RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 3:30 p.m.

Accordingly (at 2 o'clock and 39 minutes p.m.), the House stood in recess until 3:30 p.m.

AFTER RECESS

□ 1533

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TALENT) at 3'o'clock and 30 minutes p.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore. Pursuant to House Resolution 164 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. 1530.

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. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes with Mr. EMERSON in the Chair.

The Clerk read the title of the bill.

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

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

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

Mr. SPENCE. Mr. Chairman, pursuant to section 5(c) of House Resolution 164, I request that during the consideration of H.R. 1530, amendments number 1 and 2 printed in subpart B of part 1 of House Report 104–136 be considered before amendment number 1 printed in subpart A of part 1 of that report.

The CHAIRMAN. The gentleman's request is noted.

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

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

Mr. SPENCE. Mr. Chairman, I rise in support of H.R. 1530, the National Defense Authorization Act for fiscal year 1996.

This bill is the first since the end of the cold war to truly look to the future while not ignoring the present. Much has changed since the fall of the Berlin Wall and the collapse of Soviet communism, but much remains the same.

First and foremost, the United States is still a superpower with global, political, economic, and moral interests. Yet none of these can be protected, nor promoted, without a strong military. We still live in a violent world: from ethnic conflicts to regional wars, the United States has faced and will face a host of challenges to its national interests.

Nor have all the changes we have seen in the post-cold-war world been benign. The crumbling of communism has rekindled rivalries and hatreds frozen in place for decades. In Asia, Africa, Europe, and even here in the Americas, armed force remains the ultimate arbiter of political disputes.

The Clinton administration has responded to this growing chaos with an ambitious but ill-defined strategy of engagement and enlargement. The President has resolved to be able to fight and win two nearly simultaneous major regional wars in the decisive fashion Americans demand. Moreover, this administration has taken on an increased number of commitments in the form of a wide range of U.N.-led peace operations.

While asking more of our soldiers, sailors, airmen, and marines, the administration is simultaneously giving them fewer tools to work with: fewer troops, fewer new weapons, fewer training opportunities. What was once a cautious and disciplined reduction in American forces has plunged into a decade of defense decline—a decline that has created a dangerous $250 billion gap between strategy and resources. The administration can neither honor its present strategic commitments nor prepare for future challenges.

For the first time in a decade, the defense authorization bill says—STOP. Stop the slide in defense spending. Stop the dissipation of our military power on futile missions. Stop the postponing of proper training. Stop the decline of our defense industrial base. Stop the erosion of servicemembers' quality of life. Stop frittering away defense resources on nondefense research. Stop the shell game that is mortgaging long-term modernization needs in order to plug holes in underfunded near-term readiness and quality of life accounts.

This bill also starts the process of revitalizing America's defenses. Be sure that American soldiers are under American command. Set a clear course for stable and predictable defense spending. Provide the men and women who wear an American uniform with adequate training. Preserve the technological edge that is a force multiplier and saves lives. Guarantee a decent standard of living for them and their families. Protect our troops abroad and Americans here at home from the threat of ballistic missiles.

This bill's efforts to bridge the growing inconsistencies between strategy and resource, and therefore begin a meaningful revitalization of our defenses, rests on four pillars:

First, it improves the quality of service life by raising pay, enhancing housing benefits, increasing construction of family housing and prohibiting deeper cuts in manpower levels.

Second, It preserves near and far-term military readiness by more robustly funding core readiness accounts and by creating a mechanism for funding the growing number of unbudgeted contingency operations from non-readiness accounts.

Third, it dramatically increases weapons modernization funding in response to the administration's having mortgaged these programs to address near-term shortfalls. Modernization will help to ensure cutting edge technology on the battlefield in the future, as well as a viable industrial base to provide this technology.

Fourth, it begins to aggressively reform the bloated and unresponsive Pentagon bureaucracy by reducing a growing civilian Secretariat as well as the acquisition work force, streamlining the procurement process, and eliminating nondefense research and encouraging privatization initiatives. This last pillar, in particular, is essential for generating longterm savings needed to maintain American military might over time as well as creating a more agile Defense Department able to respond in a timely manner to new challenges. Our men and women in uniform, and certainly the taxpayers, deserve no less.

These four pillars are central to a sound defense program, one that can begin to bridge the gap between strategy and resources. This bill protects the peace we have won in the cold war and prepares us to prevail quickly and decisively in the future. I urge my colleagues to support H.R. 1530. It is a bipartisan bill on an important set of bipartisan issues.

