night after night worrying and waiting, worried about a Scud attack. Desert Storm should have made it very clear we need an effective defense against ballistic missiles.

How about the future? What can it tell us about the need for ballistic missile defense?

There are approximately 30 countries with a ballistic missile capability. Some of these nations are our allies, but many of them are not. We have got China, Iraq, Syria, Iran, Libya, North Korea. Of the 30 nations which have a ballistic missile capability, 8 are in the Middle East. Right now an entire United States Army division is stationed in South Korea with no protection from the ballistic missiles of North Korea.

Someday it might be Washington, DC, instead of the West Bank or China or Russia and the Ukraine. All have the ability right now to deliver a ballistic missile strike against the United States.

The current situation in Russia ought to cause some concern. What if a hardliner comes to power. Even worse, what if a hardliner who believes the old Soviet Union should be reconstructed gets control of the nuclear weapons? What about North Korea? They are actively pursuing nuclear weapons. Our troops are currently stationed in range of North Korea.

The budget for ballistic missile defense has been decimated. The Bottom-Up Review cut over 50 percent of the BMW budget, and the Committee on Armed Services cut the Clinton BMW request by 500 million already.

The amendment that I have proposed today would restore the 500 million and fund the ballistic missile defense at the administration's requested level.

The administration supports my amendment. It does not support the Meehan-Schroeder amendment.

President Clinton stood on this floor in February and pounded the podium. And he said, "They are trying to make me cut defense more, but I will not do it. We have gone far enough."

My colleagues, today would be a chance for us to back up Bill Clinton's words. The amendment that I have proposed would restore ballistic missile defense spending to the President's request.

I would particularly urge the defeat of the Meehan-Schroeder amendment or the defeat of any more cutting in the funds for this very important program.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that I be permitted to control the time of the gentleman from South Carolina [Mr. SPENCE] on this side of the aisle.

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

There was no objection.

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

Mrs. SCHROEDER. Mr. Chairman, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

□ 1700

Mr. SPRATT. Mr. Chairman, I think it is worth saying as a word of overview that what we have before us right now is BMD, ballistic missile defense. There are so many Members of this House probably who equate this with SDI, but in truth, BMD, ballistic missile defense, encompasses a lot more than SDI.

At the direction of the Congress, this particular account was created several years ago to encompass all ballistic missile defense, and today, again at the direction of the House, because we were the ones who led the way in setting this priority, it mainly includes tactical and theater ballistic missile defense, and very, very little money for strategic defense.

The President this year requested $3.25 billion for all of these programs that fell under the rubric, the umbrella, of ballistic missile defense. That is the Patriot, the THAAD, the Theater High Altitude Intercept System, ERINT, the Navy lower tier defense, the Navy higher tier defense, CORSAM, and the National Missile Defense, all of that for $3.25 billion.

Out of that sum of money the administration requested $467 million for what we used to call strategic defense. It is a semblance of its former self. In fact, we used to spend only a few years ago $1 billion more than this year's request for strategic defense alone. This year it is $467 and the committee has already cut that to $400 million.

What does $400 million buy? It buys a technical preparedness plan, it buys a readiness plan, it advances the state of the art in certain technologies like sensors, like intercept systems, like ground-based radar, so it we see a threat arising where we are seriously threatened or think we need to do something about creating and deploying a strategic missile defense for the continental United States, we would have the technology in a ready state to move forward within a few years, but we have only provided $400 million for that purpose, and the gentleman from Massachusetts [Mr. MEEHAN] would propose to take another $150 million out of that. We have cut to the bone already, Mr. Chairman, and I do not think we need to cut any further.

Basically what we have here, Mr. Chairman, is a program that covers the essentials and does nothing more. I think that is the message I would like to leave with the entire House. The gentleman from Massachusetts has said this does not buy anything that we can use in the near term. That is true, because we do not plan to deploy anything in the near term. The money that we have here, the $400 million, does keep advancing the state of the art.

For example, it buys solid-state demonstration program based radar. That would be our system for detecting as early as possible whether or not anyone had launched a missile launch at us, and if so, where the RV's were headed. It would also continue our technology research into discrimination of RV's, reentry vehicles, as they headed toward this country. It would also continue our technology research and development into so-called hypervelocity kinetic kill effect.

All of this sounds very esoteric, but all of it is very essential to this sort of system, and it is funded at a minimum level. We do not need to take any more out of it.

I thank the gentlewoman for yielding time to me.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I want to take this time to express opposition to

the Meehan-Schroeder amendment, which will be offered soon, an amendment which would reduce the budget for the ballistic missile defense organization by an additional $200 million. That amendment is irresponsible for many of the reasons that the gentleman from South Carolina [Mr. SPRATT] just discussed.

The BMD, as he noted, budget has already been reduced. The House Committee on Armed Services cut $380 million from the 1995 request, and remember, that was the request of the President who stood right here before the Congress not too long ago and said that the Congress and this Nation should cut defense no further. The budget has been reduced by $18 billion over the so-called FDYP.

Space-based interceptors have been completely eliminated from the program. Space-based sensors have been sharply cut back, with little possibility that they can be deployed in this century, and directed energy programs receive a mere $25 million this year. Procurement of a National Missile Defense System that is to protect the continental United States has been eliminated in favor of the modest Technology Support Program.

The only thing left to cut is the theater defense program, the very program that proponents of this amendment claim they want to protect. The whole debate, frankly, is a mystery to me. What else needs to happen before Members understand the threat posed by ballistic missiles in the Third World?

The intelligence community, under both Republican and Democrat Presidents, believes there is a threat. Our allies believe there is a threat. Ask the Japanese and the Israelis and the South Koreans, for example. The families of 28 Americans who died in Saudi Arabia from a Scud attack know there is a threat. Even the Russians believe there is a threat, and even the citizens of Yemen now know about the threat from ballistic missiles.

Some in this Congress apparently do not believe that there is a threat. Listen to the CIA. Larry Gershwin stated recently, "After the turn of the century, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States." Gershwin is only talking about indigenously developed missiles, not missiles stolen from Russians or bought from the Chinese or by some other actor.

Just last week there was a small article in the Washington Times noting that the Russian underground has attempted to buy several nuclear weapons, and another article which appeared in the Wall Street Journal highlighted the problem of misplaced nuclear materials in Japan and Russia.

Further, cases of nuclear peddling are pending in Germany, Switzerland, Austria, Belorussia, Poland, Ukraine, the Czech Republic, and the United Kingdom.

Mr. Chairman, I think it is time that we understand that there is a threat posed by ballistic missiles; that about the only program that we are developing to meet that is the ballistic missile theater kind of protection, the kind that is espoused by the sponsors of this amendment, and that therefore, to cut an additional $200 million would simply further undercut the program that almost everybody recognizes as essential to the protection of our allies and our troops abroad.

Mr. Chairman, the House Committee on Armed Services has come to the conclusion that the appropriate level for spending is that submitted by the committee, and I think it would be irresponsible for this body to further cut the Committee on Armed Services mark by an additional $200 million. I would urge the Members to oppose the Schroeder-Meehan amendment.

The CHAIRMAN. The Chair would state that each side has 4 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this issue of ballistic missile defense is enormously serious. I want to state how disappointed I am that our colleague, the gentleman from Colorado [Mr. HEFLEY] has chosen not to offer his amendment. I understand his reasons, but I would have joined him in a bipartisan fashion in trying to restore our ballistic missile defense budget to the level requested by the administration.

The budget for ballistic missile defense, as reported by the Committee on Armed Services, of which I am a member, is a bare minimum budget. In meeting this morning with General Malcolm O'Neill, who directs BMDO, I am persuaded that the cuts that will be forced in that budget to not only theater missile defense, which has just been explained well by the gentleman from Arizona [Mr. KYL], but to our technology base, are very tough cuts. For example, according to the director of BMDO, there will be a 44 percent reduction in funding for innovative science and technology programs.

As the gentlewoman from Colorado [Mrs. SCHROEDER] knows, science and technology are absolutely critical to develop a national defense strategy for the future, and one of the only places where technology is happening is in the BMDO budget, and that is going to be reduced significantly.

In closing, let me just hold up a map. This shows Iran in the center. That is what the red is. The orange at the far end is the furthest reach of existing missile technology. If Iran is in the center, there are missiles now that can be aimed and hit Saudi Arabia, Israel, Turkey, and the former Soviet Union. This is an enormously destabilizing factor. We need an adequate missile defense, and this bare minimum budget must be retained.

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

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

Mr. Chairman, this is one area where there should be a great sense of urgency on both sides of the aisle. If there is any area where we are vulnerable, our allies are vulnerable, our troops are vulnerable, it is missile defense. I know the politics, and I know how Walter Mondale, head of the Democrat Party, stood in San Francisco and said, "We cannot have defense against missiles because that is war in the heavens." However, after that Scud missile, that first Scud missile was knocked down by a Patriot in Desert Storm, that same Walter Mondale I am sure said, "Thank heavens," because we have a missile defense. This should be a matter of utmost urgency. We should be spending $10 billion on this program.

Mr. Chairman, I am proud that a lot of members of this committee back in 1987 wrote the letter to the Prime Minister of Israel and to our Secretary of Defense and to our head of SDI saying, "The centerpiece of the American-Israeli production should not be a fighter aircraft, because a lot of free world nations make those. It should be a theater defense system that can knock down a Scud missile."

The Scud missile we shot down, or the Scud missiles we shot down in Desert Storm, were the Model T's of missiles. They are very slow ballistic missiles. We have a lot of countries that are making missiles that are much faster. They are going to come in at a higher velocity, and where do we want to shoot these missiles down? Very simply, we want to shoot those missiles down at launch, if possible. We want to shoot them down at midcourse, and we want to shoot them down when they are 100 yards above our schools, our churches, our communities, our troops, our ships.

□ 1710

Mr. Chairman, we have to learn to shoot down missiles. We should not cut one dime out of this program. We ought to be adding $5 billion to this program.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] has 2 minutes remaining. The gentlewoman from Colorado [Mrs. SCHROEDER] has 2 minutes remaining and has the right to close debate. The gentleman from Colorado should yield his time, if he cares to, at the moment.

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

Mr. Chairman, let me just in summary say that I want to do two things:

First of all I would like to share with Members the feeling of the Department of Defense on this where they state absolutely that we should not reduce any more where we are in this program.

Mr. Chairman, let me tell Members why. North Korea possesses Scud missiles capable of striking South Korea and our forces there. It is developing several new long-range ballistic missiles. North Korea's nuclear program, we know, is progressing. Iran has embarked on a program to develop weapons of mass destruction. Iran is cooperating with North Korea to acquire long-range Scuds and in China for missiles and nuclear-related technologies. Iraq, Saddam Hussein still has a significant residual program in all four areas of weapons of mass destruction, missiles, nuclear, biological and chemical. Syria has turned to North Korea for an extended-range Scud. Syria apparently is also seeking assistance from China and Western firms to acquire improved capability with chemical and biological warheads. Libya has not abandoned its long-term goal of extending military reach across the eastern Mediterranean.

Mr. Chairman, I yield my remaining 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the Bottom-Up Review is to support two conflicts. There is a shortfall of $50 billion in that bottoms-up. The committee cut even less than that. There are further amendments to cut even more, but yet the gentleman said he supports defense. I cannot agree with that. The gentlewoman from California fights for some projects but when she votes to cut defense $127 billion, it is kind of hard to believe.

I was shot down by a missile, Mr. Chairman. It is no fun being in a burning F-4. Let us not put our children and our men and women in the same predicament. Let us support the system.

Mrs. SCHROEDER. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, let me say first of all we have spent over $32 billion since this program began. That is real money, $32 billion. Second, the committee approach to this is a very smart one, I think. We do not cut much at all. Instead what we do is some consolidation and we really focus on the theater missile ballistic defense that everyone is so worried about. It is a risk reduction fund where we try to get some of the bugs out and be much smarter in how the money is spent. I think that is really what we have to do. It is not a matter of how much money we spend but what do we get for the money we spend?

Mr. Chairman, we are very close to what the administration proposed, but we think we have it under much tighter management and a much better way. That is the committee proposal and that is the one we had the votes for on the R&D committee.

Mr. Chairman, I support the Meehan amendment which goes a little further. It only takes another $200 million out, and if Members voted for that, at least at the end of the day we could say we did some deficit reduction by $200 million.

Mr. Chairman, what do we take out there? Mr. Chairman, $50 million is from consultant fees, for crying out loud, we know. There are many more consulting fees in the budget that we could really do without. The other is a further consolidation we think that could be more than sustained.

Mr. Chairman, it is really trying to make sure this program is not a cash cow but is a lean, mean research program that is getting us where we want to go and, that is, having the best theater missile defense in the world. The other things that have had marginal success and are so long range that we do not know that we will ever get there, saying to put those on hold and focus on the theater missile defense.

Mr. Chairman, I think that the number in the bill is very sustainable and I also think we could cut another $200 million, which is just a very small percent of what is in the bill. I think what we have to do is show that we are spending money efficiently and that we are getting the results we need. That is what this is all about.

Mr. Chairman, I certainly hope that Members will vote for at least the committee bill if not the Meehan-Schroeder amendment.

Mr. DORNAN. Mr. Chairman, may I please go over again just a few of the examples of the threat posed by missile proliferation.

First and hottest right now: North Korea.

Possesses Scud missiles capable of striking South Korea and our forces there.

Is developing several new long-range ballistics missiles. One missile, the No Dong, was tested last year and is capable of carrying nuclear, chemical, or biological weapons.

Is also developing two additional missiles with ranges greater than the 1,000 kilometer No Dong missile. Its two new, untested missiles could put at risk all of Northeast Asia, Southeast Asia, the Pacific area, and much of Russia.

North Korea's nuclear weapons development is also of obvious concern.

Furthermore, the North Korean regime has shown no reservations in selling its missiles to rogue/terrorist regimes across the globe. Pyongyang has already sold Scud missiles to Iran, Syria and other bad actors. We should assume North Korea would sell any nuclear weapons it develops, as well as any long-range missiles.

Next: Iran.

Iran has embarked on a program to develop weapons of mass destruction.

Iran is cooperating with North Korea to acquire long-range Scuds and to China for missiles and nuclear-related technologies.

Despite being a signatory to the Nuclear Nonproliferation Treaty, Iran continues to pursue the acquisition of nuclear weapons.

Iran could achieve a nuclear weapons capability within 8 to 10 years.

Iran is also out shopping for fully-fabricated nuclear weapons and weapons-grade nuclear materials.

And next of course: Iraq.

Saddam Hussein still has significant residual programs in all four areas of weapons of mass destruction—missiles, nuclear, biological, and chemical.

The time and cost to Iraq of reviving its missile program will depend on the continuation to the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Baghdad continued to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter Western involvement in the region.

And let's not forget: Syria.

Syria has turned to North Korea for an extended range Scud. Syria apparently is also seeking assistance from China and Western firms to acquire improved capability with chemical or biological warheads.

And not yet off our radar nor should it be: Libya.

LIbya has not abandoned its long-term goal of extending its military reach across the eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer-range missiles.

We should not forget that Libya, like Iraq, has fired ballistic missiles in anger against United States forces.

The CHAIRMAN. Pursuant to House Resolution 429, it is now in order to consider the amendments printed in part 2 of House Report 103-509 relating to ballistic missile defense, which shall be considered in the following order: by Representative HEFLEY and by Representative MEEHAN.

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

It is now in order to consider amendment No. 1 printed in part 2 of House report 103-509 offered by the gentleman from Colorado [Mr. HEFLEY].

It is now in order to consider amendment No. 2 printed in part 2 of House report 103-509 offered by the gentleman from Massachusetts [Mr. MEEHAN].

AMENDMENT OFFERED BY MR. MEEHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MEEHAN:

At the end of subtitle C of title II (page 46, after line 4), insert the following new section:

SEC. 236. LIMITATION ON FUNDS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION.

The amount provided in section 201 for Defense-wide activities that is available for the Ballistic Missile Defense Organization is hereby reduced by $200,000,000, of which $150,000,000 is to be derived from amounts for Advanced Technology Development Activities under Program Element 0603217C and

$50,000,000 is to be derived from amounts available for consulting services.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MEEHAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. Chairman, this amendment fully preserves funding for theater missile defense systems that can be fielded in the next 5 to 10 years. What we are proposing is a modest cut in the ballistic missile defense research and development account for the most speculative research efforts.

Our amendment identifies 42 programs in the advanced technology development account. The advanced technology development line emphasizes space-based technologies, an approach inconsistent with our basic policy on the militarization of outer space.

Our ballistic missile defense program has three components—theater missile defense, national missile defense, and the technology base. You may hear arguments that our amendment will kill our technology base and our technological readiness. I am sensitive to that argument, and I support a robust research and development budget, but it is difficult to make the case for spending half a billion dollars on efforts that will have no tangible results for a decade even if they work as planned.

Proponents of increased missile defense funding like to argue that Ronald Reagan's SDI Program helped push the Soviet economy to the brink of collapse. Maybe they are right. Maybe not. But after spending $35 billion on missile defense systems over the last 10 years, our own economy is feeling the strain.

Someone has to believe that we can continue spending billions of dollars every year on military programs we don't need without harm to our own economic health. Even if you think the total level of defense spending in this bill is too low, that's no reason to oppose cuts in programs that have nothing to do with our ability to confront the threats facing our fighting forces.

Mr. Chairman, most of the people who have spoken on the floor today in opposition to this reduction to an exotic missile system are the same individuals who signed up to sign the A to Z petition to cut spending in Congress, and many of them signed on to the balanced budget amendment, and they support a balanced budget. But they are not willing to vote for the cuts that are required. Do any of them think those cuts are going to be easier than this one? Do they think that we are going to cut spending with no tough choices?

Mr. Chairman, I am willing to make the hard decisions, and they do not get much easier than this one. I believe that the American people really see through it all. There is no way they can be for not cutting defense; in fact, increasing defense.

They are the same individuals who are against the President's deficit reduction package because it included increases in taxes, so they did not support it. Yet they went above what the caps in the President's budget called for in spending when it came to defense spending because they did not want to live within the cuts the President had proposed.

Mr. Chairman, the time has come to deal with the deficit in reality. I as one Member of Congress am sick and tired of Members of Congress being against increases in taxes, being opposed to any cuts in defense spending, being opposed to cutting any entitlements, being opposed to cutting Social Security, but somehow, some way being for a balanced budget amendment.

□ 1720

This is the easiest decision that Members of Congress will have to make. It is supported by all the deficit-reduction groups, and I would urge my colleagues that they do not get much easier than this cut.

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

The CHAIRMAN. Does the gentleman from Colorado [Mr. HEFLEY] seek time in opposition?

Mr. HEFLEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] is recognized for 5 minutes.

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

Mr. Chairman, I would like to share with you what I have in my hand here, a letter dated May 18, 1994, from John Deutch, the Deputy Secretary of Defense from the Clinton Defense Department, and what he says in this is that we are going to be facing this amendment today that will cut an additional $200 million. "I would like to take this opportunity to express the Department's strong opposition to this proposal. When combined with the reductions already proposed by the Committee on Armed Services, this amendment would inflict nearly a $600 million cut to the President's budget request. This would directly impact our high-priority Theater Missile Defense Program and also would have a devastating effect on our national missile defense technology readiness and BMD Technology Base Programs. This amendment would virtually terminate the BMD technology base, which is the Department's sole technology effort supporting national and theater missile defense efforts. In addition, the proposed amendment would eliminate our meaningful ABM treaty compliant, NMD Technology Readiness Program. Such a budget reduction would seriously hinder our ability to provide advanced TMD capabilities, such as boost phase intercept and Navy wide area defenses." He goes on, but he ends with saying, "I urge you and your colleagues to fight attempts to further reduce funding for this vitally important program."

In other words, it appears that the Deputy Secretary of Defense in the Clinton Defense Department disagrees with the gentlewoman from Colorado [Mrs. SCHROEDER] on the analysis of this being kind of a nothing, throwaway amendment, we save some money, but it really does not hurt anything. He says it really does hurt something.

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

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Meehan-Schroeder amendment to reduce funding of the ballistic missile defense program to $2.7 billion.

Since the strategic defense initiative was announced in 1983 as a defense against an all-out nuclear attack on the United States, we have spent $32 billion on this program. Throughout this time period, we have seen high costs, shifting rationales, unrealistic program objectives, difficult technical problems, and unaffordable funding requests.

We have the opportunity today to take a step toward a more rational and prudent ballistic missile defense program, by reducing the fiscal year 1995 funding level for this program to $2.7 billion. This is a measured, reasonable cut of $200 million from the committee mark, reducing the advanced technology development activities account by $150 million and cutting consultant services by $50 million. With this reduction, the BMD funding level remains adequate for a healthy research and development effort focused on theater missile defenses while avoiding investment in overlapping or marginal technologies which will not be affordable in the long term and will not contribute to our defense needs in the near term.