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

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

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

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the recommendation of the Committee on National Security on the bill before the body at this time, H.R. 1530, as amended.

Mr. Chairman, the overall level of expenditures contained within the bill is too high, even though within the budget resolution limits. The bill's spending returns us to cold war priorities, and numerous provisions promote extreme agendas on major social issues.

Deliberation on the bill has been so frustrated that the committee's well-developed and well-earned legacy of bipartisanship has tattered because of the unwillingness sincerely to solicit administration and alternative views.

H.R. 1530 contains numerous and sweeping provisions that have been developed without, Mr. Chairman, and I underscore for emphasis without, the benefit of full consultation with the administration and others, and have not been illuminated properly even by the subcommittee's and full committee's hearing process. These include initiatives and personnel matters, weapons

procurement, research and development, foreign policy initiatives, and acquisition reform.

The committee, Mr. Chairman, would embark upon an extraordinary costly program to purchase new B–2 bombers, even after all of the testimony the committee received by the Department of Defense and the services concluded that additional B–2's were not needed, and that their purchase would crowd out other higher priority programs.

Yes, we will later today debate more fully this issue, but the inclusion of funding for additional B–2's is sufficient reason alone to reject this committee report.

Parenthetically, Mr. Chairman, this bill contains $553 million to begin long-lead items for two additional B–2 bombers that ultimately results in an effort to build 20 additional B–2 bombers. At a time when we just came through a budget process that will visit pain and human misery by virtue of the draconian cuts in that budget upon the children of this country, mothers in this country, senior citizens in this country, veterans, and farmers, and others in America, this bill calls for beginning to go down the road toward the expenditure of $31.5 billion to build 20 planes, $19.7 billion to build them and to equip them, $11.8 billion to operate and maintain them throughout the life cycle of that plane. At a time when we are in community meetings saying we must visit pain upon all of America in order to balance the budget, $31.5 billion, the Secretary of Defense said no, we do not want them, we do not need them. The chair of the Joint Chiefs of Staff and the vice-chair know we do not want them, know we do not need them.

□ 1545

An independent study by the Institute for Defense Analysis: ''No, we don't need them, we don't want them, we can't afford them, and there are cost-effective alternatives.'' An independent role and missions study said, ''No, we don't want them, no, we don't need them.''

But this bill, we start down the road toward a $31.5 billion expenditure to the American taxpayer. Mr. Chairman, the bill places more resources towards weapons acquisition, despite clear testimony by Secretary Perry that the Department has a procurement strategy that will secure the timely modernization of the weapons inventory and guarantee future readiness.

Rushing to replace weapons that are fairly young both wastes taxpayers' dollars and could, indeed, spark a new arms race.

The majority made several assurances that it was not their intention to now develop theater missile defense nor national missile defense systems that would not comply with the ABM Treaty nor to cause a breakout from the treaty through the Missile Defense Act rewrite. Yet in spite of those assertions, Mr. Chairman, all attempts to have the committee bill conform to the ABM Treaty or to limit development activities that would violate the treaty were successfully resisted by the majority.

I would submit to you, Mr. Chairman, that anytime we proceed to move beyond significant treaties, we ought to do so thoughtfully and cautiously and carefully. And if my colleagues are saying they do not wish at this time to violate the ABM Treaty, why not a simple inclusion of propositions that maintain the integrity of the ABM Treaty? That was not done. I leave that for your consideration and to draw whatever conclusions you choose to draw.

Mr. Chairman, part of the bill payers for the acquisition surge were vitally important environmental cleanup programs that the Departments of Energy and Defense are required by law or by litigation to complete and for which it is our obligation to provide them the funding. None of the amendments that would restore these funds were made in order.

Mr. Chairman, at a time when bases are closing throughout America, at a time when there is need to clean up those bases that we dirtied, in order to allow communities to take that land and property and go forward with community and commercial higher and better use, we are saying we are cutting environmental programs designed to clean up those facilities, rendering some communities in this country impotent in their capacity to take that land and build schools and playgrounds and develop commercial activities throughout America in order to allow us to move beyond the politics of the cold war. In order to develop a vibrant economy that speaks to the post-cold war, we cut funds. That logic of that defies understanding, and it escapes this gentleman.

Part came from dual-use programs that are being used to position the industrial base to be able to support fully the emerging defense industrial challenges of the century to come. Such shortsightedness, Mr. Chairman, in cutting these funds in order to pay in part for lower-priority cold war-era weapons should be rejected by the House.

We must begin to embrace the concept of conversion. How do we move from a cold war military-reliant economy to a post-cold war economy? I would suggest to you, Mr. Chairman, it means embracing the principles of conversion. How do you move from building B–2 bombers to building efficient, effective mass transit systems? How do you move from building weapons of mass destruction that rain terror and pain and human misery on people to enhancing the quality of human life? That is our challenge. That requires the highest and the best in our intellectual and political capability and understanding.

The dual-use technology program was one of those specific efforts to move toward conversion, to go from swords to plowshares in very specific terms. Yet we challenge these programs. The logic of that defies understanding.

Further, not all of the programs with the bill are money spending programs, Mr. Chairman: abortion, HIV status, El Salvador medals to people when we told people we in America were not waging war in El Salvador. Suddenly now we want to give medals. We are saying we really were involved in the war in El Salvador? That is in this bill.

Other contentious items were placed in the bill without benefit of committee inquiry. Mr. Chairman, I know I have my politics. We all have different politics. That is the nature of the political system is to engage each others' different perspectives and different points of view, derive a consensus and move forward, but because we are legislators, we have designed a specific legislative process that allows us to engage these issues substantively at the subcommittee and full committee level prior to consideration on the floor of Congress.

Many of these issues were never dealt with significantly at the subcommittee or full committee level. The process is flawed.

The committee squeezed $171 million from the Nunn-Lugar nuclear weapons dismantlement program to finance projects and weapons systems of less effective value to the Nation's security, despite Secretary Perry's statement that this program was one of his highest priorities.

Mr. Chairman, this program is designed to dismantle nuclear weapons developed by the former Soviet Union. We were spending, in the decade of the 1980's, in excess of $300 billion per annum in order to prepare to potentially wage war, even the insanity of nuclear war, with the Soviet Union.

Now, for a measly few dollars in a multibillion-dollar budget, we cut $160 million that would dismantle these weapons.

What could be more in the interests of the children of this country than to dismantle nuclear weapons from the former Soviet Union? The economics of that defies logic, but we take this money to purchase more weapons.

And I will argue in the context of the B–2 that is not about national security. It is about where the weapons are built, where the weapons take off and where they land. It is about parochialism. It is not about national security. It is about billions and billions of taxpayers' dollars going in the wrong place when we are denying our children better educations or people in this country better health care and other things. We are purchasing weapons systems that we do not need, that speak to yesterday, not to tomorrow.

Mr. Chairman, the bill directly and adversely affects our long-term national security interests by erecting impediments to participate effectively in U.N. peacekeeping. Clearly, this is a

case in which the American people are way ahead of the committee in comprehending the enduring moral value, financial benefit and the advantage generated by having the United States participate fully in peacekeeping efforts in order to control the outbreak of war and violence. What better contribution to the world than, as the major, last-standing supervisor, that we participate with the family of nations in peacekeeping, stopping the slaughter and the violence, ending our capacity to wage war? But, no, we render ourselves impotent in this bill. We impede ourselves in this bill, not through logic and rational thought, but because of political expediency and lack of careful thinking, we deny our capacity to engage in peacekeeping. That is the wave of the future. That is America's role in the future, not conducting war and savagery on other human beings, but because of our rationality and our sanity, learning how to keep the peace in the world. That is a profound role that we have to play. This bill does not get us there.

Mr. Chairman, section 3133 would fund a multipurpose reactor tritium production program that will breach the fire wall between civilian nuclear power and defense nuclear weapons programs with major implications for U.S. nonproliferation efforts and would prematurely anticipate the Secretary of Energy's decisionmaking process to identify the best source of tritium production.

Let me now try to explain briefly the implications of that. This is a multipurpose tritium reactor. We have embraced a principle in the context of our international relations that says that we would not cross the line where commercial use of development of nuclear-capable material could be used for military purposes. That is an important principle in our international understandings with people. That is why we wreaked havoc on North Korea, on Iran and on Iraq.

Mr. Chairman, query: How can we maintain the integrity of the moral high ground with these countries when we question their development of commercial-use reactors that could also be used to develop nuclear weapons capability materials?

If we cross the line, why not the rest of the world? We lose the moral high ground.

Second, this is the mother, this is the mother of all earmarks. This reactor is going to one place to one contractor, when last year on this floor we took the principled position that earmarking compromised the credibility and the integrity of the deliberative process. Yet in this bill, we have an earmark. It flies in the face of what we are ostensibly about here, and we need to reject this, and we should have a significant, and hopefully will have, a serious debate on this matter.