As we put our military budget priorities in order, we must take a hard look at the BMD program and bring its funding level in greater alignment with our post-cold-war national security needs. This amendment does that, and provides ample funding for BMD programs based on key principles:

Priority to theater missile defense over national missile defense;

Priority to those systems that can be deployed sooner rather than later;

Making intelligent choices to reduce large numbers of systems with overlapping capabilities; and

Avoiding investments in marginal or overlapping programs, and in programs that will not be affordable in the out years.

Mr. Chairman, I urge you and our colleagues to vote for this amendment and to bring the BMD program into better alignment with our real national security needs, and with fiscal reality.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in opposition to the Meehan amendment. This is not the time to cut the legs out from under BMD.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the Meehan amendment and in support of the committee position.

As I stated earlier, I think even that is too low. I would have supported full funding of the administration request at $3.25 billion.

As you know, the committee position is $2.9 billion, which is low, but supportable; $2.7 billion, which is the result under the Meehan amendment, is not supportable.

This is not star wars. This is ballistic missile defense.

I am holding up a list of star war programs, 26 programs. There are only three of those programs left, and deleted are items like Brilliant Pebbles, space-based interceptors, hypervelocity guns, talent shield, thermal imaging radar, a lot of proposals many people had doubts about in the 1980's. They are gone.

This is the defense system we need to protect us against our biggest national security threat, which is missile proliferation.

I strongly support the Committee on Armed Services number and strongly oppose the Meehan amendment.

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

Mr. Chairman, this is an amendment to cut a program that the United States has invested in over the last 10 years nearly $33 billion.

This is a proposal to cut $200 million, and it is 42 specific programs that are outlined that will not be deployed in the next 5 to 15 years. The Citizens Against Government Waste have sent a letter to Members calling this program which has received $32 billion over 10 years, calling this cut a modest cut.

Let us take that $200 million and have it to real deficit reduction.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the gentleman from Massachusetts has called upon us to make a cut in the budget and a cut in the deficit. We have already cut this budget, cut it to the bone, $390 million in committee. The administration sent us the lowest request in 9 years. We took another $390 million out of it.

We took $185 million specifically out of this particular account that he would cut further. We took a 24-percent cut out of advanced technology.

Now, Mr. Deutch, the Under Secretary of Defense, has told us in a letter sent here today to the chairman of this committee, "Cut any further and it will have a devastating effect on national missile defense technology readiness. It will virtually terminate the BMD tech-based program."

Mr. Chairman, that is all that is left of strategic defense. Take this cut, and you have got it here from John Deutch, you will virtually terminate what we have in our budget, which is just $400 million for ballistic missile defense.

The gentleman would have us believe this just affects only strategic defense, but in truth he is taking advanced tech money out of the entire spectrum of programs. It is going to have an impact on tactical and theater ballistic missile defense. We put all of these programs together in one basket because they have great commonality. Anytime you take away from the technology of sensor technology, radar technology that lends to the defense against ballistic missiles, strategic defense, you take away from tactical and theater as well. This will cut everything. It will weaken the program.

Follow the advice of the Under Secretary of Defense. Reject this amendment. We have cut it enough. Let us not cut it any further.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

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

RECORDED VOTE

Mr. MEEHAN. 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 12, as follows:

[Roll No. 179]

AYES—155

Abercrombie
Andrews (ME)
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (OH)
Bryant
Cantwell
Carr
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gordon
Gutierrez
Hall (OH)
Hamburg
Hastings
Hinchey
Hoekstra
Holden
Hughes
Inslee
Jacobs
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Lehman
Levin
Lewis (GA)
Maloney
Manton
Margolies-Mezvinsky
Markey
McCloskey
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Pallone
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Porter
Poshard
Price (NC)
Rahall
Ramstad
Reed
Reynolds
Roemer
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Synar
Thurman
Torricelli
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOES—271

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum

McCrery	Pryce (OH)	Spratt
McCurdy	Quillen	Stearns
McDade	Quinn	Stenholm
McDermott	Ravenel	Stump
McHale	Regula	Sundquist
McHugh	Richardson	Swett
McInnis	Ridge	Swift
McKeon	Roberts	Talent
McMillan	Rogers	Tanner
McNulty	Rohrabacher	Tauzin
Meyers	Ros-Lehtinen	Taylor (MS)
Mica	Rose	Taylor (NC)
Michel	Rowland	Tejeda
Miller (FL)	Royce	Thomas (CA)
Molinari	Santorum	Thomas (WY)
Mollohan	Sarpalius	Thompson
Montgomery	Saxton	Thornton
Moorhead	Schaefer	Torkildsen
Moran	Schiff	Torres
Murtha	Scott	Traficant
Myers	Shaw	Visclosky
Ortiz	Shuster	Volkmer
Orton	Sisisky	Vucanovich
Oxley	Skaggs	Walker
Packard	Skeen	Walsh
Parker	Skelton	Weldon
Pastor	Slattery	Wilson
Paxon	Smith (IA)	Wise
Payne (VA)	Smith (MI)	Wolf
Peterson (FL)	Smith (NJ)	Young (AK)
Pickett	Smith (OR)	Young (FL)
Pickle	Smith (TX)	Zeliff
Pombo	Snowe	Zimmer
Pomeroy	Solomon	
Portman	Spence	

NOT VOTING—12

Ackerman	Gephardt	Towns
Bacchus (FL)	Grandy	Washington
Emerson	Neal (NC)	Whitten
Faleomavaega (AS)	Owens	
	Rangel	

□ 1749

The Clerk announced the following pair: On this vote:

Mr. Rangel for, with Mr. Grandy aganist.

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

Mrs. MEEK of Florida, Mr. REED, and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1750

The CHAIRMAN. It is now in order to consider the amendments relating to burdensharing printed in part 3 of House Report 103-509 which, pursuant to the notice given earlier today, will be considered in the following order: By Representative BRYANT and by Representatives FRANK of Massachusetts, SHAYS, FURSE, or UPTON.

It is now in order to consider Amendment No. 2 printed in part 3 of House Report 103-509.

AMENDMENT OFFERED BY MR. BRYANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRYANT:

At the end of title X insert the following section:

SEC. . REQUIREMENT TO USE SAVINGS FROM BURDENSHARING CONTRIBUTIONS FOR DEFICIT REDUCTION.

(a) BURDENSHARING AGREEMENTS.—(1) As soon as practicable after the date of the enactment of this Act, the President should enter into negotiations for purposes of revising the host-nation agreement with each foreign country described in paragraph (2). A revised host-nation agreement is an agreement under which the foreign country agrees to assume, beginning on or before September 30, 1997, all costs incurred by the United States related to the presence of all United States military personnel stationed in the country. The agreement may provide for the phased-in assumption of such costs over the three-year period beginning on October 1, 1994, and ending on September 30, 1997.

(2) Paragraph (1) applies with respect to—

(A) each country of the North Atlantic Treaty Organization (other than the United States); and

(B) Japan.

(b) TROOP WITHDRAWAL.—If a revised host-nation agreement described in subsection (a) is not entered into by September 30, 1997, in a country to which subsection (a) applies, the President shall order the withdrawal of all United States Armed Forces assigned to permanent duty ashore in that country. The President may provide for the phased-in withdrawal of such forces over the three-year period beginning on October 1, 1997, and ending on September 30, 2000.

(c) USE OF SAVINGS REALIZED.—The savings realized each fiscal year as a result of the assumption of an increased share of United States costs by the foreign countries to which subsection (a) applies shall be used for deficit reduction.

(d) REPORT.—The Secretary of Defense shall include in the annual report required by section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2546) the following information:

(1) For each foreign country to which subsection (a) applies, the costs to the United States of maintaining and operating each United States military installation in that country during the preceding fiscal year.

(2) For each such military installation, the savings realized during the preceding fiscal year (if any) as a result of the assumption of an increased share of United States costs by the host nation.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes. Is there a Member in opposition to the amendment?

Mrs. LLOYD. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentlewoman from Tennessee [Mrs. LLOYD], will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, the amendment before you at this time with regard to burden sharing is an amendment which received 195 votes of this Chamber last year when it was last presented.

Next month we will be sending a delegation to Normandy to celebrate an enormous achievement on behalf of our country that was done for the benefit of the entire world. But no one ever thought that 50 years later, we Americans would still be spending somewhere between $140 billion and $180 billion a year to defend Europe and Japan, to pay the expenses for the defense of areas of the world that are well-developed, that are well-advanced, and that are well able to pay their own bills.

The amendment before us today says very plainly and very simply that unless our allies in Europe and Japan agree to begin paying 100 percent of the cost of maintaining our military personnel on their soil for their benefit, that by the year 2000, by September of the year 2000, we will have gradually withdrawn all of our troops.

I do not think it is too much, 50 years after World War II, to say to the Europeans and the Japanese, you can pay 100 percent of the cost of your own defense. You do not need a subsidy from us any longer. It is time for you to do so. If you do not agree to do so by 1997, we will begin to gradually, over a 3-year period, withdraw our troops, unless the last ones are out by September 2000.

It is very important, I think, for us to understand that while we have been subsidizing the defense of Europe and Japan, they have been doing a better job than we have educating their children. While we have been subsidizing the defense of nations well able to pay their own bills, they have been doing a better job than we have paying for the education of their children; a better job than we have providing health care for their people, in fact, for 100 percent of their people; and a better job than we have protecting their people from crime. They live in countries where the crime rate in all categories is 10 percent of our crime rate. And they have been using the money they save, while we pay for their defense, subsidizing their industries and their products to compete most of the time, much of the time unfairly, with American products, resulting in a loss of millions of jobs and economic advantages for them that we paid for with the tax dollars of the American people.

Given the fact that we have staggering budget deficits, and have had for the last decade, it is very clear that we have been borrowing the money to finance our government from the very allies whom we are subsidizing by paying the cost of their defense, while they sit back and enjoy the benefits of a subsidy from a part of the world with whom they compete vigorously.

Another great irony is the fact while we are closing bases in this country and costing the areas where these bases close enormous economic difficulties, we are still paying the cost of troops in the countries abroad that we defended 50 years ago.

I submit to you, my friends, that we cannot continue ad infinitum into the future paying the costs of areas of the world, the costs of defending areas of the world, that are able to defend themselves and still expect to balance our budget or achieve any type of policy that will lead to fiscal sanity and prudence. The fact of the matter is we

are paying the costs of areas of the world that can well pay for it themselves, and it is time for them to assume that obligation.

This amendment says that as soon as possible, the President shall enter into negotiations with host nations in Europe and Japan to reach an agreement with them to pay 100 percent of the United States costs, including personnel costs, related to the presence of U.S. military personnel assigned to permanent duty ashore in their country. It provides for a phased-in assumption over 3 years of that 100 percent obligation.

It says that if those agreements are not met by September 30th, 1997, then the President will order the gradual withdrawal of all U.S. Armed Forces assigned to permanent duty ashore in that country until September 30 of the year 2000, when the last troops will be gone.

They will have the opportunity to decide to pay their pay share. This is not a precipitous withdrawal, but it is a very clear statement we are going to have them out by the year 2000 unless they bear the cost of their own defense. All savings realized from this amendment will be authorized for reduction of the deficit.

Now, ladies and gentlemen, we ought to be including Korea in this provision. We have in the past. But inasmuch as there are some difficulties with regard to Korea right now, I do not want that to enter into this debate and I do not want any false signals to be sent to North Korea. So Korea is off the table. But with regard to Europe and with regard to Japan, it is time for them to pay for the cost of their own defense or else for us to say we are going to begin to take the funds we are spending subsidizing them and apply them to the deficit that this country is now bearing.

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

□ 1800

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] has used 5 minutes of the 20 minutes allocated. The gentlewoman from Tennessee [Mrs. LLOYD] controls 20 minutes in opposition to the amendment.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

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

Mr. Chairman, I rise in opposition to the Bryant amendment. It is long past time for this body to place the burdensharing debate where it belongs, solidly on the grounds of securing our own national interests. Every member of this body should certainly understand that we do not have troops in Japan primarily to defend Japan. We do not have troops in Europe to defend Europe.

The Armed Services Committee and the administration, like past administrations, have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interest. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities and burdens to the extent that their interests are also being secured.

Indeed, our allies have taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion a year against United States stationing costs by 1995 except those, such salaries, that would not be appropriate. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country, including the United States, to the reconstruction, democratization, and economic reform of Eastern Europe and the former Soviet Union.

The Bryant amendment is unrealistic and fails to recognize the responsibility of the United States to contribute support to its own military force when stationed abroad. As I have stated here, our troops are stationed abroad for more reasons than to protect the country in which they are located. Therefore, expecting host countries to pay 100 percent of the costs for the presence of U.S. troops is unrealistic. This Nation must remain part of the burdensharing in these circumstances.

I urge my colleagues to vote against the Bryant amendment.

Mr. BRYANT. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would just like to ask, very respectfully, because I think the gentlewoman's position is well-considered, though I disagree with it, is it the gentlewoman's opinion and the opinion of her side of this debate that we should continue to pay a significant portion of the cost of defending Japan and Europe into infinity forever? Of is there some end to that that she sees?

Mrs. LLOYD. Mr. Chairman, certainly, I respect the direction that the gentleman is going, but it is unrealistic to expect it at this time.

As the gentleman knows, we have cut back more than 50 percent. We have cut 60 percent back on our troops. We have cut back 60 percent of the cost, and we are moving in that direction. But it is unrealistic to think we can go this far at this time.

Mr. BRYANT. Mr. Chairman, if the gentlewoman will continue to yield, I would like to ask another question as well. It is a puzzle to me to understand, in view of the situation that we see in Europe today, where we have troops stationed that appear not to be able to involve themselves in the conflict in Bosnia in that part of the world, in view of the situation in the Far East as well, I would like the gentlewoman to offer us a hypothetical use of American troops in Japan today that is for the benefit of us and not the Japanese?

Mrs. LLOYD. Mr. Chairman, at this point if the gentleman would look at the costs that they are paying and what they are doing, and certainly we are not there to protect the Japanese, we are there to protect our interests. I do not think that we want to revert to nationalism. We do not want to revert to isolationism.

Right now, at the end of the cold war, we want to continue to work for the good of the world and democracies of the New World Order.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it occurs to me, certainly, that one reason we have troops in Japan is to prevent the proliferation of additional nuclear countries. And Japan, if we pull out, is going to have a nuclear bomb like that. If Members think it is a healthy thing to have Japan and, of course, then South Korea and then Taiwan, all of them to develop nuclear weapons because we have turned our back on that part of the world, then we do differ, because I think that would destabilize all of Asia.

Mr. Chairman, I thank the gentlewoman for yielding to me.

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

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

If the gentleman from Illinois would return for a discussion of the point that he just made, I would like to point out to him that the lack of proliferation of nuclear weapons is not due to a military threat that we are making against the Japanese or the Taiwanese. We are not telling them that we are going to do something to them with these troops if they begin to proliferate nuclear weapons.

Second, I would like to make the point that very obviously the cost of this entire operation is designed to benefit them. One might say us as well, perhaps inferentially.

Surely, a nation with whom we run a $59 billion pay deficit can afford to pay 100 percent of the cost.

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

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

Mr. HYDE. Mr. Chairman, I am not sure I quite understood the gentleman.

It is in our interest. It is in the interest of the West. It is in the interest of the world to have the number of countries that possess a nuclear weapon

limited. And Japan surely would feel that she was naked in the Pacific, if we pulled back and we turned our back militarily. And she would develop the bomb. That is not stabilizing.

Mr. BRYANT. Mr. Chairman, there is a very simple and inexpensive remedy for the Japanese. Pay 100 percent of the cost of these troops. We are not suggesting that we pull out. I am saying, pay 100 percent of the cost. But if they do not pay 100 percent of the cost, we are going to pull out.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, it is in our interest to keep the number of nuclear powers limited. It is in the interest of peace.

Asia would be very concerned, Malaysia, China, Korea, should Japan develop a nuclear bomb.

My memory is not as short, perhaps, as the gentleman.

Mr. BRYANT. Mr. Chairman, I certainly agree. Why cannot the Japanese pay the cost of this? They have more money per capita than we do. They do not have a trade deficit of 100 billion-plus every year. They have a trade surplus.

Mr. HYDE. It is in our interest to get them to pay as much as we can.

Mr. BRYANT. Vote for my amendment.

Mr. HYDE. But it is surely not in our interest to pull back.

Mr. BRYANT. We cannot get them to do anything unless we are willing to threaten to leave. That is what I am saying we are going to do. They either start paying 100 percent, or we will be leaving.

Mr. HYDE. I hate to make threats we do not live up to.

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

Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in opposition to this amendment.

As chairman of the Readiness Subcommittee, I have had extensive involvement with the issue of forward presence and the importance of maintaining an infrastructure overseas in order to protect our interests.

On mobility—it is imperative that we have forward airfields to get our troops to global hot spots and to keep them adequately resupplied.

What if our en-route infrastructure was not there for the deployment to the Gulf war?

What if our airfields and supply points were not there for our enforcement of U.N. resolutions in Bosnia?

I submit to you that we would have extended our forces without any backup in close proximity. That is unacceptable, and I think that our citizens gain great comfort knowing that there is backup close by for our forces.

For readiness—our troops must be in a position to be rapidly deployed to reinforce allies or U.S. troops or citizens that may be threatened.

If this amendment passes, we would be placed in a position that would not allow us to react to crisis or reinforce our troops in the field.

No one in Congress has been more interested in the issue of burdensharing than I. We have consistently pushed our allies to pay more, and we have made significant progress. Yes, it should be more. And that is why we have again included a provision in this year's bill that pushes the allies to pay more, reduces overseas spending by $400 million, and transfers savings back to the United States.

I deeply respect Mr. BRYANT's intentions and his sincerity to obtain more support from the allies. But linking troops to dollars in this dangerous world is risky business.

□ 1810

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the good news is that the Pentagon has recognized budgetary constraints as a problem with defense spending. The bad news is that they have recognized those with regard to England, France, Belgium, Norway, and other countries, not America. They did that burden-sharing report. The Pentagon says, "Don't do any of these burden-sharing amendments because there are economic problems, budgetary constraints, a need to contribute to peacekeeping, and a need to deal with the former Soviet Union in Europe."

Apparently they have not looked at America lately, because everything they say as the reason for not doing this overseas is a reason why we have a right to say "help out." We say when you have an alliance, that is what you do, you have troops in each other's places. I have not seen any Belgian troops in my travels around America. I do not see any British or French troops helping us patrol our borders. We have not asked for them.

When they ask us to send substantial numbers of troops over there to defend them and stimulate their economies, because we are spending American tax dollars on fuel and on transportation and on education and on recreation and food and housing and clothing, they do not want to contribute back.

The gentleman from Illinois [Mr. HYDE] said if this amendment passes and we threaten to pull out the troops, the Japanese would develop a nuclear weapon. We all know the terrible, sad history of Japan. The antinuclear weapons feeling in Japan is so deep that they have not even been able to make token contributions to any other kind of peacekeeping. To suggest that the presence of American troops is so important that if we left they would revolutionize their society and build a nuclear weapon, but they will not put up a couple of billion dollars to keep us there, turns logic on its head.

If this question is so important to the Japanese that it would lead them to repudiate their nonnuclear tradition, then we are offering them a much easier way to buy that reassurance.

There are 100,000 American troops in Western Europe left over from the cold war. We are not saying totally, "We will never help you." We are saying that increment ought to be paid for by our European allies.

The United States spends, I think, on defense more than all of our European allies put together, and probably throw in Japan. As a percentage of gross domestic product we spend twice as much as they do. There is no logic to it. Of course, it is good for us, some, but it is even better for them.

It is clear, Mr. Chairman, that the most popular book in the world is "Tom Sawyer," because everybody else in the world has figured out how to get America to paint their fences. Not only do we paint their fences, we pay them for the privilege of doing it.

If Members believe that those troops are essential to international peace, and obviously the Europeans and Japanese do, the gentleman from Texas [Mr. BRYANT] is not saying to pull out, he is saying that the wealthiest nations in the world, which benefit enormously from American tax spending, and we will still do it, because we are not charging them for our nuclear umbrella and our submarines that they ought to pay a little bit, but before we cut further at home, let us ask the rich nations of the rest of the world to contribute.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the debate on this amendment thus far has been considerably colorful, but not terribly enlightening. We are overlooking entirely the central point of what is involved. If this were truly a burden-sharing issue, it would be a moot point. If we did not have the advantage and reasons for American forces being forward deployed in Japan and in Western Europe, they would not be there. There should not be any of them there, but they are not there for any reason other than it serves our national security interests.

The proposition that is involved here is basically to say that America's Armed Forces are mercenaries. I frankly resent the implications of that. We pay less cost for troops stationed in Western Europe, and certainly in Japan, than if they were garrisoned in the United States. We can and we should, we have, pressed allies to do

more. They have been doing more. They will continue, I believe, under our pressure to do it, but this is an irresponsible way to do it. This is a bad idea whose time should not come.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, one point we make is when we spend the money here, it is going to stimulate our economy. One of the things we object to is spending tax dollars from the United States in Western Europe and Japan, further stimulating their economy, so our economy is losing.

Mr. BATEMAN. Reclaiming my time, this is not a question, this is another peroration and I would tell the gentleman to do it on his own time, not on mine.

Mr. FRANK of Massachusetts. It was an oration, not a peroration.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment.

Putting aside the need for a robust forward presence for our forces.

Putting aside the need to maintain an en route reinforcement base for global reach.

Let us look at the numbers. Right now, according to the Armed Services Committee report on this year's defense bill, direct host nation support for our overseas forces is $3.82 billion, up nearly $400 million from last year. This includes payments for foreign national pay, utilities and facilities. At the same time, our overseas costs—due to force structure reductions and more host nation offsets have dropped by nearly half, greatly reducing the savings potential for this amendment.

This year's authorization bill as reported by the committee urges more host nation offsets. As we speak, our negotiators in Germany are moving forward on an agreement with the German Government which will be a multi-billion dollar package of compensation for the investment the United States has made in facilities.

Mr. Chairman, the train is already rolling thanks to the emphasis provided by the Armed Services Committee and the pressure placed on this issue by my colleagues, Mr. FRANK and Mr. BRYANT.

In fact, last year, conferees on the Defense bill agreed that the United States could not move its embassy from Bonn to Berlin unless they got more burdensharing support from the Germans. I assure you that got the State Department's attention.

But, tying overseas troop strengths to dollars is the wrong approach at the wrong time.

We already are doing a lot in this area and there are plans by the administration to do more.

I urge my colleagues to oppose this amendment.

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

Mr. Chairman, I would just like to point out that the Congressional Budget Office estimates that if we only got those countries to pay 75 percent of non-military personnel costs, the savings would total $14.2 billion over the 1995–1999 period.

This amendment that I have before the House today includes personnel cost, and it also includes 100 percent of all costs. Let me talk about another matter that relates to the price we are paying today.

The gentleman from Massachusetts [Mr. FRANK] mentioned a moment ago that we are spending twice as much of our gross domestic product on defense as our allies. Specifically, the figures are in 1995 it will be 4.1 percent of our gross domestic product spent on defense, compared to Germany, which only spends 1.5 percent of its gross domestic product on defense; France, 3 percent; and Japan, nine-tenths of 1 percent.

I ask the Members how we can justify continuing to pay two and three times what our allies pay for their defense.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Bryant amendment to require that our European and Japanese allies bear the costs of their defense.

This year marks the 50th anniversary of the invasion of Normandy. Yet, 50 years after the liberation of Europe, and 49 years after the end of the war in the Pacific, we are spending roughly $140 billion defending against enemies that no longer exist. It is time to bring that money home and require that Europe and Japan pay for their own defense.

This amendment is very simple. It gives the President until the end of fiscal year 1997 to negotiate an agreement with the Europeans and the Japanese to pick up 100 percent of the costs of their defense. If agreements are not achieved within that timetable, then the amendment calls for beginning a complete withdrawal of troops in fiscal year 1998, ending on September 30, 2000.

At one time, a reasonable case could be made for picking up the costs of defending Europe and Japan, which were economically devastated by World War II and needed time and assistance to rebuild their societies. But that was 50 years ago. In the past 50 years, both Europe and Japan have built strong economies and societies and both are able to bear the costs of their defense.

People in my rural northern California district have a difficult time understanding why their tax dollars are going overseas to defend other countries at time when we are closing seven military bases in northern California.

The residents of Solano and Napa counties will be hit hard by the closure of Mare Island Naval Shipyard. Roughly 11 percent of the local workforce will be put out of work by this action. To make matters worse, the Pentagon has been slow in providing the funds contained in last year's defense bill for retraining. Recently, the Pentagon has claimed that the cleanup process may be delayed due to lack of funds.

The people of Humboldt County are struggling to adapt to a new economy that is not as resource-dependent. Displaced timber workers and salmon fisherman are in a state of crisis. Funds for retraining and economic development, funds to help people make a transition to a new way of life, are scarce.

Yet today, we are asked to support sending billions upon billions of dollars overseas to defend nations that are in some cases wealthier than we are. Nations that do not have a problem balancing their budgets. Nations that can afford world-class educational systems. Nations that compete with us on the global market and, in many cases, win. It is no small wonder that they enjoy these advantages. They pay a pittance for their own defense.

People in my district want solutions to the crime problem; they want guaranteed health care that can't be taken away; they want skilled, decent paying jobs; and they want a first-rate education system. A nation as wealthy as ours should be able to provide these basics to all of our citizens. Sadly, we do not.

How long are we going to continue not funding the unmet national security needs of our own country, but continue to readily fund the defense of other wealthy nations? Now is the time to seriously question this policy. Now is the time for action.

I urge my colleagues to support this amendment.

□ 1820

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise to speak in strong opposition to the amendment that would seriously impede the ability of the United States to defend its national security interests in Europe, the Mid East, Asia, and other parts of the world.

There is a false assumption that our remaining troops in Europe are there only to protect Europe. Nothing could be further from reality. During the Persian Gulf war, three out of our four Army divisions were deployed from Europe to Saudi Arabia. Nine out of our ten Air Force air wings were deployed from Europe to Saudi Arabia.

Are the advocates of this amendment going to require that Saudi Arabia, or

Israel, or any other country pay for our troops stationed in Europe, which now are on a moment's notice to defend our interests, individually and jointly with Saudi Arabia, Israel, or any other country?

U.S. Armed Forces are not mercenaries. They are not available to the highest bidder.

Please do not embrace this amendment that may appear politically attractive, but will severely undermine not only our foreign policy, but also our ability to assist our allies while defending our own interests. We have, and must continue our efforts to have all our allies pay more. But let us not hurt our own ability in the process.

I urge all my colleagues to defeat this short-sighted amendment.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, obviously I rise in opposition to the amendment offered by the gentleman from Texas. This has been an interesting debate, sometimes in simplistic terms. Tonight I am going to something that has been mentioned twice already today about Normandy. We fought World War I in Europe, we fought World War II. Fortunately we have not fought World War III there, and I think that says something about the troops.

Mr. Chairman, I urge my colleagues to put the interests of America first when voting on this amendment. I would ask my colleagues to not forget that the allied security arrangements entered into by our Nation, include the forward deployed presence of our forces, are the foundations of our larger vital interests in the world.

There is no question that the security of many nations is enhanced by the presence of our troops, but let's not delude ourselves. We made this commitments because of our own strategic interests. In short, the lives of American citizens are enhanced by the many benefits of American forward presence to include general stability, expansion of democracy and human rights, access to open markets, and the spread of free enterprise.

Mr. Chairman, this Nation's investment in forward presence is money well spent. I understand the interest of many for the allies to pay their fair share but we must be honest about why we are there and how it pays off for America. We have to weigh the relative value of our presence and pay our fair share as well.

Mr. Chairman, it is my view that should this amendment be adopted there would be a substantial threat that this Nation would be required to reduce its overseas presence. The allies know what is fair, and paying all the costs associated with our overseas presence is clearly an unfair request.

This is simply not the time for America to withdraw from the world scene. If anything, the post-cold-war period has brought new dangers and instability that threaten our fundamental interests. We must maintain our forward presence. Vote no on the amendment offered by the gentleman from Texas.

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

Mr. Chairman, I would just like to respond directly to some of the things that have been said a moment ago and reminds the Members that we have heard exactly these same speeches now year after year after year. I think that the staff of the Armed Services Committee goes and gets them out of the filing cabinet and passes them out to all the Members that come to the debate. Every year they tell us it is a well-motivated effort to get the allies to pay more but let us not do it because of these amendments, whether it is mine, the Frank amendment or anybody else's, these amendments go too far.

They say, we badly want these allies to pay their fair share because, after all, you are right, it has been 50 years, believe it or not, since the end of World War II but we cannot go so far as to threaten that if they do not pay a little more, we might withhold our services from them.

Mr. Chairman, the fact of the matter is we have no strategy whatsoever for accomplishing this goal. Somehow or other we have developed a culture within this Congress where Members can stand up here and argue with a straight face that a nation like Japan that runs a $59 billion a year trade surplus with the United States ought to receive a subsidy from us for its defense, when we run over a $100 billion a year trade deficit with the entire world.

Mr. Chairman, somehow we have developed a culture where Members can stand up here and say that we ought to continue to subsidize the defense of Europe when we run a trade deficit every year with Germany alone in excess of $9 billions a year.

When are we going to come to our senses and recognize our allies are not going to give us anything? We have got to stand up and say to them: Look, we like what we have been doing, we want to keep it up, but we cannot afford it anymore and we want you to pay 100 percent of the costs of what we are doing in your country. You can afford it.

For goodness sake, why must we pay twice as much as of our gross domestic product for defense as they are paying, in some cases three times as much? How can we justify it when some people come to us and say, "Why can't you guys pass a health care bill?" We say, "We can't. We're subsidizing everybody else.

Why cannot we educate our children like they do in Europe? We cannot because we are busy defending Europe.

Why cannot we protect our people from crime? The European crime rate is 10 percent of ours in every category. Yet we continue to send them money every year. How can we justify that?

Mr. Chairman, this amendment simply says by 1997 we are going to enter into agreements with these countries where they pay 100 percent of the cost. If they do not do it, by the year 2000 we are going to have our troops withdrawn on a gradual basis. If they want to change their mind any time along the way, they can do so, but if they do not do so, we are going to finally make it stick.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I only have a few minutes left. I would like to reserve the balance of my time. I will yield on the gentlewoman's time.

Mrs. LLOYD. I will yield on the gentleman's time.

Mr. BRYANT. I will yield on the gentlewoman's time so I might have time to close.

Mrs. LLOYD. I think I yielded to the gentleman the last time.

Mr. BRYANT. In that case I am humbled, and I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. Mr. Chairman, the gentleman is aware we only pay a 15 to 20 percent overage for keeping our troops overseas than we spend in the United States and that Japan pays 75 percent of the cost of our troops in Japan. The only reason they do not pay more, we will not let them because we do not want our troops to be mercenaries. So certainly they are paying their share.

Mr. BRYANT. Reclaiming my time, the gentlewoman says she does not want the troops to be mercenaries, yet she is boasting about the fact we are making them pay more money. The gentlewoman is either for it or not for it, one or the other.

Mrs. LLOYD. I said we are moving in the right direction, if the gentleman recalls my words. I thank the gentleman for yielding.

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

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, respectfully I have to say I think this is one of those sound-good and feel-good amendments that is in fact bad public policy and bad national security policy.

The reason we do not have troops from France and Belgium in the United States is because we have had our troops forward-deployed in Europe and the Far East and we have thru kept conventional warfare farther from our shores. We are not defending their interests in those foreign locations, we are defending our interests, and simultaneously our allies' interests.

Let me give Members a couple of examples of why, beyond those already

mentioned, we ought to be opposing the Bryant amendment.

We have been making substantial progress in burdensharing as the gentlewoman from Tennessee just mentioned. The costs have been reduced by 33 percent for our troops abroad.

That is $10 billion since 1990 alone. Japan has assumed a very large portion of costs already incurred for the forward positioning of United States forces in Japan and they have committed themselves to paying virtually 100 percent of such costs if we want them to do so by the year 1995.

Second, the amendment effectively ties the hands of the President and is unwarranted intrusion into the Presidential prerogatives in the conduct of military policy.

Third, the United States national security interests should not be subjected to a rigid, all-or-nothing kind of burdensharing formula when it comes to deployment costs.

□ 1830

Fourth, the amendment would force the United States to withdraw from forward-deployed areas without considering the security interests of the United States or the security interests of the host country, just arbitrarily cut it off and, finally, I think the principal difference between the Bryant amendment this year and the amendment offered last year is that last year's amendment included Korea. Is it possible that increased tension on the Korean Peninsula led to the removal of Korea from the strict all-or-nothing provisions of this year's amendment? I believe the change may well implicitly recognize that threats to U.S. national interests can and do change and that a forward deployed American presence is important to national security.

Mr. Chairman, I urge my colleagues to reject the Bryant amendment.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to the amendment. I know that many of our colleagues are concerned about the level of allied support for forward-deployed U.S. forces. I share their concern and would encourage the administration to continue their vigorous negotiations to find the correct balance between allied support and direct funding from the United States.

But this amendment is a meat ax approach to the problem and is clearly not the way to get the job done. Demanding the allies to pay 100 percent of the costs of forward basing is not remotely realistic or achievable by the allies and, more importantly, would have a number of negative effects for the Nation.

For example, the allies can be expected to react to such an ultimatum by stopping all productive efforts to find the correct balance between U.S. and allied payments. This amendment would suggest that the United States has no understanding of the value this Nation gains from having troops stationed overseas, and would appear to say that America will act unpredictably and unilaterally.

We must also not overlook the impact this proposal would have on the military personnel and their families. The Congress has spent a great deal of money on programs designed to minimize the turbulence for service members during the military drawdown. This amendment would only increase turbulence and whipsaw already stressed military families.

Mr. Chairman, this amendment would put into jeopardy American prestige and influence at the precise moment when this Nation can least afford to appear hesitant to assume the responsibilities of world leader. The collapse of the Warsaw Pact and the end of the cold war has only increased uncertainty and violence throughout the world. The threat to our security and economic well-being may well be at greater risk today than at any time during the cold war.

I strongly urge my colleagues to vote "no" on the amendment of the gentleman from Texas.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the Bryant amendment.

As has been said here already, we have our troops in Asia, and we have our troops in Europe because of the U.S. national security interest. We have negotiated very effectively with the Japanese to get them to pay 70 percent of the costs associated with certain personnel that we hire. We have made great progress there.

I commend the gentleman from Texas. I think it is good that the gentleman from Texas [Mr. BRYANT] offers this amendment as long as this body defeats it, because it keeps kind of a dragon out there. But this would not be a good thing for us to do militarily. Let me tell you why.

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

Mr. DICKS. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I might point out that many years ago when I was a Boy Scout at camp we would sing a song that has a phrase in it, "Let the Rest of the World Go By." This is a let-the-rest-of-the-world-go-by amendment.

We are a superpower, the only one in this world. The fact that we have troops in Europe, the fact that NATO exists, the fact that we have troops elsewhere points out that we have had peace throughout the world where we have been, and I might say in recorded history, you have never had this length of peace in Europe. Our presence there has done it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I was just in Asia. I asked every leader in Asia should the United States retain its forces there. Every Asian leader said yes, because it will provide peace and stability in the region. If the United States pulls out of Asia, if the United States pulls out of Europe, you are going to have instability again, and we will be back there, but it will cost us a lot more.

Let us again reject the Bryant amendment and keep our country doing the right thing in defense of national security policy.

Mrs. LLOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. WISE].

The CHAIRMAN. The Chair would remind the gentlewoman from Tennessee that she has the right to close.

Mrs. LLOYD. Mr. Chairman, the gentleman from Texas wanted the right to close, and I am using my time.

Mr. WISE. Mr. Chairman, the gentleman from Texas makes an excellent argument when it comes to economics.

The national security also depends upon logistics, if you want to be 3,000 miles closer to where your military challenge may be. Anyone who has had the privilege to talk to former Ambassador to Japan Mike Mansfield, the first thing he would tell you is we are there for us. We are in Japan for United States interest.

When you are talking about forward projection of your military forces, if you want to be projecting from the west coast when it comes to a challenge from Russia, when it comes to a possible challenge from the former Soviet republics, and what about China with its billion-person army, what about Asia generally and certainly North Korea?

I think it is also important to recognize that perhaps some of the arguments of the gentleman from Texas about Europe are valid, and I agree with them. But Japan is a country that has consistently renegotiated with us to the tune today that they are paying 75 percent of all costs exclusive of salaries.

So I would submit that this is not a good amendment, that you are talking in national security about logistics as well as economics, and I would hope it would be rejected.

Mr. BRYANT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, many feel our Government should not be giving handouts from American taxpayers. I suspect many of my colleagues on both sides of the aisle would agree with that statement.

If you do not vote for burdensharing, you ought to be prepared to explain why we should be paying for the defense of countries whose products are

among our toughest competitors in international markets. You ought to be able to tell your constituents why you voted to continue pumping billions of dollars into the economies of Germany, France, and Britain while we cut spending on domestic needs.

But I am disappointed that the fall of the Berlin Wall and the demise of communism have generated so little enthusiasm for self-reliance among our European friends. These burdensharing amendments would require our allies to pay their share of the cost of keeping the peace in Europe.

When our allies needed help after World War II, Americans sent huge amounts of aid. We built a security umbrella that made possible the political and economic reconstruction of Europe, not to mention victory in the cold war. I think we were wise to invest in Europe's security, and I do not begrudge the Europeans the aid we sent.

If you think self-reliance is a principle that applies to our welfare programs for wealthy European countries at least as much as our welfare programs for poor American people, then you ought to vote for the Bryant burdensharing amendment.

Mrs. LLOYD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I do urge my colleagues to vote against this amendment. It neither recognizes the importance of our forward military presence in securing our national interest nor does the amendment recognize our responsibility for the costs associated with the security of these interests.

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

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

Mr. Chairman, I would first reiterate what was said earlier in the very beginning of the debate that notwithstanding the arguments marshaled every year against this amendment and amendments like it, this is not a proposal to withdraw from Europe, not a proposal to withdraw from Japan. It is a proposal that, sure enough, 50 years after World War II, it has been long enough. We have waited long enough for them to pay the full cost of our presence in their countries.

Why should not nations more wealthy than we are, that are educating their children to a greater extent than we are, that are providing health care for their people when we are not, that are protecting their people from crime when we are not, why should not those people pay 100 percent of the cost of our troops? Why should we continue to subsidize the economies of nations that will not give us the slightest break at the bargaining table when it comes to negotiating trade agreements?

A few moments ago I heard several gentlemen, whom I respect very much, and I respect all of the people on the other side of this debate, stand up and say that America's prestige is at stake. What could be more perilous to our prestige than to continue to carry this mountain of growing debt which is to a great extent due to the fact that we continue to shoulder three and four times the burden of defense spending of our allies?

A few moments ago another gentleman stood up and said we are a superpower; we have the obligation to act like a superpower. How much longer will we be a superpower if we continue borrowing money from our allies to finance our Government which turns around and subsidizes their defense? That does not make any sense.

Ladies and gentleman, I strongly urge you to vote today for a commonsense proposal that says by the year 2000 we are going to gradually withdraw our troops unless these countries have begun to pay 100 percent of the cost of their own defense.

I urge an aye vote.

□ 1840

The CHAIRMAN. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 163, noes 260, not voting 15, as follows:

[Roll No. 180]

AYES—163

Abercrombie
Andrews (ME)
Applegate
Barca
Barcia
Barrett (WI)
Becerra
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (OH)
Bryant
Byrne
Camp
Cardin
Carr
Clay
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Crane
Cunningham
Danner
de Lugo (VI)
DeFazio
Dellums
Deutsch
Dixon
Duncan
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Ewing
Farr
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hayes
Hefner
Hinchey
Holden
Horn
Hughes
Hunter
Inslee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
LaRocco
Lehman
Lewis (GA)
Lipinski
Long
Lowey
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Murphy
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Ramstad
Regula
Reynolds
Rohrabacher
Rostenkowski
Roth
Royce
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Shepherd
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Swett
Tauzin
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NOES—260

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Cantwell
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer
Crapo
Darden
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
English
Everett
Fawell
Fazio
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Houghton
Hoyer
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Reed
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal-Allard
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scott
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery

Smith (IA)	Swift	Visclosky
Smith (MI)	Synar	Volkmer
Smith (NJ)	Talent	Vucanovich
Smith (OR)	Tanner	Walker
Smith (TX)	Taylor (MS)	Walsh
Snowe	Taylor (NC)	Waters
Solomon	Tejeda	Weldon
Spence	Thomas (CA)	Williams
Spratt	Thomas (WY)	Wilson
Stearns	Thompson	Wise
Stenholm	Torkildsen	Wolf
Stump	Torres	Young (FL)
Sundquist	Underwood (GU)	Zeliff

NOT VOTING—15

Ackerman	Ford (MI)	Rangel
Derrick	Gephardt	Towns
Emerson	Grandy	Washington
Faleomavaega (AS)	Jefferson	Whitten
Fingerhut	Neal (NC)	
	Owens	

□ 1858

The Clerk announced the following pair:

On this vote:

Mr. Rangel for, with Mr. Grandy against.