Mr. Chairman, in the past 2 years the defense authorization bills have put the United States on a path toward beyond cold war thinking and began to move us toward a post-cold-war national security strategy. When the Berlin Wall came down, the Soviet Union dissipated and the Warsaw Pact vanished, it ended the cold war. And I have said on more than one occasion that with the ending of the cold war it ushered in a new era, the post-cold-war era, that requires us to take off old labels of who is left wing and right wing, take off old labels of who is the peacenik and who is the hawk, take off old labels and move beyond old paradigms to challenge ourselves, to think brilliantly and competently about how we move toward the 21st century in the context of the post-cold-war; great challenges, but also great opportunities. This is a moment in a period of transition.

And the great tragic reality is the American people are looking to Washington and saying, ''We don't know what to do in the context of the post-cold-war. What should we do?'' And many politicians, because they do not like to get too far out in front of public opinion, because you can lose your job doing that, are turning around saying, ''Don't ask me. What do you think we ought to do?'' So the American people are asking the political leaders what should they do. The political leaders are asking the American people what to do. In the meantime we are blowing this incredible opportunity to take the world boldly in a different place with the United States as a major superpower out in front in a courageous way.

No, we are walking backward toward the cold war. We want to build B–2 bombers that were cold war weapons. We want to go back to a national missile defense in cold war era times. We want to buy weapons systems that have nothing to do with moving forward. We want to retard our capacity on peacekeeping initiatives and other things that would move us rationally and logically into the 21st century. We are going backward, and this bill underscores that.

This bill reverses the course. It buys more weapons whose design, function, and purposes were rooted in cold war strategy and doctrine. It pushes away from an aggressive arms control strategy and potentially back toward global brinksmanship.

The last couple of weeks we talked about not saddling the children with a budget deficit. Why saddle the children with the danger of brinksmanship? Why saddle the children with the danger of weapons systems we do not need? Why challenge the children of this country with cold war strategies that make no sense?

If we are going to be consistent about embracing the future and caring about our children, then all of our policies, not just the rhetoric of the budget resolution, but the reality of the military budget and our strategy on national security, should speak eloquently and powerfully to that.

It seeks to impede effective efforts by the Department of Defense to ready itself for the challenges of the current time and the next generation, all in the name of keeping it ready for the types of challenges which arose in the past.

This bill represents not just a lost opportunity to adjust the changes of our time, but carries with it the tone and substance that has been the basis of so many destabilizing arms and ideological competitions of the past.

My final comment, I leave you with this, Mr. Chairman, I believe that this new era has ushered in for us an incredible new opportunity, this generation as represented by those of us on this floor. We have been given an enormous gift. We have been given the gift of an opportunity to radically alter the world, to make it a safer and sane and stable place for ourselves and our children and our children's children.

We can paint bold strokes across the canvas of time, leaving our legacy to the next generation of one of peace and security, or we can tinker around at the margins of change because of our caution, because of our insecurity, because of our fear, and because of our insecurity and blow this moment.

☐ 1600

I hope that our grandchildren and our great-grandchildren do not look back at this moment and say, ''My God, that generation had a chance to make the world a better place, and they blew the opportunity.'' I believe this bill goes down that tragic and sad road. I urge defeat of the bill, and I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Let me also, while I am on my feet, commend him for the excellence of the leadership that he has provided to the Committee on National Security in bringing H.R. 1530 to the floor and also commend him, notwithstanding the vast differences in the point of view and perspective between my chairman and the ranking member, the gentleman from California [Mr. DELLUMS], for his excellent cooperation and assistance in seeing that the committee's business was fairly transacted.

Let me also speak my appreciation to the ranking member of the Readiness Subcommittee, the gentleman from Virginia [Mr. SISISKY] for his unfailing cooperation and assistance in seeing that our portion of the bill was dealt with, and dealt with very responsibly and effectively.

H.R. 1530 fully funds the military services' operation and training accounts and adds significant resources to other important readiness activities, including real property maintenance, to address health, safety, and mission-

critical deficiencies, depot maintenance to reduce backlogs, and base operations support to address shortfalls in programs which sustain mission capability, quality of life, and work force productivity.