Messrs. GRAMS, INHOFE, and HILLIARD changed their vote from "aye" to "no."

Messrs. CAMP, DEUTSCH, and KREIDLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1900

Mr. DELLUMS. 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. DOOLEY) having assumed the chair, Mr. DURBIN, 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. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, I was not present during part of the House session on Wednesday, May 18. Had I been present, I would have voted "yes" on Congressman BRYANT's amendment to H.R. 4301, defense authorization for fiscal year 1995, requiring the President, over a 3-year period, to secure burdensharing agreements with NATO member nations and Japan requiring those nations to assume all costs incurred by the United States related to the presence of U.S. military personnel in those countries. All savings would have to be used for deficit reduction.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4301, the bill just considered.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 824

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 824.

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

There was no objection.

AUTHORIZING 1994 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to consider the concurrent resolution (H. Con. Res. 236) authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read the title of the concurrent resolution.

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

Mr. DUNCAN. Mr. Speaker, reserving the right to object, I will not object, but I do so to yield to the gentleman from Ohio [Mr. TRAFICANT] for a brief explanation of this resolution.

Mr. TRAFICANT. Mr. Speaker, the Special Olympics Torch Relay run is a very special annual Washington, DC event which requires the use of the Capitol Grounds, under the supervision of the Capitol Police and the Architect of the Capitol. The event, which would take place on May 20, 1994, culminates at Gallaudet University and the opening of the Special Olympics. This resolution is necessary as there is a law that prohibits open flames on the Capitol Grounds and the resolution would waive that prohibition.

As we are all aware, the Special Olympics is an athletic program for handicapped children and adults which gives them the opportunity to compete in athletic events, and thereby enhances their self-esteem and self-image.

Additionally, members from approximately 65 Federal and local law enforcement agencies participate in the ceremony as they relay the torch through the District of Columbia to Gallaudet. Their participation is a visible sign of support and recognition of these very special athletes.

The committee is pleased to be associated with this worthwhile family event and the resolution has strong bipartisan support.

Mr. Speaker, I urge adoption of this resolution.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I support H. Con. Res. 236, a resolution authorizing the running of the Special Olympics Torch Relay through the Capitol Grounds. This event is expected to take place on May 20, 1994.

The Special Olympics summer games will be held at Gallaudet University in Northeast Washington DC. This is a worthwhile endeavor that deserves our wholehearted support.

The relay will be conducted by law enforcement officers from 65 Federal and local law enforcement agencies. More than 2,500 police officers representing their respective agencies will relay the torch through the District of Columbia to Gallaudet University.

I urge my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 20, 1994, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1994 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 236.

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

There was no objection.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Mr. CONDIT. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2139) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) $6,000,000 for fiscal year 1994;

"(E) $7,000,000 for fiscal year 1995;

"(F) $8,000,000 for fiscal year 1996; and

"(G) $10,000,000 for fiscal year 1997.".

Amend the title so as to read: "An Act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.".

Mr. CONDIT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. THOMAS of Wyoming. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. CONDIT], and I am excited to hear what the gentleman has to say about the Senate amendments.

Mr. CONDIT. Mr. Speaker, I thank the gentleman for yielding. H.R. 2139 reauthorizes appropriations for the National Historical Publications and Records Commission. Last year, the House passed a 5-year reauthorization at such sums as may be necessary. The Senate proposes a 4-year reauthorization starting at $6 million for 1994, $7 million for 1995, $8 million for 1996, and $10 million for 1997. This is a reasonable compromise.

The current authorization for the Commission is $10 million. The Senate amendment represents a 22.5 percent reduction from the current authorization level over 4 years. This reduction is a reflection of the continuing budget limitations and not an indication of a lack of support for or interest in the work of the Commission. The Commission's programs are important, but we cannot afford to fund the Commission at the higher levels thought possible in the past.

I am not aware of any controversy about the bill or the Senate amendment.

Mr. THOMAS of Wyoming. Mr. Speaker, I withdraw my reservation of objection, and I urge adoption of the amendments.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2139 and the Senate amendments thereto.

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

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND MEETING OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House as members of the United States delegation to attend the meeting of the Canada-United States Interparliamentary Group:

Mr. JOHNSTON of Florida, Chairman;

Mr. LAFALCE of New York, Vice Chairman;

Mr. HAMILTON of Indiana;

Mr. OBERSTAR of Minnesota;

Mr. GIBBONS of Florida;

Mr. RICHARDSON of New Mexico;

Mr. PETERSON of Florida;

Mr. GOSS of Florida; and

Mr. WALSH of New York.

LEASING UKRAINIAN CRUISE SHIPS TO CARE FOR HAITIAN REFUGEES

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

Mr. DUNCAN. Mr. Speaker, National Public Radio reported yesterday that the Federal Government is now renting two Ukranian cruise ships to take care of Haitian refugees.

According to NPR, the Government is spending $30,000 per day to lease these ships.

This $30,000 per day does not include food and fuel.

The contract that has been signed is for 6 months, and the Ukranian company has now canceled its summer cruises because it is much easier to make money off Uncle Sam.

What a ridiculous waste of millions of dollars.

We are now going to take in thousands, maybe millions of Haitian refugees, really primarily because of domestic political considerations.

Illegal aliens are already costing this Nation many billions each year. There is simply no way we can afford to take in all the millions who want to come here from all over the world.

We need to work with the United Nations to get some other countries to take some refugees. We cannot do this all alone.

However, the truth is that these refugees do not want to go to other countries.

One thing is for sure—No other Nation is spending $30,000 a day to lease cruise ships to make it easier and more pleasant for Haitians to come in.

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ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. DOOLEY) 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 Labor:

To the Congress of the United States:

It is my pleasure to present to you the twenty-eighth annual report of National Endowment for the Humanities (NEH). In terms of breadth and number of projects funded, this agency is the largest grant-making entity for the humanities in the country. The Endowment supports scholars, teachers, and students in their research and studies, and provides funds for projects such as documentary films and museum exhibitions that reach a large general audience. These humanities activities strengthen the cultural resources of the nation and provide insight into the problems that face our increasingly complex society.

In addition to direct federal support of the humanities, NEH programs have stimulated private contributions, to date almost $1.3 billion in matching gift funds. The Endowment also requires grantees in most programs to commit their own funds for part of the project costs. The NEH support of a project is highly respected and often attracts additional funding from other sources.

The country can be proud of the role the Endowment has played as a catalyst for the support of excellent humanities scholarship and education in the United States over the past twenty-eight years.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1994.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1993 AND INVENTORY OF FUNDS DISTRIBUTED BY CERTAIN FEDERAL DEPARTMENTS AND AGENCIES—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 Energy and Commerce:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1993 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1994.*

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JIM KOLBE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, Washington, DC

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Volusia County, Florida.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not a proper exercise of that court's jurisdiction.

Sincerely,

JIM KOLBE,
Member of Congress.

THE PRESIDENT'S MISGUIDED POLICY ON HAITI

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

Mr. LEWIS of Florida. Mr. Speaker, I want to bring to my colleagues' attention one more casualty of the President's misguided policy on Haiti—humanitarian missions from the United States.

A group from West Palm Beach Florida—which has been delivering humanitarian supplies to Haiti nonstop for 14 years is now grounded—caught in a bureaucratic maze.

When my office calls the Treasury Department—they say call the State Department—who says call the United Nations. Our multilateral efforts have resulted in a multibureaucratic nightmare.

Meanwhile the poorest Haitians are going without.

Worse—scheduled airline flights can still come and go from Haiti—so the relatives of the military leaders can go shopping—but a relief plane cannot enter to bring food and supplies.

This week's U.S. News has a great article—which I am submitting for the record—about how this administration makes policy without understanding—or caring about—the real implications.

This is embarrassing when it is a policy mistake.

It is tragic—and inexcusable—when it results in some of the poorest people in the world going without food and medical supplies.

It is time to quit splitting hairs—and to get our priorities straight. If we want to help the people of Haiti—our chance is sitting on a runway in Florida now.

It is outrageous.

Mr. Speaker, I include for the RECORD an article by Brian Duffy in the May 23, 1994, U.S. News & World Report:

A QUESTION OF OPTIONS—HOW THE CLINTON ADMINISTRATION HAS PAINTED ITSELF INTO A CORNER ON HAITI

Haiti is half an island, today something less than a whole country, 6½ million souls inhabiting a downward spiral of economic misery and political mayhem. Born of a slave revolt 190 years ago, the Caribbean nation has seen its unique promise squandered by a nearly unbroken succession of brutal, corrupt and downright bizarre political leaders. For Americans, the place has long been a conundrum. Occupied by U.S. troops early in this century, blessed later by millions of dollars in American aid, Haiti has descended unswervingly into the current maelstrom, with Washington now actively considering the use of military force as a United Nations deadline ticks down before even tougher economic sanctions are imposed. Of no strategic importance, Haiti has somehow managed to confound every recent American president but Gerald Ford, who served so briefly he did not have to deal with it.

Now it is Bill Clinton's turn. Before he entered the oval Office, Clinton, in discussing Haiti, conjured the sound of trumpet blasts. "My administration will stand up for democracy," Clinton said, denouncing George Bush's "cruel" policy of forcibly repatriating Haitian refugees. As for the military junta that forced out Haiti's only elected leader, the Rev. Jean-Bertrand Aristide, Clinton rejected its claim to leadership, saying he would work to "buttress democratic forces in Haiti . . . and throughout the Western hemisphere."

Things have not worked out that way. An examination of Clinton administration's posture toward Haiti shows policy remarkable at once for the ambition of its goals—and the timidity of its actions. As with other areas of foreign policy, Clinton's episodic attention troubles even some aides. "It's reacting to domestic politics," says a State Department official. "Now we are all trying to figure out how to make it work."

The White House vigorously defends its efforts in Haiti—and in other foreign arenas where its policies have come under fire. "We came in here inheriting three very tough problems—Haiti, Somalia and Bosnia," says an administration official. "They all deal with internal collapses—unlike classic security issues; the rules are harder to define. In Haiti, the most important thing is that we refused to give up."

A review of the administration's Haiti policy highlights a number of problems. U.S. News reporters reviewed confidential government cables and memorandums and interviewed more than 30 administration officials, diplomats and military and intelligence officers, as well as aides and advisers to President Aristide. The review identifies a handful of critical decisions marred by miscommunication and logistical snafus. Principal findings:

A series of late-night phone calls between a presidential adviser and an Aristide aide weakened a key deal to forcibly remove Haiti's military leader from power.

The decision to withdraw a U.S. Navy ship from Port-au-Prince, the capital of Haiti, was made without the knowledge of U.S. diplomats, who later cabled Washington saying the ship could have docked if given one more day.

A State Department cable and intelligence intercepts have questioned the heart of the Clinton administration's policy—Aristide's democratic bona fides.

Although Clinton publicly promised to restore Aristide to office, administration officials were troubled by intercepts of phone calls from Aristide to his supporters viewing vengeance on his opponents after he returned to power.

While the administration's policy was built on the idea of pressuring Haiti's military rulers to step aside, the CIA consistently warned that the military leader, Lt. Gen. Raoul Cédras, and his cronies could be removed only by force.

Even before being sworn in as president, Bill Clinton made the first foreign-policy decision of his administration, and it was on Haiti. Clinton's campaign pronouncements about reversing the Bush administration's repatriation policy on Haitian refugees had spawned an orgy of boat building in Haiti's impoverished coastal towns. A wave of Haitian refugees in Florida would be a disaster. Clinton made the announcement: The Bush repatriation policy would remain in effect. "Once the alternatives were explained to him," says Warren Zimmermann, then director of the State Department's Bureau for Refugee Programs, "it was a decision that made itself." What it wasn't, however, was a particularly auspicious beginning.

Father Aristide was not a congenial partner for Washington. After the Haitian military arranged Aristide's ouster in September 1991, a military adviser raided his medicine cabinet in the presidential quarters and provided a long list of its contents to the CIA. The new Haitian president, the CIA was told, was taking lithium and other drugs for treatment of mental depression. A letter, allegedly from a Haitian neurosurgeon, described Aristide as a "psychotic manic depressive" and referred to treatment Aristide had undergone in Canadian hospitals a decade earlier. Many details about the physicians's report and the drugs—none of the vials had Aristide's name on them—were questioned. Today, Aristide's opponents still use the allegations against him and some analysts still question Aristide's reliability. "He can drive you crazy," says a State Department official who has worked closely with Aristide. "But that doesn't mean he is crazy."

Other evidence confirmed, however, that Aristide would be, at best, a difficult partner for the Clinton administration. In a speech days before he was toppled, as his supporters were being killed, Aristide described the practice of necklacing—placing burning tires around the necks of his opponents—as a "beautiful instrument." According to several informed sources, U.S. intelligence agencies also would intercept phone calls from Aristide in the United States pledging violent retribution against his opponents. Much has been made of the CIA's unflattering psychological profile of Aristide, but the more troubling parts of the intelligence community's reporting have to do with the instability that could ensure in Haiti if Aristide were returned.

President Clinton had been briefed thoroughly on these and other aspects of the Haiti situation before his first meeting with Aristide in the White House on March 16, 1993. Clinton was committed, he said, to "stronger measures" to restore Aristide to power. "I want to make it clear in the strongest possible terms," Clinton said, "that we will not now or ever support the continuation of an illegal government in Haiti."

THE FLY IN THE OINTMENT

The next step seemed pretty straightforward. Since the fly in the Haitian ointment was the military, the thing to do was remove it. Working closely with Lawrence Pezzullo, then Clinton's special envoy to Haiti, a Pentagon team lead by a charismatic Marine lieutenant general named Jack Sheehan, who first set foot in Haiti in 1964 and knew it well, would take on the job of remaking Haiti's military. Their plan called for a United Nations team to transform Haiti's 7,000-man military into a smaller force that would concentrate on rebuilding Haiti's shattered infrastructure and patrolling its long border with the Dominican Republic on the island of Hispaniola. Canadian authorities would take the lead in building a new civilian Haitian police force.

Things began lurching ahead. The "transformation" plan for the Haitian military was approved by then-Secretary of Defense Les Aspin. President Clinton announced tougher sanctions against the Haitian military in June 1993. Soon, a deal seemed in prospect. Aristide had two principal demands. Unlike the Clinton administration, which had adopted its predecessor's gradualist approach on tightening economic sanctions. Aristide wanted the toughest sanctions possible imposed—but for only a short time. More important, Aristide was convinced that General Cédras and his colleagues would never relinquish power unless they were forced to do so. Oddly enough, the CIA's Haiti analysts were predicting the same thing.

Clinton understood the problem, but his aides believed the two sides had to negotiate. Anthony Lake, Clinton's national security adviser, was the godfather of the scheme. Larry Pezzullo was assigned the job of making it happen. The result was an accord reached between Aristide and Cédras. The two never met face to face, but the deal was hatched in a comfortable building on Governors Island in New York Harbor. The date was July 2. By this time, the United Nations had imposed an embargo on shipments of oil and arms to Haiti. The financial assets of Cédras and his aides had been frozen in accounts overseas.

DEAL BREAKER

Cédras, presumably, had incentive to talk. Aristide, for his part, demanded that Cédras, other members of his high command and Col. Joseph Michel François, the head of Haiti's repressive police force, be required to resign their posts as a condition of any deal. Aristide had already agreed, reluctantly, to a delay of four months. At 3 a.m. on July 3, the terms of the deal seemed solid. Michael Barnes was a former congressman whose law firm was representing Aristide's government-in-exile. He got a call in his hotel room from Tony Lake. Cédras & Co. would leave. Four hours later, Barnes's phone rang again. This time it was a State Department official named Charles Redman. Somehow the terms of the deal had changed. Only Cédras would be required to leave the Army. His aides could assume Army assignments outside the high command. Barnes phoned Lake in a fury: "This is a deal breaker," he shouted.

But it wasn't. Twelve hours later, after U.N. guarantees that would force Cédras's aides to either retire or assume military posts outside of Haiti, Aristide relented. At the United Nations Plaza Hotel late in the morning of July 3, Aristide was confronted with the tearful entreaties of friends and supporters; still he held firm. With a grim smile, he affixed his signature to the Governors Island accord. "I signed it," Haiti's exiled president said. "I will keep my word."

One of the stranger things about the Governors Island agreement was that both Cédras and Aristide, having rejected the earlier plan for the "transformation" program for Haiti's military, were demanding it now: Details of the plan were specified in Paragraph 5 of the accord. At the Pentagon, General Sheehan prepared to make things happen with the Haitian military. Simultaneously, Dante Caputo, the United Nations special negotiator for Haiti, moved to Port-au-Prince to begin laying the groundwork for both the police and military missions. Within a month of the signing of the Governors Island accord, the first American service personnel began showing up in Haiti to survey the job at hand. The personnel were dispatched from the Atlantic Command in Norfolk, Va. Since the "transformed" Haitian Army was to be largely an engineering force, many of the earliest Pentagon personnel dispatched temporarily to Haiti were Seabees, specialists from the Navy's Civil Engineer Corps. Things were beginning to accelerate.

But trouble was also brewing. For one thing, many of the newly arrived military personnel were shocked by life in Haiti. The place is brutally poor, and even before the ouster of Aristide, political violence had become something of a way of life. By early September, although unarmed human rights monitors roamed the country without serious incident, many of the military specialists from the Atlantic Command were phoning back to Norfolk with horror stories: There was gunfire every night, and bloodied corpses were turning up daily in the streets. Within weeks, the phone calls from Port-au-Prince to Norfolk constituted a separate but very real intelligence network. Coincidentally, the reports to Norfolk jibed with reporting by the CIA and the Defense Intelligence Agency about increasing violence in Haiti. The violence was among Haitians, however; foreign aid workers and diplomats were seldom even bothered.

Within the Pentagon, there were growing concerns. Adm. David Jeremiah, the vice chairman of the Joint Chiefs of Staff, would soon become chairman, following Gen. Colin Powell's retirement. Jeremiah was worried about two things. One was the increasing violence in Haiti and growing reports that Cédras might renege on the Governors Island deal. The second concern was more prosaic but also more real. The USS Harlan County was due to depart for Port-au-Prince any day with 600 trainers and engineers on board, but there were just a fraction of the anticipated 500 Canadian police trainers on the ground in Haiti. "Our force protection would be underpinned by the police," says a senior Pentagon official. "The groundwork wasn't prepared."

Jeremiah expressed these concerns to Secretary Aspin, who was in Norfolk on October 1 to speak to the newly reorganized Atlantic Command. Aspin asked the commanding admiral. Paul David Miller, about the situation in Haiti. Miller was not encouraging. The next day, Jeremiah, at a White House meeting, outlined conditions for the Haiti mission. The day after that, halfway around the world in Somalia, 18 U.S. Army Rangers lost their lives in a vicious firefight. In Washington, the jitters over Haiti turned to shakes. Some Pentagon officials say the nervousness was justified by the news coming out of Haiti. Lawrence Pezzullo, the administration's diplomatic point man, was skeptical. "All of a sudden," Pezzullo said, "Haiti became Somalia."

Smaller issues intervened. The Harlan County was supposed to arrive in Port-au-Prince on October 11. Terms of the transition plan called for Pentagon personnel to carry side arms into Haiti as protection. Somehow, in translating from English to French to Creole, "side arms" turned out as "pistols." There was one problem with that: Seabees and others among the 600 people on the Harlan County didn't carry pistols; their personal side arms were M-16 assault rifles. With the Harlan County steaming toward Port-au-Prince, Pezzullo hurried to inform Robert Malval, Aristide's increasingly unhappy prime minister. Reluctantly, Malval agreed to the last-minute change; Cédras and the military were not to be informed. This might have been fine except for one unfortunate gaffe. On a Sunday morning television talk show, a day before the Harlan County would steam into Port-au-Prince harbor, Secretary Aspin was being grilled about the tragedy in Somalia when the questioning turned to Haiti. Would the 600 Pentagon trainers and engineers be unarmed. ABC's Sam Donaldson asked Aspin. Not at all, Aspin replied. "They'll have M-16s." Within an hour, the news had ricocheted around Port-au-Prince. The response from Cédras was predictable: double-cross. Says Pezzullo: "That blew it for us nicely."

The wind was calm and the skies fair when the Harlan County arrived at the lip of the Port-au-Prince harbor shortly after noon on October 11. Several dozen unarmed thugs were waiting at the dock; earlier that morning, they had jostled an embassy car carrying the chargé d'affaires, Vicki Huddleston. To Huddleston, Pezzullo and Dante Caputo, the U.N. envoy waiting for the ship, the demonstration was annoying—no more. Cédras, reached by phone, told Huddleston he knew nothing of the little demonstration. An impasse ensued. Later, on the water, two tiny Haitian patrol boats menaced the Harlan County, and the ship's captain ordered the boats tracked with a radar-fitted Gatling gun. The patrol boats departed. In Port-au-Prince early that evening, the Harlan County cast a tall silhouette against the darkening tropical sky.

In Washington, the secure phone lines from the White House purred quietly. Details remain unclear, but Anthony Lake spoke with Les Aspin, and the president was briefed: The

Harlan County would be ordered back to Norfolk. The decision was clearly one with which several administration officials felt uncomfortable. At a meeting the next morning in the White House Situation Room, Pezzullo called the demonstration on the dock in Port-au-Prince "a bit of theater, no more." CIA Director R. James Woolsey disagreed, and Pezzullo rose to try and refute the argument. Lake cut him off: "The decision has been made, Larry." The Harlen County weighed anchor soon after. Aristide heard about it still later—on CNN.

The decision, even many administration officials now concede, was a fiasco. A State Department cable reports that the demonstrators on the Haiti docks "never had any expectation that they would in fact be successful in prompting the departure of the vessel." A study of the incident by the U.S. Army War College delivers a more scathing indictment. "The decision to withdraw the ship from Haitian waters was taken without consultation with or even notification of the United Nations, President Aristide or Prime Minister Malval. It left the impression that the United States had cut and run . . . frightened away by a few unruly thugs." From the Harlan County incident in October until March of this year, Washington's Haiti policy would be marred by similar dramatic episodes, each side shooting down new initiatives to get them back together. "After Harlan County," Pezzullo sighs, "it was like trying to put Humpty Dumpty together again."

DITHERING

The Harlan County episode may be the most embarrassing in the Clinton administration's handling of the Haiti account, but it is not the most troubling. The yearlong display of dithering and direction changing has come with a price, a high one. Today, having declared his own Haiti policy a failure and ordered his aides to conduct a full-blown review, President Clinton increasingly finds himself confronting two unpalatable choices: dumping Aristide or intervening with force. A confidential 11-page State Department cable reflects the ambivalence within the administration about Aristide: "If the U.S. and the U.N. choose to remain engaged with Aristide, they must also remain engaged in human rights monitoring and institution building in Haiti, otherwise Aristide will continue to use lawlessness in Haiti to force his own agenda of intervention." Aristide disputes the cable's conclusions—and worries that even if Clinton is serious about returning him to Haiti, many of his key aides don't support the tough measures that may be necessary to make it happen.

That agenda, which could well result now in the deployment of American troops in a unilateral or multilateral invasion of Haiti, may satisfy Clinton's growing number of critics on Capitol Hill. Indeed, Clinton's decision this month to begin processing Haitian refugees aboard ships in the Caribbean instead of sending them back to Haiti immediately had the effect of ending a popular activist's hunger strike against the administration's Haiti policy.

But it is hardly a solution. Nor is the option of increased sanctions. The U.N. deadline for Cédras and his aides to leave Haiti will expire later this month, when the tighter economic sanctions will take effect. No one expects them to work; but they could well result in a new wave of Haitians taking to the high seas in boats, which would only compound the administration's problems. So barring the unexpected departure of Cédras and his colleagues, the only option left to President Clinton may be the one he relishes least—the use of military force.

THE STATE OF THE ECONOMY

The Speaker pro tempore. Under a previous order of the House, the gentleman from California [Mr. Lehman] was recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, I rise to address the faulty and damaging policies which are being pursued by the Federal Reserve Board. Under the guise of fighting inflation, the Fed is adding hurdles to economic recovery throughout the United States.

Earlier this year, the Fed raised interest rates based on solid economic growth in the 4th quarter of last year, even though companies were still laying off thousands of workers and key States such as California did not share in the economic activity.

A few weeks later, based on mixed signals from the economy, the Fed again jolted key productive sectors of the economy with another rate hike.

And yesterday, despite similar mixed indicators, the Fed again completed its mystical calculations and decided on yet another half-percentage-point increase in interest rates.

Who are these people and what planet do they live on? To a reasonable person, mixed forecasts and uneven growth would indicate a need for further review to avoid causing damage. To the Fed, this information apparently indicates a need to remain sequestered in their temple on Constitution Avenue and take immediate action to exorcise the demons of inflation.

Let me describe the situation that is faced by real people in California. Unemployment in California is 2½ points higher than in the United States as a whole; in 4 counties in the Central Valley, unemployment ranges from nearly 12 percent to just under 20 percent. Statewide, defense-related and other durable-goods manufacturing are still losing jobs, the total effects of military base closures have not been felt, and construction is still weak.

I want to focus on the housing situation because of its ripple effects throughout the economy. Higher interest rates make homes less affordable, especially for first time home buyers and those who are trading up. These increased interest rates can add hundreds of dollars to a homeowner's mortgage. This increase can make the difference between renting and buying, it can mean the difference between moving to a nicer and safer neighborhood, it can mean the difference between getting by and achieving the American dream.

Apparently these bureaucrats at the Fed don't understand these simple facts of American life. What they should understand is that we lack a sustained recovery, capacity is still slack, prices for raw materials remain low, and we have the lowest budget deficit in 6 years. In addition, productivity is improving drastically, capital investment is much more effective, and international trade continues to expand, leading to low inflation, not high inflation.

The result of this policy may be praised on Wall Street, but it is being damned on Main Street.

H.R. 3800

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] was recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, an issue passed today in the Committee on Energy and Commerce under the leadership of the gentleman from Michigan, Chairman JOHN DINGELL, which will help create jobs in American cities. I particularly want to applaud and thank the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], the gentleman from Ohio [Mr. OXLEY], and the gentleman from Michigan [Mr. DINGELL] for their leadership on this issue.

Every industrial city in America has large tracts of land that are abandoned. These tracts used to be auto companies or used to be steel plants or used to be chemical companies. These are tracts of land that when the businesses close, these tracts of land simply were abandoned by the owners, simply are not reclaimable under present law in these communities.

The banks will not lend money to clean them up and to develop new industry there. The owners simply cannot afford to clean up. So you will see large sectors of land, large tracts of land in all of America's major industrial cities, including cities like Lorain and Elyria, Ohio, in my district where nothing is happening in those areas.

□ 1920

What we see, instead, is a Bermuda Triangle of economic growth. There is no job creation in these communities, where large tracts of land are abandoned. There is an erosion of the tax base, because these lands, these tracts of land, used to create jobs, used to house factories where there were lots of jobs, where people were working and the tax base was expanding and schools were getting money and all of that in these cities.

The third leg of that Bermuda Triangle is the environmental degradation in these communities on these sites, where nobody is cleaning them up. They are simply sitting there abandoned with fences around them.

These cities where these large abandoned tracts of land are located are the cities that built America. They are the cities where ships were built and steel was produced and automobiles were made and chemical companies produced chemicals for American industry

and for American consumers, where appliances were built. All of these areas have been abandoned.

I drive by these abandoned sites in Lorain and Elyria almost every day. H.R. 3800 will help people go into these communities, will help developers go in, will help bankers loan money in these communities, so that people can—companies can go in and start new industries and bring these areas back, which makes sense for job creation, it makes sense to expand the tax base, it makes sense for environmental cleanup.

Instead, if we do not pass H.R. 3800, these companies will continue to go to the suburbs and continue to knock down virgin forests and continue to develop lands that are farmlands, instead of going back into the cities and using these lands.

H.R. 3800 will help America reclaim our jobs, reclaim our schools, reclaim our cities, and reclaim our environment.

THE IMPOSITION OF TRADE SANCTIONS ON CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, I wish to express my agreement with the position stated earlier this week by Mr. MITCHELL, the distinguished Senate majority leader, in which Senator MITCHELL called for trade sanctions against China unless the Chinese Government improves its human rights policies by June 3.

June 3 is the date designated for President Clinton to make a decision on the renewal of most-favored-nation [MFN] trade status with China. In his Executive order last June, the President solemnly promised that he would revoke MFN unless China made overall, significant progress, on such human rights issues as protecting Tibet's unique culture, freeing political prisoners, and ending the use of prison labor to manufacture export goods.

Mr. Speaker, the Chinese failed to respect the President's call, their policies have shown even less respect for the principles of human freedom.

The terms of the Executive order have clearly not been met. Even if MFN is to be extended it must be strongly conditioned with strong and specific sanction.

During the 1992 election campaign, Mr. Clinton criticized then-President Bush for unwillingness to condition trade on human rights. He spoke in the aftermath of the Tianamen Square massacre. Now the ball is in President Clinton's court. The time has come for us to demonstrate to the Beijing Governing that we mean business.

Senator MITCHELL said he was drafting sanctions because he believes that China has not met the conditions specified by President Clinton. I propose to strongly support those sanctions unless the President acts in the next 2 weeks. Let the White House stand advised that the Congress will not ignore the brutality of the Chinese authorities in the area of human rights.

When we consider the mutual trade question regarding China, I suggest that we remain mindful of America's greatest export—the principles of freedom and liberty. This ideal principle is inherent in the universal democracy concept that Thomas Jefferson saw as our mission among the nations. Let us honor America's true heritage in our China policy.

China has just issued an order widening police powers to detain dissidents and restrict proponents of democracy. There are now reports of outrageous persecution in Tibet involving denial of religious and cultural freedom. The Dalai Lama was led to believe by our Government that we really cared about what happened to the Tibetan people and the Buddhist faith.

I hope the President addresses this matter in the next 2 weeks in keeping with the integrity and vision that led him to issue his Executive order last June.

It has been said that unbridled capitalism would bring freedom to China and we should ignore human rights. This is not American free enterprise. It is unbridled, raw, greedy, uncontrolled, laissez-faire exploitation reinforced by the police power of the state. I would like to incorporate into my remarks at this point an article in the Washington Post on May 13 by Professor Dorothy Solinger of the University of California who has studied the MFN renewal issue:

IN CHINA, CAPITALISTS ABUSE HUMAN RIGHTS TOO

(By Dorothy Solinger)

As the administration backs away from using the most drastic of trade sanctions to promote human rights in China—that is, ending its most favored nation status—one of the compromise plans being most seriously considered is to impose more limited sanctions, directed only against enterprises owned by the state. Those who support this proposal argue that by trading only with enterprises owned and managed by the private sector or involved in joint ventures with foreign capital, we would be encouraging the most progressive sectors in China while at the same time exerting pressure on the Chinese state.

Most of the objections to this proposal (including those made in The Post's editorial yesterday) have to do with its impracticality and the difficulty of enforcing it. I would suggest there is another, more important problem with the plan; that many of the private enterprises we would be dealing with are responsible for some pretty nasty human rights abuses of their own. For the fact is that the so-called "entrepreneurial sector" in China contains a huge number of businesses that accord shameful treatment to their employees.

It is true that some firms in this sector rely for a portion of their work forces on technically trained, sophisticated personnel. And these staff do get pensions and other appropriate protection. But many of these firms, especially those in the rural and suburban areas and the ones developed with Hong Kong capital, depend for the bulk of their labor on near-destitute, under-educated manual workers drawn from poverty-stricken areas of the countryside that are experiencing huge labor surpluses and have severely limited land resources. These workers are treated as a labor reserve, people who "come when beckoned and leave when dismissed," in the words of a Chinese periodical.

Just as with any migrant labor the world around, these peasant-workers are handed the labor-intensive, dirty forms of work. They receive few or no benefits and have no job security whatever.

One of the fullest reports on the foreign firms comes from a Chinese scholar who compares capital-labor relations in the foreign-funded firms today to those in the Chinese factories of the early 1950s, before the state benefit and job security system had been put into place. A better comparison for Western readers would be the miserable workplaces of early-industrial, mid-19th century England described by Charles Dickens.

In one representative joint venture, where the partner is from Hong Kong, workers are given two 10-minute rest periods a day, during which more than 200 women must compete for two toilet stalls. Not surprisingly, many cannot contain themselves while waiting at their machines. Other appalling conditions abound in various firms. Sixteen to 18-hour days with no extra pay are often the norm. In some Japanese firms in China, if a worker is late, he or she has to stand outside and suffer humiliation for an hour. (Such practices are also reported in Taiwanese, Korean and Hong Kong firms in China.) Cursing, beating of workers, deductions of their wages and bonuses, and arbitrary firings are not uncommon.

Chinese journalists writing in a magazine in Guangdong Province revealed that in the entrepreneurial sector (including both foreign-funded and Chinese firms in the rural areas) of the Pearl River Delta—widely acclaimed as China's most "capitalistic" region—12- to 18-hour days, seven-day weeks, 20-minute lunches, and a total absence of labor protection, sanitation and injury compensation are the rule—all flying in the face of state regulations. There are grim tales of fires, such as one (of many) in a Shenzhen factory in November 1993 in which 84 peasant workers, locked in to prevent theft, were suffocated and burned to death.

As compared with these "entrepreneurial" firms, those in the state sector treat migrant workers with at least a degree of dignity. In the latter, most transients' jobs are guaranteed by three- to five-year contracts, and many other low-cost medical care, some bonuses and subsidies. There are at least minimal sanitary and safety standards observed, and workdays are eight hours, with Sundays off.

Benefits may be far skimpier for peasants than for the permanent urban regulars in the state firms. But in reports and interviews on treatment of rural migrants, there are no stories of a total lack of benefits, of assaults on workers' dignity and bodies, of poisonous exposures, excessive overtime, embezzled wages, or frisks and searches, as we find repeatedly in press reports on the foreign-funded ventures.

Why is there this obvious discrepancy? The main thing to keep in mind is that while

China is in the midst of a transition away from socialism, this doesn't mean it is going to step directly into the sort of mature capitalism that we in the West tend to associate with a market economy. In those areas where the state is largely absent—as in the "entrepreneurial sector," and especially in those firms subject to the competition of the international market—the transition to welfare state capitalism as we know it does not take place easily or rapidly, just as it did not in the West.

Instead, what we see is a raw, unadulterated laissez-faire capitalism, made possible in part by the fact that decades of Communist Party rule have undermined the rule of law, given workers little opportunity to organize, and allowed local party officials to rule pretty much as they please.

Firms in the state sector, however, are at least somewhat affected by the regulatory climate and the tradition of benefits and welfare that have shaped socialist work places for some 40 years. Granted, workers in the state firms also suffer under the authoritarian rule of the party. But the regulations of the state continue to provide some protection for workers—at least until the day when more "entrepreneurial" reforms destroy this legacy altogether.

CONCERNS REGARDING THE ETHICS REFORM BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the Minority Leader.

Mr. BURTON of Indiana. Mr. Speaker, tonight I'm going to talk about something that I'm sure will appear to be an exercise in futility to almost all of my colleagues, because the pressure from the media and from special groups like Common Cause is so great that there is probably not much chance that we are going to be able to reverse the tide.

I thought I would tonight take a little bit of time and try to express my concerns about the ethics reform bill that we are talking about, that just passed the Senate, a similar bill just passed the House; to tell you why I oppose many provisions in it, and why it is going to be bad for the institution called the Congress of the United States and bad for the American people.

Right now we have a policy which demands that every time we do anything that costs money from a lobbyist or a person who takes us out to lunch or dinner or buys us any kind of a small gift, we have to report it on our FEC report. That is going to be changed with the new ethics reform bill to such a degree that many of our constituents will not even be able to converse with us.

Let me just give an example. Right now if a businessman or a businesswoman wants to take a client out to lunch or a friend out to lunch, they do that and they deduct it, in many cases, from their taxes. Many times a constituent or a group of constituents will come to Washington, 10 or 15, and they will say, "We want to sit down with our Congressman over lunch and talk to them about problems of our State," and because there are 10 or 15 of them, the Congressman cannot afford to buy everybody's lunch or dinner, so they will take him out to lunch or dinner so they can have the opportunity to spend a long period of time with him talking about their problems or their concerns.

Under the new ethics reform law, if they go out and have lunch, a $2.50 sandwich, the person buying the sandwich and the Congressman or Congresswoman will be guilty of a crime. That is going too far. That is just going too far.

If a Congressman or Congresswoman says to a friend visiting Washington, or maybe even back in their district, "Would you like to go out and play golf?" and the Congressman or Congresswoman pays for that, that is all right. If a businessman pays for that, if a friend pays for that, that is all right. But if a person takes a Congressman or Congresswoman out to play golf or tennis or something like that, that is going to be a crime, not only for the Congressman but for the person who is paying the freight.

Charity golf events and charity events that have raised hundreds of thousands of dollars for different charities, cancer research, Ronald McDonald House and a lot of other charities like that, instead of the Federal Government paying for it, instead of the taxpayer paying for it, many of these charity events pay for it. A lot of those are going to be stopped completely, because Congressmen and Congresswomen will not be able to participate any longer. They are going to cut that out.

I think that that is something that ought to be looked at with a jaundiced eye, because if these charity events are done away with across the country, and maybe this is a first step toward eliminating them altogether, I don't know, then the government is going to have to pay for it, and that is going to mean the taxpayer is going to pay for it.

Individual citizens, individual businesspersons do not have these kinds of restrictions, and they should not have. I do not think we should have a double standard where Congress should be any better off or any worse off than the private sector.

What we are going to see if we pass the Senate ethics proposal, Mr. Speaker, is you won't be able to have lunch with anybody if they buy you a sandwich, because it will be illegal. You won't be able to go to a sporting event with them if they buy you a ticket, because it will be illegal and both of you will commit a crime. You won't be able to play golf with anybody or tennis with anybody if they pay the fee at all, because it will be a crime. You won't be able to participate in any charity events that raise monies for charity, because it will be a crime.

I just think that is going too far. It is just going too far. What is the answer? The answer is to let your constituents and let the people of America in on everything we do, report it all. If we get a small gift, report it; limit the gift, but report it. If we go out to lunch with somebody, report it, so our constituents know who is buying our lunch, or who is going out to be with us for a sporting event or whatever it may be.

If we go too far, you may rest assured that the media that is always following everything that Congressmen and Congresswomen do, they will report it and they will report it on the front pages of the paper, and the political pressure will be so great that Congressmen and Congresswomen will have to change what they are doing. That is the way it should be.

To make criminals of Congressmen and Congresswomen because they go out and have a sandwich with somebody is wrong. To make criminals of Congressmen and Congresswomen because they play golf or tennis with somebody, and make the person paying that a criminal as well, is wrong. To stop us from participating in charity events that help cancer research and help organizations like Ronald McDonald House and others like that is just dead wrong. Most of my colleagues are scared to death to come down here and talk about this.

They have tried to put some loophole in the Senate provision by saying if you go out with a friend, that that does not qualify as something being purchased by somebody who may lobby you for something. What are we going to do?

Are we going to have Congressmen going around with a sheaf of letters and when they go to have lunch with somebody say, "I hereby say that I am DAN BURTON's friend," or "I'm the Congressman's friend," and you have them sign it, and then you have record back in your office that it was a friend that bought you that sandwich or that round of golf or whatever it might be?

You could drive a truck through that loophole, and I guarantee it will be on the front page of the paper shortly after that passes, and it will make Congress look even worse than it has in the past.

The way to solve the problem is to make everything clear and above board and reported in our FEC report, so the world knows about it, but do not start creating criminal penalties if somebody buys you a McDonald's hamburger or takes you out to play a round of golf or takes you to see a basketball game.

Besides that, it is going to be very, very hard for us—they said in some cases that they will allow you back in

your home district to have somebody take you to lunch or take you to dinner, or you can go out and play a round of golf with them. The problem with that is they may be a lobbyist and you will have to just carry that ethics reform law with you everywhere you go to make sure you do not violate it.

There will be Members of this body and the other body that will inadvertently violate the law, and some of them may be subject to prosecution down the road, not because they intentionally violated the law but because they unintentionally did, because ignorance of the law is no excuse, as we have heard many times in the past.

I would just like to say to my colleagues that I am confident that they are going to pass this bill, I am confident that it is going to become law, but I think it is a step in the wrong direction. A more realistic way to solve the problem is to report everything and let the people know the facts and the country will be safe, and I would like to add to that and say, let the people know the facts and Congressmen will toe the mark.

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That is the way to do it instead of making these criminal offenses.

I would like to say just one more thing which really galls me. There was a charity golf event this past Monday I believe, and there were about 30 or 35 Congressmen that played in it, and $35,000 was raised for charity, $35,000 raised for charity. I believe it was ABC that was out there in a plain blue van, going around the golf course, peeking through the trees. They had a tripod with a telephoto lens trying to take pictures of members of Congress with other Members of Congress and the people that put on the charity event, trying to make it look like there was something horribly wrong with that. And I want to tell Members that really bothers me that the media and these scandal shows are out there trying to make something like a charity event look like something that is a crime, because there was not anything wrong with that, and there is not anything wrong with that. For Congressmen who are busy 6, 7 days a week to go out and participate in a charity event that raises money for a good charity, to be scared to death to even go participate because they are afraid they are going to be on television, on "Prime Time Live" or "60 Minutes" or some other show.