Second, H.R. 1530 undertakes a number of initiatives to reengineer and reform defense business operations and functions performed by the Department of Defense, its agencies, and the military services to create efficiencies and maximize the value of our defense dollars. These initiatives are in areas such as inventory management, computers, financial management, transportation, audit, and inspector general oversight and fuel management, and include a number of pilot programs for outsourcing functions not core to the Department of Defense warfighting mission.

Third, H.R. 1530 fixes a critical problem which contributed greatly to the readiness shortfalls experienced in the late fiscal year 1994. Specifically, the bill takes action to protect the key trading and readiness accounts from having funds diverted to pay for unbudgeted contingency operations. It does so by establishing short-term financing mechanisms to cover the initial costs of such operations requiring the administration to submit timely supplemental appropriation requests and requiring the adminstration to seek funds in advance for planned, but unbudgeted, operations if they are expected to continue into the next fiscal year.

Mr. Chairman, at the end of the day, H.R. 1530 achieves the goals we all share: providing the necessary resources to ensure force readiness, improving quality of life for our service people, and instituting defense support structure reforms to enable resources to be made available for other short- and long-term readiness needs.

I urge my colleagues to support the bill.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. MONTGOMERY. Mr. Chairman, I want to thank the ranking member for giving me this time, and, Mr. Chairman, I rise in strong support of H.R. 1530 and, given the tight budget situation we faced this year, the defense authorization bill represents compromise. While the legislation does not contain all the provisions I would have liked, it is balanced and a step in the right direction to provide for the defense needs of our country.

I am particularly pleased with the emphasis on operation and maintenance needs in order to improve readiness of our forces.

Mr. Chairman, I am also pleased and would like to note one provision. It is a joint VA/DOD housing program. This is in the bill. This is a needed program, will apply to enlisted personnel and officers 0–3 and below. They could apply for a VA guaranteed loan to purchase off-base housing with the Department of Defense buying down the interest payments for the first 3 years. This program will help to relieve the problems we are having on our bases of housing shortage.

I also want to point out that the bill contains $770 million for procurement of equipment for the National Guard and Reserve and my colleagues know it pleases me very much when the Guard and Reserve are able to get the proper equipment.

I am disappointed, though, Mr. Chairman, that the bill effectively kills the civil military programs conducted by the Reserve components in so many communities throughout the Nation. This program has been really important. It has a lot of merit to it, and it looks like we are not going to be able to use our National Guard and Reserve units to help out individuals that need help, and I am very worried about that, and that was what was left out of the bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentlewomen from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for speaking up so eloquently about that because really being able to use the National Guard and Reserve to go in and serve communities, whether it is medically, whether it is helping our youth, whether it is—I find it really shocking that we are just severing that tie to the communities and that service, and I say to the gentleman, ''Thank you for the leadership you gave. How sad it is to see it all rolled back.''

Mr. MONTGOMERY. Mr. Chairman, I thank the gentlewoman.

There are some wonderful programs, and I think probably the people around the country will speak up, and will be able to someday get these funded. We will not talk about the money. It was peoples programs, helping underprivileged, not in Central and South America, but right here in the United States of America.

So, Mr. Chairman, I reemphasize my support for this bill and urge its adoption in the House.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Military Procurement of the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I want to start out by thanking our great chairman of the Committee on National Security for his wonderful leadership through the hearings that we held, the many briefings, discussions, the inner workings from both sides of the aisle, Democrats and Republicans working to do what is best for America, and I want to compliment the gentleman from California [Mr. DELLUMS], ranking member of the full committee, for his hard work, and my counterpart, the gentleman from Missouri [Mr. SKELTON], who did so much to put together a good package that will give national security to this country.

My colleagues, we lived through the 1980's and rebuilt American defense because we believed in a policy of peace through strength, and at times that policy was very heavily criticized. When the Russians were ringing our allies in Europe with SS–20 missiles, and many people here at home, particularly members of the leadership, some leadership in the Democrat Party, many leaders in the media, urged that we appease the then-Soviet Union, urged that we cut back on weapon systems, urged that we terminate our ICBM systems and our bomber development, thankfully, the leadership in the House and many Members of Congress did not go along with that policy. We believed in a policy of peace through strength, and we stood up to the Russians in Europe.

We put where we start moving forward with our plan to put Pershings and ground-launched cruise missiles in. In Central America, where we moved to deny the Soviets and their proxies a foothold on our own continent, in Africa, in the deep water, with the rebuilding of our American Navy, we challenged the growing Soviet fleet, and interestingly, because we stood up to the Russians, we brought about peace through strength, and the Berlin Wall came down, and then we had a conflict in the Middle East. No Russians involved, purely a conventional conflict, and all of the systems that the Members of this Congress and the Reagan and Bush administrations had put into the pipeline that were heavily criticized by the media in this country, the M–1 tank that ran out of gas too soon, the Apache helicopter that needed too many spare parts, the Patriot missile system that took too long to develop; all those systems, when deployed on the sands of the Persian Gulf, proved to be very excellent systems. They saved American lives, they brought home the great majority of those body bags that we sent to the Middle East empty.

Well, we have moved to continue that rebuilding of national security, and let me tell you, Mr. Chairman, On our subcommittee, at your direction, we have rebuilt ammunition accounts, we have rebuilt precision guided munitions accounts. Those were those precision guided systems where you do not drop a hundred bombs on a target. You send one in at a bridge or that particular radar site and knock it out. We rebuilt American sealift. We started to add ships to our sealift accounts. We put in extra fighters this year. Last year we bought fewer fighter aircraft than Switzerland, that great warmaking power. We kept that industrial base alive. We tried to keep our sealift going. We put in basic things like trucks so that the army can be mobile,

so it can move its logistics corps to the area of operation quickly.

So we have started, Mr. Chairman, in the procurement subcommittee, moving ahead with the resumption of that policy that has not failed this country of peace through strength, and let me just say to my colleague, the gentleman from California [Mr. DELLUMS], the ranking member of the full Committee on National Security, it is true that there is a State earmarking of this reactor that will build tritium. On the other hand, my observation is not too many States have been asking for the reactor and, as a matter of politics, probably would not. But I think it is clear that the Clinton administration itself has said that continued tritium production is an important thing, and it is important that we move forward with the way to do that, and I personally think that the reactor is the way to go, not the accelerator that has been proposed by the administration.

So, my colleagues, I think we put forth a good package for the United States to resume this policy of peace through strength, and I would urge all members to support it.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 1530, our national defense authorization for fiscal year 1996.

I am pleased to join my colleagues in supporting what I believe to be a comprehensive and forward thinking bill to address the defense concerns of the United States into the next century.

I would like to commend the gentleman from Colorado [Mr. HEFLEY] for his work at the subcommittee level, and both Chairman SPENCE and the full committee ranking minority member, RON DELLUMS, for working to forge a bipartisan bill.

Military construction is significantly important to our Nation's ability to have a ready and capable force.

Mission support, quality of life projects, living spaces, work places, infrastructure revitalization, and environmental compliance are key factors in ensuring that our forces are able to meet the many challenges facing our military today.

I have long been interested in reforming the way the armed services provide housing for our men and women in uniform.

Three years ago, there was some concern about the future needs of military housing for our servicemen in south Texas—and the community responded by proposing a Naval Housing Investment Board that would combine servicemember and civilian housing through a public-private investment board.

The bill before us contains a major new initiative to form public/private partnerships in an effort to improve military housing.

The program provides a series of new authorities to encourage the investment of private capital to assist in the development of military family housing.

Since we began our efforts to combine our limited Federal resources with private investment in last year's DOD bill through the Navy Housing Investment Board—the program concept proved so successful that it is being extended to the other service branches with the wholehearted endorsement of Secretary of Defense William Perry.

Mr. Chairman, I encourage my colleagues to vote for this bill. It is a good bill, and specifically it addresses the housing needs for men in uniform.

□ 1615

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON], the chairman of the Subcommittee on Military Research and Development of the Committee on National Security.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, I rise to applaud our chairman, who has done an outstanding job in leading us through this first bill that we have had the chance to put together, and also acknowledge the cooperation and support of our ranking member, who as always, is gracious and cooperative, even if we may disagree on some substantive issues.

I think this is a good bill, Mr. Chairman. This is a good bill that passed out of our full committee with a vote of 48 to 3, meaning only three members of the full Committee on National Security saw fit to oppose this legislation being reported to the House floor.

This bill, for the first time in the last 9 years that I have been here, reverses the hemorrhaging that has been occurring within our national defense and national security. We all heard the rhetoric of 5 years ago about the peace dividend. Well, I can tell you where the peace dividend is. It is in my UAW workers who are now looking for fast food jobs in Delaware County and Southeastern Pennsylvania because they have been laid off by Boeing Corporation, by Martin Marietta, by Lockheed. Norm Augustine, the new CEO of the new Martin Lockheed was in my office 2 weeks ago and said his company has laid off 107,000 people in the last 3 years alone, and the layoffs continue. That is what we have got even with our peace dividend.