So I guess I have vented my spleen tonight, Mr. Speaker. I think if I had all of my colleagues up here speaking what is really in their heart, I believe the majority in both the House and the Senate would agree with me. The answer is not to create criminal penalties for us having lunch or playing golf with somebody in this Capitol or in our home district. The answer is to report everything.

The answer is not to do away with charitable events that are going to help many worthwhile charities because Congressmen and Congresswomen cannot participate. The answer is for us to report when we participate in those events, and if we participate in too many of them, then I am sure that we will be taken to task by our constituents.

With that, Mr. Speaker, I think I have said my piece.

HEALTH CARE AND SMALL BUSINESS

The SPEAKER pro tempore (Mr. DOOLEY). Under the Speaker's announced policy of February 11, 1994, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the majority leader.

Mr. BONIOR. Mr. Speaker, tonight I wish to address the health care issue as it relates to the small business community.

Mr. Speaker, about 2 weeks ago there was a really big press conference on Capitol Hill, and like many press conferences around here the past few months, this one was about health care reform. The group that called it strongly urged the passage of comprehensive health care reform and strongly supported the goals of the President's health care plan.

That comes as no surprise because there are millions of Americans who support the President's health care plan. Mr. Speaker, what comes as a surprise is that the group that called the press conference was a coalition of small businesses. They represent over 340,000 small businesses and over 3.1 million employees.

The reason I say that it comes as a surprise is that if you believe what you read in the newspapers or hear on your TV sets, or even if you believe some of the press releases from the groups that oppose health care reform at any cost, you would be led to believe that small businesses do not want health care reform. But the truth is small businesses especially, and this is critically important, especially the small businesses that now took up the responsibility that was before them and insure their employees, they are the strongest supporters of health care reform.

Mr. Speaker, I am joined tonight by my good colleague, the gentleman from West Virginia [Mr. BOB WISE], and will soon be joined by the gentlewoman from Connecticut [Ms. DELAURO], to talk about this issue.

For anybody who owns a small business, they know the reason why when people talk about health care crisis in America nobody has been hit harder by the high cost of health care than the small business community, nobody. If you were to sit down and come up with a new health care system, chances are you could not possibly design one that is worse for the small business community than the system that we have today. You could not figure it out any better to have a system that is as bad for these business people.

Put simply, Mr. Speaker, our current health care system is killing small business today. Let us look at some facts.

Today small businesses pay an average of 25 to 35 percent more for coverage than big business, and that is because they do not have the market muscle that big businesses have to bargain for a better rate. So all of the power is on the side of providers. There is no negotiation. It is an either take it or leave it coverage.

Every single year, every single year health care costs for the average small business increases anywhere between 20 and 50 percent, every single year. For most small businesses to insure their employees today, they can only afford really basic, bare bones coverage, and that is because it costs too much to get good coverage. So they end up paying too much, and they get too little coverage.

What is more, small business is subject today to every single abuse that exists in our current health care system. About 15 percent of the small firms in America today fall into industries that insurance companies refuse to provide coverage to because they are considered high risk, places like beauty salons and florist shops, hospitals and logging or mining industries. This is known in the business, in the parlance of the business as occupational redlining, and it is rampant in America today.

What is more, insurance companies often refuse to cover small businesses or price their coverage so high that they cannot afford it simply because one or more of their employees have what everyone I think is learning to call now preexisting conditions. So if you have somebody in a firm that may have 10 people with a preexisting condition, often times you are not able to afford or will not be able to even get insurance for your employees. What often happens in those cases is that small business will cover their employees, but exclude the people who have preexisting conditions for the first year. But when the year is over, those employees are allowed to join the plan, only to find the cost of coverage has gone up so much because of them that the employer basically has to drop coverage altogether.

On top of that, most small businesses do not have benefits departments so that the owner has to take time away from dealing with his customers in order to haggle with the insurance company and fill out all of those forms.

Then add to that the fact that the workers' compensation costs have been going through the roof because the medical portion of Workmen's Comp

has climbed from 35 to 40 percent and up to 50 percent of the total cost. If you are self-employed, if you are a farmer or an independent contractor, then you cannot deduct 100 percent of your costs like everyone else; you can only deduct about 25 percent of the cost.

Mr. Speaker, those are just some of the challenges that face every small business person today. It is no wonder that they are up against the wall when trying to provide coverage for their employees and instill a stable work environment where they can keep their employees.

Yet, even with all of these challenges, 70 percent of small businesses today provide some kind of coverage to their employees. Even with all of that, the community believes that it is worth it from a community standpoint, from a good business standpoint, from a standpoint of retaining these workers, they believe it, and so 70 percent of small businesses provide some kind of coverage.

But the ultimate indignity is that the firms that do cover their employees not only have to compete against the firms that are getting the free ride, that do not, but they have to pick up their costs as well. You may ask how does that work.

People who are not covered by their employer still get health care when they need it, but they just get treated like most people who do not have health care coverage are treated, they go to the emergency room which is the most expensive part of getting care where the cost is four times more than an average doctor's office call, but guess who pays the bill? The small business does. They end up paying for their competitors who do not insure.

So Mr. Speaker, the bottom line is that the private sector has failed small business on health care. The private sector has failed small business on health care. Big business has enough market muscle to deal with the problem, but small business has tried everything over the past decade to keep pace, and nothing has worked. They have tried switching programs, managed care, self-insurance, reducing benefits, passing along a bigger share to the employees, and everything has failed. The costs still rise between 20 percent and 50 percent every single year.

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The cost of health care continues to grow at an extraordinary rate, and the smaller the business, the less clout, the higher the cost.

Mr. Speaker, we cannot afford to nibble around the edges any longer. It is time for comprehensive reform to make the system work for small business, and that is exactly what the President's plan does.

Small businesses are finding that when they read the fine print on the President's plan, they like what they see. Forget what you have heard from all the nay-sayers who do not want health care reform at any price, the fact is the President's plan will help small business in a number of different ways. First, the President's plan makes it possible for the first time for small business to buy good, rock-solid coverage, insurance that is as good as any plan offered by the Fortune 500 companies. Small business will no longer be stuck with only being able to afford these bare-bones coverages, and they will not lose employees to bigger companies just because of health care benefits, because they will be able to offer the same plan.

Now, second, it shifts the power of the marketplace to small businesses, so it has the same muscle as big business. Of course, no insurance is any good if you cannot afford it.

The President's plan provides discounts, discounts for small business, and we are in the process today of making the plan even stronger by exempting certain small businesses altogether and making it easier for others to phase in coverage.

And, third, it controls the cost of premiums and copayments. No more jacking up rates if an employee gets sick.

Fourth, it increases the choices employees and businesses have of their doctors in the plans. As you know today, only one in three companies with fewer than 500 employees offer any choice at all. Under the President's plan, everyone can follow their doctor to any health plan that they may join. And everyone will have a minimum of at least three different kinds of plans to choose from.

Now, fifth, it stops insurance company abuses. No more occupational redlining, no more preexisting conditions, no more price baiting.

Sixth, it allows people who are self-employed like farmers to deduct 100 percent instead of the 25 percent of the cost, which will be a tremendous savings for families who have small independent businesses.

And, seventh, it gets workers' compensation costs under control, and it folds the worker portion of workers' comp into health care.

Above all, eighth, it requires all of us to take responsibility for the system. No longer will small businesses who cover their employees have to pay for those who do not.

Everyone will have a role. That is basically what the plan does. And those people who say that it does not matter what plan we choose remind me about the old story about the veterinarian and the taxidermist who shared the same office together, and their motto was, "Either way, you get your dog back."

It does matter. It does matter. It makes a difference. And, of course, the big question is: How do we finance it? There are basically three ways.

First, you can do a single-payer plan like they have in Canada which says the Government should run our health care system. It is built around the principle that one size fits all. But what works in Michigan will not necessarily work in West Virginia, Connecticut, or New Mexico, and we will have to raise taxes too much to do it. Frankly, politically it is not feasible to do that at this point in this Congress.

Second, there is the family mandate making families solely responsible for coverage. But if that happens, many businesses may just offload onto families, and I think that is too much for families to handle, if we had individual or family mandates. We have that now, if you want, you can provide, but many cannot provide.

The third choice is for employees and employers to share costs and build on the system that we have now.

Now, today 70 percent of small businesses cover their employees, and 9 out of 10 people who are covered get benefits at work. The most interesting statistic is that 8 out of 10 uninsured people in this country have jobs.

Well, this makes the most sense. And I know there is a lot of concern about how much it will cost small business. We are addressing the problem now, and we are working on ways to offer more exemptions and subsidies for small businesses. There is a myriad of formulas out there. We are trying to craft things that will make it compatible and workable and affordable for our small-business community.

But for those who cover their employees now, the majority of businesses, they will get more coverage for less, and that is basically what we will end up with. You will get more coverage for less if you already cover your people.

The Wall Street Journal said this is a bonanza, the Clinton health care plan is a bonanza or something to that effect for the small-business community, and they are no friends of the President, as many of you understand and recognize. But they recognize the economics of the plan, and for those who do not cover their employees now, they may pay a little more, but when you look at how much, you realize it is no more than the cost of an increase in the minimum wage. Either way, it is a lot better than the system we have now.

Health care reform will not work if it does not work for small business. We know that, and that is why we are working hard. We are working diligently to give small business the best deal that we can.

The small businesses who were at the press conference a few weeks ago realize we will never get the system under control until we make everyone take responsibility for it. Everybody has to

take responsibility, no more free rides. We are in this together. If we are in it together and if we work together, it will work well for all of us. But if we have companies taking a free ride on other companies, then it becomes cannibalistic, and then you are in a situation where you do not have your muscle for bargaining and your negotiations for lower rates, a decrease. Responsibility is the key in all aspects of life, whether it is family, whether it is religion, whether it is work, and responsibility is a key ingredient as we move forward to deal with this small-business health care crisis.

As I said earlier, we could not have dreamed up, if we stayed up all night, a worse system than we have now for the small-business community when it deals with health care. So the message is there can be no more something for nothing. We have all got to play a role in getting the system under control.

We ask everyone to open their minds, to open their hearts, and to work with us as we try to craft legislation that will truly be important, not only to employees in this country but to the owners of small businesses as well.

I would be happy to yield to my friend, the gentleman from West Virginia, and to my colleague, the gentlewoman from Connecticut, who have both been champions on health care certainly, but especially on the issues of health care.

Mr. WISE. Mr. Speaker, I thank very much the gentleman from Michigan for yielding and taking this time and for beginning to sound the drumbeat which is particularly for small business.

Check this package out carefully. Do not buy a pig in a poke, but do not buy those who are telling you that the President's plan is not good for small business.

I have got this mental image that in a few short months, let us assume for a second the President's plan is not successful, does not pass; I have got this mental image in a few short months of a group of small business people suddenly beginning to read what went by, what they missed, what got voted down, and calling up some of their so-called advocates, for instance, such as the National Federation of Independent Business People, calling them up and saying,

What in the world have you done? You let a chance get away that I could have employed my workers for as low as, in the case of companies under 25 employees, with an average salary of less than $12,000, you let a chance get away that I could have employed my workers, insured my workers, in a comprehensive plan average of the Fortune 500 plans, guaranteed benefits for 3½ percent of my gross payroll.

Many small businesses are paying that much in workers' comp already.

If your business is predominantly, as many businesses are, particularly in restaurants and particularly in other sectors, is predominantly minimum wage, then you can insure under the Clinton plan your people for as low as 19 cents an hour. The last minimum wage increase that this Congress passed in 1988 was 90 cents an hour implemented over a 2-year period, 45 cents a year.

Nineteen cents an hour, and you have got complete coverage. You had better read it. I hope small businesses will read that package. I hope they will question those who are telling them it is so bad.

My concern over what is happening in this argument is the first statement in the President's package dealing with small business is what is quoted, but nobody pays attention to the next sentence. The first sentence is that all businesses will be required to pay 80 percent of the premium. That's what scares a lot of people. They never hear, because there are some people who do not want them to hear; they never hear the second line. The second line is but the premiums costs to the small businessperson are capped, and in no case under the President's plan can it exceed 7.9 percent of your gross payroll. That is it, 7.9 percent.

A friend of mine runs a machine shop, has about 35 employees. He provides, because he believes he should, he provides insurance for those employees, health insurance.

□ 1950

He was giving me heck about a year ago on the provisions as he understood them of the Clinton plan. I finally said, "Stop for a second, Ray, what percentage are you paying right now?" He said about 14 percent of his payroll. I said, "Do you understand there will be complete coverage for all your employees and it cannot exceed 7.9 percent of your payroll?" He said, "You mean I get a reduction?" I said, "You not only get a reduction, you probably get an improved policy." He said "you guys probably will raise it a point or two and it is still an incredible deal."

I was in a restaurant operated by—a small mom and pop restaurant operated by two very good friends of mine in a rural community in West Virginia. Clyde was expressing concern to me about what the costs could be if there were mandated coverage. He said, "Bob, we are doing the best we can. We cannot afford health insurance for our employees." I went through the details. And he has roughly 10 employees at basically minimum wage. I said, "Do you understand that you would pay no more than 3.5 percent of your payroll?" He paid more than that for the family policy that covered only him and his wife. And now he could cover all of his employees and deduct 100 percent.

Mr. BONIOR. And deduct 100 percent.

Mr. WISE. Yes.

Self-employed are able to deduct the 100 percent as opposed to the 25 percent that they can deduct now, all for the cost, in that particular situation once again, of about 19 cents an hour.

Now many of us look for the best buy. So we go to a store—now this is not small business understand. It is Wal-Mart. We go into Wal-Mart because it is a discount store, because there is a markdown. What they are not telling you is that for all of us as taxpayers, and they as consumers, they are marking up. Why? Because Wal-Mart—and I do not want to single out Wal-Mart because too many retailers are doing this, but Wal-Mart only insures about half their employees. That leaves many, many thousands uninsured. It has been estimated that the uninsured group are spending something consuming around $480 million a year in health care services. Somebody is paying for it. So when you go into a discount store and those employees are not covered by health insurance, you are getting a savings on the item marked down but they are not telling you that your health insurance premium that you are paying is marked up 30 percent to cover those who are uninsured.

So every time we see that label in the store that says "markdown" ask whether those employees are insured because what is happening is there is a markup. Everyone who has private paid insurance, whether Blue Cross, Aetna, wherever you get your policy, the chances are excellent that you are paying 30 percent in your premium costs, not for your coverage but for the coverage of all of those who are not covered.

Mr. BONIOR. Because those who are not covered when they get sick go into the emergency room where the cost is four times higher than it is in a doctor's office. That cost is spread, gets spread and everybody else pays it. Everybody has an example of being in a hospital or having that cost, that you just referred to, spread on their bill. They wonder why is this bill so outrageous? It is outrageously high oftentimes because you are picking up the costs of those employees who are not insured.

Mr. WISE. The gentleman is correct. They are going in sicker and they are going in at the most expensive rate. And everybody pays as a taxpayer, as a consumer.

I will sit down in just a second but I want to talk for a second about my spending some time in the food industry. I think we have to get this health care debate in terms that all of us deal with.

Most of us eat pizza. I was fascinated recently when the chairman of Godfather's pizza, a large pizza chain in many parts of our country who challenged the President and said that this would be catastrophic to his business. I did some calculations based on the figures that the Godfather's CEO provided to the President.

What I found out was that in the case of the $10 pizza, the application of the President's plan at the most would be 20 cents more per pizza, per $10 pizza, and possibly as low as 10 cents, based upon the cost of labor versus the total profits or total earnings of that company.

Now while the Godfather's CEO employees, some of his employees are insured, some of the employees are not insured. So that means that not only are we paying for the pizza, but we have the privilege of paying for their health care either through Medicaid or through our own insurance premiums in the cost-shifting when the employee eventually gets sick and goes into the hospital. What was not even mentioned is that while the increase might be 10 cents or 20 cents per pizza, which is about at the maximum I think of one-third of the cost of a new topping, the maximum cost could be that much but the offsets are these: They are going to lower worker's compensation costs, particularly that portion dealing with health care. The cost shifting will stop, which means I am not going to be paying for somebody else with insurance who is not going to be paying for that Godfather's employee who does not have insurance, but yet still goes into the emergency room. Finally, everybody is going to be on a level playing field.

That restaurant owner, that pizza operator or preparer who does provide health insurance is operating at a disadvantage to Godfather's. I think that is significant as well.

I think we are going to have a lively discussion, but at this point I will stop and let my colleagues proceed.

Mr. BONIOR. My colleague is absolutely right and I thank him for his comments. You know, people have to take responsibility. We cannot be free-loading off of each other. The businesses who are not stepping up and facing this in a real way but will provide their employees with good coverage at a reasonable rate lower than, in many instances, than the increase in the minimum wage for instance and want to continue the system that they have and ride off the backs of others are not being fair with the rest of the business community.

Mr. Speaker, I yield to my friend, the gentlewoman from Connecticut.

Ms. DELAURO. I thank my friend for yielding. I am really delighted to be able to join with my colleagues tonight and engage in this effort. I think one of the critical things we can do—I think the word drumbeat is a good one because I think we ought to stand here as many nights as we can, particularly on this issue of health care and small business, and to try to really push away the incredible misimpressions that there have been surrounding this. We need to fight back on this. I think we ought to do that over the next several weeks and months because over the past weeks and months much has been said to scare small business into believing that health care reform is going to take away their profits, force them to fire employees. That is just not the case, simply not the case. What we need to do, as some of which has been done here tonight, is to put what the President has proposed in some sort of perspective, to take stock of what small businesses face today and look at what the circumstances are.

Small businesses' health care costs are rising at a rate of 20 to 50 percent on a yearly basis.

Mr. BONIOR. Every year, every single year.

Ms. DELAURO. It is startling what they are paying.

And the plan offers the small business owner a discount. Also, something that is being fought against, but we do not emphasize enough and we ought to begin to emphasize, what the President has talked about is a premium cap so that every single year we can eliminate that 20 to 50 percent increase for small businesses. There are a lot of folks who are screaming about the premium cap. But we have to try to do something to keep it down and to keep the costs, health care costs from escalating beyond what wages are doing these days. That is what has not happened in the last several years.

As my colleague from Michigan pointed out, business owners can only afford bare bones coverage for their employees. The Clinton plan makes it possible for an employer to provide a comprehensive benefit package and to be able to offer their employees, in the same as the big businesses do. The susceptibility to discriminatory insurance programs, occupational red-lining, preexisting conditions. Let me use myself as an example. I have a preexisting condition. I am a survivor of ovarian cancer. Today I have a wonderful job serving as a Member of the House of Representatives. I get paid a good salary. I have health care coverage. I share in the costs of my health care. First of all, individuals will be able to get similar kinds of health insurance today that Members of Congress are getting but more importantly if the voters of the 3d district of Connecticut decide I should not serve in this body any longer and I go to look for a job somewhere else, no business, small business, wants to hire me. Their premiums would go up tremendously. They do not want to include me in their small group policy because I would drive the costs up off the charts.

□ 2000

So these kinds of conditions and exclusions that would be prohibited are critical. Also, based on age, and gender, and price discrimination, these practices would be outlawed.

The self-employed, the 25 percent deduction which small businesses are getting now, would rise to a 100 percent deduction.

So, we make the point, we have made it, that the current system clearly is not working for small businesses, and what we are not proposing to do is to tear down what we have built up where nine out of ten people today get their insurance, if they were insured, through their business, but to build on that system, and anyone would say, "Let's not go back to square one; let's build on the current system that we already have."

Mr. BONIOR. There are good things about the system.

Ms. DELAURO. Right.

Mr. BONIOR. I am talking about the small business part of it that is pretty much of a disaster. But with respect to our doctors, nurses, our skilled and our wonderful people, they generally do very exceptional work. We have to build on that, and, as the gentlewoman has just mentioned, we ought to build on the system we have that is employer based.

Ms. DELAURO. And we do have the best health care in the world. The problem is not everybody is sharing in the opportunity to get access to that health care or can afford it today, and particularly a small business cannot afford to do it.

Let me make one other point. Oftentimes I know my colleagues hear that there are people on welfare, and people on welfare get their health care free, and that should not be the case, and it should not be the case. If we do provide a system, why, if we want to create incentives for people to go to work in this country, which we should do; we all espouse the values of work, and, if that individual goes to get a job somewhere, and in fact the employer does not provide any health care, where is the incentive for an individual to say, "I'm going to take this job," when they are not going to get protected, they are not going to get any protection, their family is not going to get any protection for health care and the cost of health care. It flies in the face of anything that is real about trying to bring some sense to our system.

Mr. BONIOR. This health care bill is the first major step in welfare reform. It just follows naturally; the gentlewoman is absolutely correct.

Ms. DELAURO. Well, I think the organizations today that are lobbying against the health care reform bill, and they claim to be doing that on behalf of small businesses, are actually, in fact, hurting the very businesses they claim that they want to support. They really ought to be working with those of us who are in Congress who are trying to really help the small business man and women who are ready to try to do the right thing by providing health care and those that want to do it but cannot because the costs are prohibitive.