Where has been the defense conversion? There is no defense conversion, Mr. Chairman. But we stop that with this bill, and we do not do it as a jobs program. In fact, I will talk about how we have stopped that process as well, the pork barreling in the bill. We do it because we support what is important based upon the national threat.

We started off this year's process with a net threat briefing where we looked at the hot spots of the world and came back to deal with our leadership in the Pentagon about where our priorities should be. Then in our subcommittees we marked up our funding levels in line with what the Joint Chiefs told us were their priorities.

We also, Mr. Chairman, and I am very proud of this in the R&D area, we removed the tremendous amount of earmarking that has occurred in previous bills. There was one estimate that in last year's defense bill there was $4.7 billion of unauthorized appropriations, some of those having nothing to do with defense, many of them stuck in by the appropriators, some of them put in by the authorizers, but many of which were not requested by the military and had nothing to do with our national security.

In the R&D portion of this bill this year, we have no earmarks. We have no direct programs put into that portion of the bill for individual Member requests. We in fact keep the bill clean.

We do fund our priorities, Mr. Chairman. We do take a look in the R&D area at where we should be putting our priorities in terms of dollars. We fully fund missile defense.

Now, how do we determine where the priorities should be? Unlike the previous 2 years, Mr. Chairman, when we had no hearings on ballistic missile defense, we in this year held three full hearings for members of the full committee, the subcommittees of Procurement and Research and Development, on where we are with ballistic missile defense.

We had a hearing on the threat, both a closed briefing for the Members and an open briefing, a full day of hearings on what is the threat out there. We heard the horror stories of 77 nations today having cruise missiles that could be used against us. We heard the horror stories of 20 countries who today are building cruise missiles and the threat that poses to us. We had a hearing on what we have gotten for our money.

What have we been able to produce with the billions of dollars we spent on missile defense over the past decade? We had a show and tell where General O'Neill brought in the technologies we developed with our missile defense funding. Finally, we had General O'Neill himself present to us what his vision of missile defense for this country would be like.

Mr. Chairman, when we get to the missile defense section, every dollar that we put in this bill is in line with what General O'Neill said we should be spending on missile defense. In fact, it is less. General O'Neill told us we could add on up to $1.2 billion in the missile defense accounts for theater missile, national missile, cruise missile and Brilliant Eyes.

We could not give him that full amount, but we gave him about $800 million. We have plussed up those areas where General O'Neill, acting as President Clinton's representative, told us we should put our dollars in terms of protecting our people from the threat of a missile coming into our mainland or hurting our troops when they are being deployed overseas.

This is a good bill as it relates to missile defense. Yet you will hear later on our colleagues attempt to say we are trying to undermine the ABM Treaty. Nothing could be further from the truth. But I will say this, Mr. Chairman: We are silent on the treaty. It is a treaty that we will abide by. But there are some who want to distort this bill and politicize it to have it be supportive of additional use of the ABM treaty, and we think that is a mistake, and we are going to oppose it when that amendment comes to the floor.

This is a good bill, and I encourage our colleagues to support it with a large vote, and give our chairman the endorsement of an excellent job in leading us on the security of this country.

Mr. DELLUMS. Mr. Chairman, I yield myself 3 minutes.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 4 minutes.

Mr. DELLUMS. Mr. Chairman, I would like to respond to one of the comments that my distinguished colleague from Pennsylvania made, because he raised a very significant point, and that is the issue of job loss in the context of downsizing.

I find it interesting that when you talk with the corporate CEO's about a great percentage of this downsizing in the quiet, they will agree that a great part of their job loss had nothing to do with the downsizing of the military budget, but the fact that during the years of the eighties, they developed such huge overheads, they got fat and sassy, they were no longer competitive, particularly in the international arena, so they had to cut back, they had to start getting streamlined, they had to become competitive. So a portion of those jobs were as a result of that.

But I think the gentleman raises an important point. When we are downsizing, there is economic dislocation. And my response to that is that the long-term answer, the near-term answer to that, is an aggressive economic conversion strategy, not buying weapons that are expensive and unnecessary. That is not the real answer to that.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. I appreciate my friend and colleague yielding. I appreciate the willingness to engage in a dialog. What I would say is 2 years ago as we saw the defense numbers being projected by President Clinton, we went to the Office of Technology Assessment and the Congressional Budget Office. Each of them did studies that said if we implement the budget numbers proposed by President Clinton, we would see 1.5 million men and women lose their jobs in the defense industry.