Let me just mention a couple of examples in my own community.

Harry Pappas, who I have mentioned before on the floor of this House, who is in the drycleaning business, he took the time to do the math on his health care for himself. He received a package from the National Federation of Independent Businesses, and they told him that he should phone me to tell me to vote against the President's health care plan because it was bad for small business, and they provided him with a worksheet. Well, Harry took out the worksheet, figured it all out, and he found out for his 11 people he would pay 37 percent less, 37 percent less in his health care costs. So, Mr. Speaker, when he did phone me to talk to me he called to ask me to please support the President's health care plan.

Kathy Berko, who is another small business owner in my district, she wants to try to provide her employees with profit sharing and retirement benefits, but she cannot do that because her costs to provide health care continue to go up, and for one employee the premium went up 50 percent in just 2 years.

I think again, as we have said here tonight, that the more small businesses hear the truth about what is in this health care reform package, the more that they will begin to appreciate the advantages, and I think we have to take on that responsibility because others are out there in great force because there is a lot at stake. There is a lot of money at stake in this plan, and we have got to take it on to try to get the message out to small businesses that health care reform is right for them and right for the American people.

Let me just mention one more point, and then we will engage in a conversation.

Many businesses, Safeway, United Airlines, Xerox, Time Warner, members of the National Leadership Coalition for Health Care Reform, have already thrown their support behind the President's health care reform bill. It is good for business. Health care reform that has been proposed is good for business, and I say, whether you're General Motors with a listing on Wall Street, or whether you are Washington Cleaners with an address on Main Street, I think we see that this is going to help small businesses provide health insurance and to keep their costs down.

So, Mr. Speaker, I am really pleased to join with my colleagues tonight and to continue to beat that drum so that we can, in fact, do something for the American people and for American business.

Mr. BONIOR. I thank my colleague for her contribution and for illustrating vividly with those examples just what is at stake for individual business people. And I make the plea, as well, tonight that our business community look carefully at what we are suggesting here.

I say, don't dismiss it. Don't just take the word of the NFIB or your neighbor. Do the worksheet like your friend did, and find out what effect it will have for you and for your employees, and I think you're going to be pleasantly surprised. And for those of you who don't provide it now, you will be able to provide it, as the gentleman from West Virginia said, in some instances as low as 19 cents an hour, which is far less than what the last minimum wage increase was. In some instances it will be higher than that, but you will be able to provide for your employees, and there is nothing more important in the relationship in a firm between the employer and the employee. The type of quality of work that's done is oftentimes related to how you treat your employees, and we are trying to make it all work for everyone in this country, and please help us and join us in this effort.

I yield now to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I think the idea that the gentleman from Michigan [Mr. BONIOR] and the gentlewoman from Connecticut [Ms. DELAURO] have is excellent in encouraging all small businesses to view this just as they would when various insurance agents come to tell them about a plan, and that is really what is happening. I say, you have got the NFIB which wants to sell you no plan, keep it as it is. It's not working for you, but the devil you know is probably better than the devil you don't know—I guess is the best positive spin I can put on it. But then also look at the other plans out there, the cost of doing nothing, the cost of some of the plans that are presented, and then particularly the President's plan and some of the spinoffs that are developing by trying to accommodate the additional concerns of small business.

Mr. Speaker, I have been amazed at every time I have dealt with a small business person, and recently there were several NFIB representative members—not representatives, but members, of the group in my office from home. I find out when we sit down and talk about it that the President's plan gives them a better deal.

There is one gentleman I was meeting with last week who expressed great concern about mandates and how he would be affected under the President's plan. I said, well, give me some information. I'm not looking for proprietary information, but tell me a little bit about your business.

He worked very hard to provide a 60–40 cost share on the premium. He paid 60; his employees paid 40. Of course under the President's plan he would pay 80, so he would pay more theoretically. The employee would pay 20. But yet what he does not have today, but what he gets under the President's plan, is a significant, significant subsidy, and the result is that in—which he even, I think, concluded at the end of our discussion—he would get a much better policy at a lower cost to himself and to his business, much less to his employee, better policy, better cost arrangement for both concerned, lower costs, and so that is the kind of comparison that needs to take place.

I am not asking the people to take my representations, or my colleague's representations, or even the President's representations, at face value. Certainly do not take those who are saying, "Don't do it."

Mandates interest me. Now I guess that, yes, everyone would be required to provide insurance with the assistance that we mentioned. Of course what is not mentioned is that everyone is required to participate in some form. All of us have copayments under the President's plan. All of us have deductibles. There is no free lunch. Everyone pays at least according to their income on a sliding scale, and so everyone is in this system in some way, and everyone is making a contribution, not just the business.

But if I were a business person, a small business person, I would, too, be a little suspicious and say, great I've got OSHA to worry about, I've got wage and hour paperwork to do, I've got this and that, all of these mandates, and what am I getting for it?

I say, here you are getting something. First of all, you are doing what you know you wanted to do anyhow. You're trying to provide health insurance for your employees, but you're getting it at a much lower cost and getting a much better policy.

There is a lot of talk about unfunded mandates. This one comes with the funds attached to it. This one works.

There is one question I get and, I suspect, that each of those of us participating tonight gets. It is the final fallback: "All right, Wise. You say that this is such a great plan, but how can you guarantee to me that the cost won't go up in a couple of years after we get it implemented? You know how you folks in Congress are."

Well, let me tell my colleagues what I can guarantee to them right now.

□ 2010

I can guarantee to you that if you have health insurance, if you buy it for your employees, your cost is going up without the President's plan.

As the gentleman from Michigan and the gentlewoman from Connecticut have pointed out, you are going up 20 to 50 percent automatically every year.

My father was a health insurance agent and the thing that he dreaded, particularly in the late 1970's, early 1980's was taking the premium increase around to the businesses that he was serving because they would not believe

him. They would think that he was gouging, and he said that this is what will happen, and a lot of business people today confirmed this for me, "They will kick me out of their office and they will cancel the policy I am selling them and they will then shop around and find somebody that will sell them the policy cheaper. They will sell them cheaper the first year to get in the door. The next year the policy cost goes up sharply and they are right back in the same situation again."

It is funny how many times I tell that story and I can see heads nodding, "Oh, yeah, that's happened to me twice already in the last 5 years."

Everyone knows that costs are going up sharply in the present system. Here we have a plan where everybody is in the pool, everybody is paying something, where the emphasis is on cost containment and where the costs to the business are capped. That is the best guarantee I think we can get.

Ms. DELAURO. I have found that in terms of talking to small businesses and to being very up front with them and I do not shy away from this issue at all. Some people say, "Well, I don't want to sit down and talk and you not be able to answer the questions." I think when we sit down with small businesses, and I have done a lot of small business meetings, with groups of 10 or 15 people, and we go through the entire plan, what is in the plan for small businesses and be very honest and up front with them.

For those businesses who now do not provide any kind of insurance for their employees, in fact, they are going to have to provide something. Nobody is standing here and saying that that is not the case. But when I sit down and go through it, they look at me with an expression on their faces, "My God, we didn't know that, we didn't understand that. Why didn't we?"

I have to ask myself, "Why didn't we?" I think that we all need to do that, those of us here tonight and the rest of our colleagues. We have got to take on those naysayers and begin to show small businesses what is in this plan on their behalf.

They should not take our word for it, the President's or the NFIB, they should sit down and we ought to try as many ways as we can to provide the opportunity for them to get the answers to these questions, because while they do want to see reform, there is a healthy skepticism and they should. Those questions ought to be answered. But 9 out of 10 times I can sit with a group of people that from the outset may have these concerns and fears and probably 85 to 90 percent of those fears and concerns are allayed by the time we walk out the door. It really is incredible.

Mr. BONIOR. I think the sense of taking our word for it is well taken. My colleagues have both spoken about that today. People are skeptical. But the Wall Street Journal, and I have said this already tonight, I will say it again. When they come out and say this is a great bargain for the small business community, the Clinton health care plan, I think that ought to raise a red flag and people ought to say, "Well, at least maybe I ought to look at it in that respect."

Mr. WISE. I am not quoting the Wall Street Journal a whole lot on a lot of issues.

Mr. BONIOR. I am not, either. But occasionally they are right.

Mr. WISE. On this one the facts are with us.

If you are a small business person, take your payroll, whatever it is, $100,000, for instance, and say, "What is the very most I could be paying under the Clinton health plan?"

Say 7.9 percent, we will round it off to 8, $8,000, but do not stop there, to quote again my dad.

If you have less than 75 employees, it is going to be lower than that. Get the formula. For instance, if you are under 25 employees and less than $12,000 average annual wage per employee, it is going to be 3½ percent. So in a $100,000 payroll, you are somewhere between $8,000 and $3,500. I am willing to wager many small businesses are providing health insurance for just the family members in that business, the operator and his or her spouse.

Mr. BONIOR. That reach that level.

Mr. WISE. Yes, for that amount.

So that is the kind of pencil work that every business needs to do before they react to it.

The gentlewoman mentioned businesses supporting it and there were a whole group of them that came out the other day. I think it is significant; there is a lot of concern over profit margins. The grocery retailing sector has probably the lowest profit margin of just about any in the retail sector, if not the lowest profit margin period, yet significant stores like Safeway, Pathmart in the Northeast and others have come out in favor of a comprehensive national health care plan.

I might point out that retailing overall, the Wal-Marts, for instance, of the world average somewhere around 2½ to 3 percent. Those with the lower profit margins are providing health insurance, even though they have a lower profit margin in the nature of their business, they are finding it makes good business.

I have a lot of sympathy for, and what all of us are trying to do is work with that small business person who wants to provide health insurance and is up against the wall, does not have the profit margin, cannot do it. I do not have a lot of sympathy for the one, and I ran into one of these folks the other day, who said, "I won't accept a mandate. I will not provide coverage. It's not my obligation."

If you do not like people putting their burdens on you, why is it that business A which provides insurance, works next door to business B and is in competition with them for the same product, business A does provide insurance, business B does not. Yet who has the competitive edge, the one who does not live up to his or her obligations.

So I would hope that small businesses that are providing insurance, and many of them have told me this, would say, "Wait a minute. Let's get everybody on that level playing field." It is good policy but it is also good competition.

Ms. DeLAURO. That is the other thing that happens in these small group gatherings. Those that do provide the insurance begin to look at those who do not. Because as our colleague from Michigan said, people in places where they do not provide insurance, they get sick, their families get sick, they go somewhere and those costs just do not disappear. They just are not in that either. They get passed on.

I think it is a very careful consideration. I think other businesses who are now doing this need to talk to their colleagues, they need to talk to their conferees and say, "Hey, come aboard." Everyone has a responsibility in this effort.

Mr. WISE. In each one of our States that is represented here tonight, probably in your State, as in mine this last year, the most troublesome issue in the State legislature was funding Medicaid. Medicaid, health care for the low income, was the fastest rising cost to States. One of the reasons is just what we are saying, that low-income workers who when they finally do get sick do not have insurance, goes into the hospital, and that is when Medicaid kicks in and that is when the taxpayers pay. There is no free ride.

When we see that markdown in a discount store and they are not providing health insurance, we are paying for it. We are just paying for it in our tax bill and in our insurance premium instead of at the cash register.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for their comments and for their patience and for their eloquence this evening. I look forward to talking about this same issue with them on other occasions.

RESTORING A DEMOCRATIC REPUBLIC THROUGH NATIONAL INITIATIVE AND REFERENDUM

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, Americans are frustrated with their government and their elected leaders. This is evident in the large turnover in 1992

congressional elections, in low public regard for Congress, in little public interest in political affairs, and in widespread disbelief that government programs can create positive outcomes or be run efficiently. If these trends and frustration continue, our republican form of government, already crippled, will cease to function.

At the root of this frustration is the perception that, no matter how many incumbent politicians lose to eager newcomers, the most important issues on the voters' minds are not addressed. Campaigns and elections come and go, but major issues never see the light of day in Congress. One hundred ten new members of the House have done little to advance issues like a balanced budget amendment, term limits, or reducing the size of government. Public opinion on these issues is starkly contrasted with congressional inaction.

Voters were told that their 1992 votes sent a message to Washington to get its fiscal and political houses in order, yet no one in Washington seems to have understood this. The 1992 election results disproved the assumption that electoral turnover means political change. No wonder public trust in government has, if anything, deteriorated since the 1992 election results.

When it comes right down to it, the bond between our citizens and their government in Washington has been damaged because elected officials are unresponsive to critical issues. After my first year in office, I see nothing that gives me hope that things will dramatically change. Yet, things need to change.

A major source of public anger is that politics has become less substantive. Issues and parties have less effect on voters' decisions. Personalities, money, and narrow interest have far too great an impact. Through deliberate tactics and funded by special interests, politicians personalize their appeal to voters, avoiding controversial or divisive issues. While this may win elections, the result is that politicians elected on such personality centered campaigns believe the way to govern is to avoid responding to issue agendas, merely presenting a pleasing personality and satisfying the parochial needs of individuals and narrow interests.

Thoughtful people should be increasingly concerned about such a crisis of confidence. If unchecked, declining confidence will destroy the credibility of national institutions so much that governing sensibly will become nearly impossible. The most important question for those concerned with these problems is how to restore confidence in our republican form of government.

Policy making, at the national level and elsewhere, is a two step process. First, an issue agenda is set; then, these issues which make it on the agenda are debated and, hopefully, settled. Elections should allow voters to set the agenda, as candidates courting their votes debate the relative importance of issues and their positions on them. In casting their vote for a particular candidate, voters choose both what issues they want debated and whom they most trust to resolve them.

After the election is over, the most important task is for the chosen political elites to settle the issues raised in the campaign. Through deliberations in Congress and through negotiations between Congress and the President, these elites settle these key questions. Their secondary task is, of course, to debate and resolve both routine legislative items and any new issues which may arise.

The great challenges of the Civil War and the Depression show how useful this definition is. Just before the Civil War, voters knew the issue of slavery had to be decided with finality. The election of Lincoln and Republicans assured that the issue would be settled, although few knew the extent and outcome of the ensuing Civil War. In 1932, voters clearly wanted FDR to do something about the Depression. Even though FDR's New Deal legislative program was far different than the platform on which he ran, he was rewarded for acting on the overriding public call to action and was forgiven for not adhering to all the particulars of a campaign pledge.

The point is that at these key times successful political elites correctly interpreted broad electoral change in issue-oriented terms. Major election changes placed new items on the critical list for action by Congress and the President. They acted, issues were resolved, and elected representatives eventually moved on to new agenda items. Elections don't work that way any more. Individual members of Congress have devoted their staff and financial resources into doing individualistic favors and avoiding positions on broader national issues. The personalization of campaigning means that the agenda setting function of elections has been short circuited. Voters no longer vote issues, or even parties, they vote the candidate.

A major corrective step would be to restore the connection between national elections and national issues. Unfortunately, one cannot rely on individual candidates to do so since the current campaign strategies are so effective, at least in the short term.

Allowing voters to instruct Congress, through indirect initiative elections, is the one most important and effective way to restore that connection. An indirect initiative process would reconnect issues to congressional elections without violating the basic form of the Constitution, or the Founders views of proper government.

The Constitution is a mixture of elements forming our representative democracy—a form of government in which people freely choose their decision makers but do not make the decisions themselves. We are and should remain a republic, not a pure democracy. The Founders rightly feared the momentary passions of even the limited, property-owning, male and fairly well-educated electorate of the time. For them, democracy meant rule by the demos, or mob—a volatile situation to be avoided for its tendency to trample minority rights.

Madison believed a republican form of government would "refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations." In large measure, the main constitutional elements of separation of powers, federalism, and bicameralism are all designed to allow time for the passions of the masses to cool, hopefully turning dangerous impulses into more reasoned effective change.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, about the "wisdom * * * patriotism * * * and love of justice" of elected representatives seems, in light of current events, naive.

The brakes against mob rule written by the Founders into the Constitution should not be lightly dismissed. There are, on the other hand, constitutional elements to promote the democratic impulse. These include a wide suffrage, short election terms for House Members, and the required origin of money bills in the House. Constitutional amendments added since have expanded the vote, made the Senate directly elected, guaranteed participation rights to excluded groups, and preserved and promoted individual freedoms. Extraconstitutional developments such as the rise of mass political parties, and the expansion of offices filled by elections have further enhanced the voice of the people.

Sadly, these changes to broaden participation have not improved our government. The changes clearly have made elected officials more responsive to the immediate opinions of individual votes, yet major issues remain unresolved. Individual citizens have more opportunities to participate in political debate, but see little substance in what is being debated. Institutional developments and campaign changes have made Members of Congress almost invulnerable to mass public judgment, while at the same time empowered them to manipulate the opinions of isolated constituencies and individuals. Representatives cultivate individuals through casework, and narrow constituencies by targeted mail and political action committee solicitations.

The power to appease constituents on an almost individual basis has empowered representatives to ignore larger issues and place the blame for inaction on the institution. Thus, today we have a far more responsive government than ever, but its officials are far better able to evade responsibility for inaction and gridlock.

To return to the Founders' original intent for our constitutional government, we need a new constitutional mechanism that lets voters help set the national agenda. I have introduced three bills in the House of Representatives which provide two basic indirect initiative processes. Either process would let voters set issue agendas in national elections, reconnecting elections and candidates to issues. Indirect initiatives restore substantive debate on real policy while preserving key constitutional checks on mass democracy.

The first bill I have introduced, H.R. 3835. provides for a nationwide advisory referendum on term limits for Members of the House and Senate. This advisory election would be held on November 8, 1994, the next general election for U.S. House and Senate Members. Voters would vote on the question whether Congress should pass a Constitutional amendment limiting service in the House and Senate. While current opinion polls suggest such a referendum would be overwhelmingly in favor of term limits, a nationwide vote would clearly have more impact than a mere public opinion poll. A nationwide debate would be much better, then the current legal maneuvering in the courts. All representatives would be challenged to act upon such an amendment in the 104th Congress, or be prepared to explain their inaction in the 1996 elections.

H.R. 3835 is admittedly a test run for initiatives—the results would be non-binding and Congress could choose to ignore, as it too frequently does now, the voters' choice. But the political dynamics of a national referendum, even one that is non-binding, are such that Congress will be hard pressed to avoid issues subject to such wide public discourse.

As a further inducement to restore democracy, I have introduced two other pieces of legislation which would make the indirect initiative process more powerful. House Joint Resolution 180 is an indirect initiative process for legislation, and provides for the placement of citizen-sponsored initiatives on a national ballot. An initiated measure must first pass stiff petition rules for being placed on the ballot, and then, if it receives a majority vote in three-fifths of the States, it goes before the Congress. Congress is then given 15 months to enact the approved proposal, pass legislation with changes in it, or ignore the bill. If Congress approves the legislation and the President signs the bill into law, the process ends. If Congress takes no action, the same initiative is placed on the next general election ballot and, if it passes, becomes law. If Congress passes a different but related bill, both versions go back to the people for a second vote. The measure which receives the most votes becomes law. If neither receives a three-fifths vote, the initiative fails.

House Joint Resolution 181 provides a similar mechanism to propose Constitutional amendments. A citizen-initiated constitutional amendment proposal must meet the same rigorous petition and vote requirements as H.J. Res. 180. It must also, however, gain a super-majority (sixty percent) of the votes in a majority of states. If it meets these hurdles, the amendment is proposed to the states for ratification. At that stage, the ratification procedures provided for in Article V of the Constitution take over.

These National Citizens Initiative (NCI) proposals will help citizens set the agenda in Washington without changing the essential nature of the way decisions are made. H.R. 3835 is a modest means to induce congressional action. If such a process bears fruit, the constitutional amendments I have proposed would prove unnecessary.

More likely, however, the more forceful mechanisms in the joint resolution proposals are necessary to redirect Congress attention back to the interests of the people. House Joint Resolution 180 is designed to give citizens the right to enact laws through an initiative process without disrupting the structure of our representative form of government. The petition requirements, the super-majority vote requirements, the 15 month congressional review, and the second vote requirement combine to make House Joint Resolution 180 a prudent method of reconnecting the American people with their government at a time when the trust between the two is at an unacceptably low level. Like House Joint Resolution 180, House Joint Resolution 181 is designed to help citizens set the agenda in Washington without changing the essential nature of how decisions are made. It is designed to stimulate debate on constitutional amendments, while leaving intact the ratification process that has been established in Article V of the Constitution.

Initiative and referendum opponents have traditionally made many arguments against various forms of national initiatives. Although most of the attacks have been leveled against direct initiatives, not against the indirect processes I propose, these arguments deserve to be considered.

The first argument against initiatives is that direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But this legitimacy is already questioned by a large segment of the electorate, and indirect initiatives still involve the legislature. A Congress finally working on issues of major public concern would enhance, not harm, its legitimacy.

Another argument against initiatives is that they encourage legislative inertia, that the legislation will wait for the public to act on controversial matters to avoid blame. Again, this avoidance is occurring now—indirect initiatives will force action but not predetermine the outcome. Opponents of initiatives have argued that such lawmaking avoids the important steps of deliberation, compromise, and refinement, but again the indirect process resolves those concerns. Any ballot measure that is hasty, too strident, oversimplified or poorly drafted can be halted and corrected by Congress, subject to the approval of voters that Congress would have had two years to convince.

Some critics of initiatives have said that they are potential tools of special interests which cannot get their way in the regular legislative process. That comment is ironic at the least, given the current corruption surrounding American politics. Now, narrow interests can easily get items on Congress's legislative agenda or, in the case preserving previously arranged special interest deals, keep reform efforts off. Witness the difficulty of killing honey, wool and mohair, or tobacco programs, or the failure to enact real campaign reform. The petition requirements are large enough to ensure that special interest or frivolous measures would rarely, if ever make it even to the initial vote. A harmful special interest will have a far more difficult time in organizing support for two nationwide votes two years apart than in obtaining closed-door favors from a few congressional leaders.

Some critics contend that a national initiative destroys federalism, and its important protections for states and regions. To the extent federalism is not already destroyed by federal mandates and the shrinking power of the Tenth Amendment, the supermajority requirements and legislative review of these proposals limit the possibility of specific regions or states gaining unfair advantages in the process.

Finally, critics of the initiative process say that proponents have undue faith in the masses and lack of respect for elected elites. Admittedly, indirect initiatives display more faith in the average voter and put more power into their hands. I believe it restores an appropriate balance between the electors and the elected. It is clear to me, our current system places too much faith in elected elites to address issues which are of broad concern.

Indirect initiatives preserve many of the advantages of the current system—preserving our representative form of government, protecting minorities,

preventing hasty decisions, fostering compromise and conciliation.

New benefits they bring include the potential to stimulate the dangerously flagging public participation in civic affairs. Elections would once again be about both issues and candidates. Voters could go to the polls confident that they are sending a signal to Congress on which issues they want addressed. Candidates would be more likely to take positions on ballot issues, and less able to go into office based merely on name recognition and slick campaign styles.

The underlying contemporary malaise, alienation and cynicism toward politics is all too apparent today. Unchannelled into productive expressions of citizen control, it is likely to erupt in ways far more dangerous to our Constitutional principles and longstanding political traditions such as political parties.

A further benefit of indirect initiatives and referenda is to provide national leadership for the legislature. Such leadership has been far too absent from the current congressional power structure. A national initiative of either the advisory referendum type or the more powerful legislative proposals would provide a national, publicly-developed agenda of issues with which Congress would be forced to grapple in the next 2 years.

Congress would be transformed from an assemblage of parochial agents to a body forced to debate and define the public good. Other attempts at more enlightened debate like "Oxford-style debate" are puny and hollow because they do not require a resolution of any issues. Forced debate on, say, term limits would guarantee an open and educational debate on an issue otherwise inadequately considered.

The initiative process realizes the Constitutional provision for the public to petition Congress for redress of grievances. Special interest lobbyists defend their access to Congress on these same petition grounds. Sure, individuals can write, call or meet with their representatives. But the wealthy have the means to organize in a collective voice, and their "petitions" are more likely to be heard. The National Citizens Initiative gives the average voter greater clout to compete with the current powerful interests.

A fundamental purpose of persons seeking to preserve and strengthen public confidence in our institutions is to make them more responsive to items on the public's agenda. At the same time, enhanced responsiveness must not harm the positive contribution of representative institutions—the time for deliberation, modification and improvement. The question is how to make our system more responsive and more responsible. I believe that a system of indirect national initiatives along the lines of legislation I have introduced would do both.

A national indirect initiative process is not a conservative or liberal issue. Experience from the states and other nations that have initiatives shows both liberal and conservative victories. Indirect initiatives are a democratic response to restoring republican principles. By linking national elections with agenda setting, they are a return to our roots, not a departure from them. National Citizen Initiatives provide two useful functions that elevate public debate and reinvigorate our traditional institutions—separating issues from personalities so one focuses on issues, and facilitating communication between the electorate and the elected representative.

NCI is a balanced and reasonable measure. It will make the institution of Congress more responsive, preserve its deliberate role, and the same time curb the excesses of populism which can at times turn ugly. It serves as an incentive to get Congress to set priorities—to focus on problems of pressing interest and hopefully set aside more narrow and parochial concerns. NCI combines the best democratic and republican virtues.

As with any major reform, national indirect initiatives and referenda will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this nation needs—nor what the voters want—at this point in our history. Enacting an indirect initiative process provides an opportunity to restore the democratic nature of our republican institutions, before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today after 4 p.m., 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. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ROSE, 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. DUNCAN and to include extraneous matter:)

Mr. BILIRAKIS.
Mr. DORNAN.
Mr. GRAMS.
Mr. KING.
Mr. COMBEST.
Mr. HASTERT.
Mr. CRAPO.
Mr. MOORHEAD.
Mr. CRANE.
Mr. GEKAS.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. BRYANT.
Mr. MAZZOLI in two instances.
Mr. SARPALIUS in two instances.
Mr. ENGEL.
Mr. MEEHAN.
Mr. HAMILTON.
Mr. STARK in two instances.
Mr. MANTON in two instances.
Mr. HOCHBRUECKNER.
Mr. CLEMENT.
Mr. FROST.
Mrs. MALONEY.
Mr. DE LUGO.
Mr. FOGLIETTA.
Mr. LANTOS.
Mr. JACOBS.
Ms. KAPTUR.
Mr. REED.
Mr. WISE.
Mr. STARK.
Mr. MURTHA in two instances.
Mr. PETERSON of Minnesota.
Mr. FLAKE.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. REYNOLDS.
Mr. KLEIN.
Mr. PARKER.
Mr. KREIDLER.
Mr. ROEMER.
Mr. POSHARD.
Mr. YOUNG of Florida.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until Thursday, May 19, 1994, at 9:30 a.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23

Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

FRANK D. LUCAS, Sixth District Oklahoma.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3207. A letter from the Secretary of Health and Human Services, transmitting the annual report, fiscal year 1992, describing the activities and accomplishments of programs for persons with developmental disabilities, pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

3208. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 04-94, concerning a cooperative project between the United States Department of Defense and the Dutch Ministry of Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3209. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Defense Mapping Agency's proposed Letter(s) of Offer and Acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 94-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3210. A letter from the Comptroller General Accounting Office, transmitting the list of all reports issued or released in April 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. House Concurrent Resolution 236. Resolution authorizing the 1994 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 103-510), Referred to the House Calendar.

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. BARTLETT of Maryland:

H.R. 4444. A bill to require the Congress to comply with the laws which it requires others to comply with, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, Government Operations, the Judiciary, Rules, Energy and Commerce, and Ways and Means.

By Mr. BEREUTER:

H.R. 4445. A bill to amend the Housing Act of 1949 to authorize the Secretary of Agriculture to guarantee the repayment of loans made by private lenders for the development costs of multifamily rental housing for low- and moderate-income families in rural areas; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 4446. A bill to amend section 1332 of title 28, United States Code, to require that the plaintiff in a diversity case not be a resident of the State in which the case is brought; to the Committee on the Judiciary.

By Mr. MANTON:

H.R. 4447. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972 to clarify what constitutes an alternative system for the management of sewage sludge and industrial waste for purposes of section 1048 of that title, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MEEHAN:

H.R. 4448. A bill to amend the act establishing Lowell National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. PETERSON of Minnesota (for himself, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. VENTO, and Mr. RANGEL):

H.R. 4449. A bill to amend part A of title IV of the Social Security Act to enable States to construct, rehabilitate, purchase, or rent permanent housing for homeless AFDC families, using funds that would otherwise be used to provide emergency assistance for such families; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. REYNOLDS:

H.R. 4450. A bill to amend title 18, United States Code, to federalize the crime of child molestation; to the Committee on the Judiciary.

By Mr. ROEMER (for himself, Mr. ZIMMER, Mr. PENNY, Mr. RAMSTAD, Mr. SCHUMER, Mrs. ROUKEMA, Mr. KLEIN, Mr. UPTON, Mr. POMEROY, Mr. SANDERS, and Mr. MANN):

H.R. 4451. A bill to terminate the International Space Station Alpha Program, and to redirect the savings therefrom to National Aeronautics and Space Administration space and civil aviation programs; to the Committee on Science, Space, and Technology.

By Mr. THOMPSON:

H.R. 4452. A bill to designate the post office building at 115 West Chester in Ruleville, MS, as the "Fannie Lou Hamer United States Post Office"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 367. Joint resolution to provide a congressional medal to the courageous citizen who exposed the conspiracy to murder millions of Americans; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H. Res. 430. Resolution congratulating the people of India on the occasion of the 47th anniversary of their nation's independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

387. By the SPEAKER: Memorial of the Senate of the State of New York, relative to taxes; to the Committee on the Judiciary.

388. Also, memorial of the Senate of the State of Hawaii, relative to States with no mandatory motorcycle helmet laws; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. KILDEE, Mr. DIAZ-BALART, and Mr. TORRICELLI.

H.R. 303: Mr. GENE GREEN of Texas.

H.R. 393: Mr. GEJDENSON.

H.R. 702: Mr. MANZULLO.

H.R. 1110: Mr. RAVENEL.

H.R. 1277: Mr. BUNNING.

H.R. 1289: Mr. EDWARDS of California, Mr. MINETA, and Mr. GUNDERSON.

H.R. 1500: Mr. EDWARDS of California.

H.R. 1823: Ms. FURSE, Mr. JEFFERSON, and Mr. DE LUGO.

H.R. 1824: Mr. GINGRICH.

H.R. 1897: Mr. MCDADE, Mr. MARKEY, Mr. BILIRAKIS, Mr. COX, and Mr. CALVERT.

H.R. 1906: Mr. NADLER and Mr. ENGEL.

H.R. 1968: Mr. MINETA.

H.R. 2460: Mr. HAYES, Mr. CAMP, Mr. CLYBURN, and Mr. SARPALIUS.

H.R. 2525: Mr. NEAL of Massachusetts, Ms. PRYCE of Ohio, Mr. DUNCAN, and Mr. BACHUS of Alabama.

H.R. 2720: Mr. ZELIFF.

H.R. 2756: Mr. FINGERHUT and Mr. KING.

H.R. 2866: Mr. BOEHLERT and Mr. MEEHAN.

H.R. 3013: Mr. MONTGOMERY, Mr. JACOBS, Mr. PASTOR, Mr. BONIOR, Mr. DELLUMS, Mrs. KENNELLY, Ms. DELAURO, Ms. HARMAN, and Ms. NORTON.

H.R. 3017: Mr. BEILENSON.

H.R. 3173: Mr. LEVY.

H.R. 3261: Mr. BALLENGER, Mr. PORTMAN, Mr. ACKERMAN, Mr. ARMEY, Mr. HANCOCK, Mr. RAVENEL, Mr. STENHOLM, Mr. COX, Mr. APPLEGATE, Mr. HORN, Mr. RAMSTAD, Mr. INHOFE, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. TAYLOR of Mississippi, Mr. HEFLEY, Mr. DUNCAN, Mr. ORTIZ, Mr. MICA, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. GINGRICH, Mr. HUNTER, Mr. SAXTON, Mr. HOKE, Mr. ROGERS, Mr. MCKEON, Mr. GOODLING, Mr. QUILLEN, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BARCIA of Michigan, Mr. BOEHNER, Mr. CLINGER, Mr. BILIRAKIS, Mr. DELAY, Mr. CUNNINGHAM, Mr. PACKARD, Ms. DUNN, Mr. WALKER, Mr. ZELIFF, Mr. HYDE, Mr. SUNDQUIST, Mr. COLLINS of Georgia, Mr. BOEHLERT, Mr. FINGERHUT, Mr. DORNAN, Mr. TUCKER, Mr. HALL of Texas, Mr. ROBERTS, Mr. HAYES, Mr. QUINN, Mr. BLILEY, Mr. EVERETT, Mr. FIELDS of Texas, Mr. YOUNG of Florida, Mr. SWETT, Mr. KINGSTON, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. FLAKE, Mr. TORKILDSEN, Mr. MCCOLLUM, and Mr. UPTON.

H.R. 3523: Ms. PRYCE of Ohio and Mr. GRAMS.

H.R. 3561: Mr. EVANS, Mr. WYNN, Mrs. KENNELLY, and Mrs. CLAYTON.

H.R. 3611: Ms. ROYBAL-ALLARD.

H.R. 3633: Mr. FRANKS of Connecticut, Mr. SAM JOHNSON, Mr. LINDER, Mr. POMBO, Mr. RAMSTAD, and Mr. SAXTON.

H.R. 3658: Mr. TORRES and Mr. FILNER.

H.R. 3660: Mr. ROYCE.

H.R. 3663: Mr. WAXMAN.

H.R. 3739: Mr. HUTTO, Ms. SNOWE, Mr. HYDE, Mr. SENSENBRENNER, and Ms. MOLINARI.

H.R. 3761: Mr. BALLENGER, Mr. PORTMAN, Mr. ARCHER, Mr. ARMEY, Mr. HANCOCK, Mr. RAVENEL, Mr. STENHOLM, Mr. COX, Mr. APPLEGATE, Mr. HORN, Mr. RAMSTAD, Mr. INHOFE, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. TAYLOR of Mississippi, Mr. HEFLEY, Mr. DUNCAN, Mr. ORTIZ, Mr. MICA, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. GINGRICH, Mr. HUNTER, Mr. SAXTON, Mr. HOKE, Mr. ROGERS, Mr. MCKEON, Mr. GOODLING, Mr. QUILLEN, Mr. WELDON, Ms. PRYCE of Ohio, Mr. BARCIA of Michigan, Mr. BOEHNER, Mr. CLINGER, Mr. BILIRAKIS, Mr. DELAY, Mr. CUNNINGHAM, Mr. PACKARD, Ms. DUNN, Mr. WALKER, Mr. ZELIFF, Mr. HYDE, Mr. SUNDQUIST, Mr. COLLINS of Georgia, Mr. BOEHLERT, Mr. FINGERHUT, Mr. DORNAN, Mr. TUCKER, Mr. HALL of Texas, Mr. ROBERTS, Mr. HAYES, Mr. QUINN, Mr. BLILEY, Mr. EVERETT, Mr. FIELDS of Texas, Mr. YOUNG of Florida, Mr. SWETT, Mr. KINGSTON, Mr. LEVY, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. FLAKE, Mr. TORKILDSEN, Mr. MCCOLLUM, and Mr. UPTON.

H.R. 3820: Mr. HORN, Mr. HOAGLAND, Mr. MANZULLO, Mr. DOOLITTLE, Mr. SKELTON, Mr. CAMP, Mr. FRANKS of New Jersey, Mr. MCCRERY, Ms. PRYCE of Ohio, Mr. SMITH of Oregon, Mr. PORTER, Mr. WALKER, Mrs. LLOYD, Mrs. THURMAN, Mr. HINCHEY, Mr. CANADY, Mrs. FOWLER, Mr. GILMAN, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. SHAYS, and Mr. GOSS.

H.R. 3875: Mr. ORTON, Mr. KNOLLENBERG, Mr. SKELTON, Mr. TRAFICANT, and Mr. PETE GEREN of Texas.

H.R. 3939: Mr. FIELDS of Louisiana, Mr. SMITH of New Jersey, Mr. PAXON, Mr. TOWNS, Mr. BOEHLERT, Mr. RICHARDSON, Mr. HUGHES, Mr. MANTON, and Mr. BAKER of Louisiana.

H.R. 3951: Mr. INHOFE, Mrs. VUCANOVICH, Mr. MCCURDY, Mr. ZELIFF, Mr. BUYER, Mr. JOHNSON of South Dakota, and Mr. LEHMAN.

H.R. 4036: Mr. ZELIFF.

H.R. 4095: Mrs. MEYERS of Kansas, Mr. EWING, Mr. SUNDQUIST, Mr. TALENT, and Mr. HANSEN.

H.R. 4135: Mr. APPLEGATE, Mr. COYNE, Mr. BOEHLERT, Ms. MARGOLIES-MEZVINSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. STOKES, Mr. MOLLOHAN, Mrs. MEEK of Florida, Mr. MAZZOLI, Mr. SMITH of Oregon, Mr. GONZALEZ, Mr. SOLOMON, Mr. MCHUGH, and Mr. SMITH of Texas.

H.R. 4143: Mr. EVANS, Mr. GENE GREEN of Texas, Mr. CLYBURN, Mr. HINCHEY, Mr. RANGEL, Mr. WASHINGTON, Mr. SERRANO, and Ms. COLLINS of Michigan.

H.R. 4159: Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. CLYBURN, Mr. DELLUMS, Ms. VELAZQUEZ, Mr. FILNER, Mr. CLAY, Mr. WATT, Mr. EVANS, Mr. Frost, Mr. ENGEL, Mr. SERRANO, Mr. HILLIARD, and Mr. RAHALL.

H.R. 4271: Mr. MEEHAN, and Mr. TOWNS.

H.R. 4306: Mr. MCHALE, Mr. HUGHES, Mr. BEILENSON, Ms. ESHOO, and Mr. SANDERS.

H.R. 4321: Mr. SABO, Mr. BOUCHER, and Mr. FURSE.

H.R. 4350: Mr. GRAMS.

H.R. 4356: Mr. WELDON.

H.R. 4382: Ms. DELAURO.

H.R. 4403: Mr. HANCOCK and Mr. HUTCHINSON.

H.J. Res. 1: Ms. FURSE, Mrs. MEEK of Florida, Mr. CARR, and Mr. ABERCROMBIE.

H.J. Res. 90: Mr. LIVINGSTON and Mr. SOLOMON.

H.J. Res. 209: Ms. FURSE, Mr. WILSON, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. DICKEY, Mr. TAYLOR of North Carolina, Mr. SLATTERY, Mr. SWETT, Mr. THOMAS of California, Mr. MILLER of California, Mr. WYDEN, and Mr. COPPERSMITH.

H.J. Res. 233: Mr. ANDREWS of New Jersey, Mr. BOEHLERT, Mr. GREENWOOD. and Mr. COBLE.

H.J. Res. 315: Mrs. LLOYD and Mr. VALENTINE.

H.J. Res. 320: Mr. MCNULTY.

H.J. Res. 343: Mr. MARTINEZ, Mr. EHLERS, Mr. MCCOLLUM, Mr. HOCHBRUECKNER, Mr. ANDREWS of New Jersey, and Mr. MANN.

H.J. Res. 356: Mr. JACOBS, Ms. FURSE, Mr. FARR, Mr. BONIOR, and Mr. GUTIERREZ.

H.J. Res. 359: Mr. SLATTERY, Mr. SAXTON, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. FARR, Ms. VELÁZQUEZ, Mr. BLUTE, Mr. LANTOS, Mr. HILLIARD, and Mr. WALSH.

H.J. Res. 364: Mrs. MEEK of Florida, Mr. CLEMENT, Mr. STOKES, Mr. FLAKE, Mr. SAM JOHNSON, and Mr. LEWIS of Georgia.

H. Con. Res. 3: Mr. CALVERT and Mr. BLUTE.

H. Con. Res. 148: Mr. SCHIFF, Mr. WALKER, and Mr. LEWIS of California.

H. Con. Res. 215: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. APPLEGATE, Mr. BAESLER, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BYRNE, Ms. CANTWELL, Mr. CARDIN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONDIT, Mr. CONYERS, Mr. COOPER, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. COYNE, Mr. CRANE, Mr. DARDEN, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DURBIN, Mr. EDWARDS of Texas, Mr. EDWARDS of California, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FINGERHUT, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Ms. FURSE, MR. GALLEGLY, Mr. GEJDENSON, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILMAN, Mr. GOODLING, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMBURG, Mr. HANSEN, Mr. HASTINGS, Mr. HAYES, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HOYER, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INSLEE, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KLEIN, Mr. KLINK, Mr. KOPETSKI, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEVY, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Mrs. LOWEY, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. ORTON, Mr. OWENS, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. PICKLE, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. REGULA, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mr. ROSE, Mr. ROWLAND, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SCHUMER, Mr. SCOTT, Ms. SHEPHERD, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WHITTEN, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H. Res. 255: Mr. MCKEON, Mr. MCCRERY, and Mrs. CLAYTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 824: Mr. MCHUGH.

H.R. 3222: Mr. MILLER of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII,

94. The SPEAKER: presented a petition of the Council of New York City, NY, relative to discrimination against women; which was referred to the Committee on Foreign Affairs.