That is exactly what is happening, and that is happening directly because of the most massive cuts in the acquisition accounts that we have seen since before World War II. So it has had a direct impact on real jobs all across America.

Mr. DELLUMS. Mr. Chairman, reclaiming my time, in downsizing the military budget, economic dislocation is indeed going to be a reality. The point that I am simply suggesting is that we are bright enough and competent enough to engage in a policy discussion that leads us toward the policies of economic conversion.

The tragedy is that many of my colleagues, because we do not have a national jobs bill in this country, because we have not embraced economic, monetary, and budgetary policies designed to expand employment, we look at the military budget as a jobs bill.

The last time I was chair of the committee, last year, my colleagues sent in requests to my office to add $10 billion to the military budget. Now, you do not have to be too bright to understand what that was about. I understand. It was about jobs. People do not like to see people unemployed. Neither do I. But the tragedy is that we are beginning to use the military budget on a more expansive basis as a jobs bill, when it should be a bill that addresses the national security needs of this country, and we need to have a much broader strategy to handle the dislocation, and I think that is economic conversion.

Mr. WELDON of Pennsylvania. If the gentleman will yield further, I would just say I agree with the gentleman. That is why in this bill, in the R&D accounts, we keep the dual use funding levels at the same level they were in previous years, for exactly that reason. We keep the dual use of funding level at exactly the level that they were funded at over the previous 2 years. So we support that notion, when it has defense as a top priority.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I must say as a mother of yuppies, I rise in strong disagreement with this bill, because my children would call this bill retro. ''Retro'' is a negative word in the yuppie sense, and part of the reason is while we just heard about they are saying that there were $4 billion last year that they thought was fat, in this bill this debate is really nothing but kabuki theater. After we passed that rule, this has nothing to do with reality from here on.

There is $9.5 billion more in this bill than the Pentagon said they needed to fight two full-time wars, and I think the Pentagon's judgment has been confirmed pretty well this last week with how well they performed. it is $9.5 billion more than the commander-in-chief wanted, and $9.5 billion more than the Senate wanted. In fact, when we were debating the rule and tried to get this opened up so we could offer some of these amendments, we were told we could not, because it might distort the negotiations with the Senate on the budget, the overall budget negotiations going on.

So really we are just standing here throwing words back and forth at each other, and it really does not mean a thing, because three-fourths of the cutting amendments have been denied. They have been denied. Again, as everybody here is saying this is a better bill than before, oh, really? You thought $4 billion was a lot of fat last year, try $9.5 billion in this year's that we cannot get to.

Furthermore, there is a real threat I think to the ABM Treaty. If there was not, why not say there is not? How can you say there is no threat, but we will not accept an amendment saying we do not plan to change it?

If you really think the women who put their lives on the line should be considered second class citizens, which I do not, then you will love this bill. This is great. If you think we should have a line item and direct where we are going to go with tritium production, without anybody having a debate or really deciding these things, then you will love this.

You are going to hear a lot of debate about industrial base. Well, let me tell you, this is, again, a retro industrial base that we are supporting in this bill. The gentleman from California and I worked very hard with many Members trying to find a competitive way to take this expensive research and development that the taxpayer had invested in and apply it to the future, apply it to other things we needed, to upgrade our industrial base and have new products we can sell to the world, in such areas as law enforcement, medical technology, all those types of things, because that is clearly where it is going.

Instead, what do we have in there? We are going to have a big move to bring back the B–2 bomber. Even Secretary Cheney did not think we needed this thing. He signed off on 20 of these. You can buy these for about $1.1 billion. That is a lot of school lunches. That is a lot of student loans. During the cold war, if Secretary Cheney was convinced 20 of these was enough, I would think that that would be enough for us today in the post-cold-war era.

So what I am trying to say is things like this are being kept alive in the name of keeping the industrial base up. Well, let me tell you we have a doggone good aviation industrial base. Just look at the Boeing 777. We are just doing this to keep some defense contractors who put out big political donations, I think, alive. And we have got all sorts of other things in here we cannot even offer an amendment to. This one at least we get to offer the amendment to. I guess they figured they have got it wired in so they cannot lose this

one, and the other ones, I guess people are afraid they should be losing.

But I think Mr. Chairman, this is a very sad day, and I hope Members will join me in voting no on this retro bill.

The CHAIRMAN. The Chair will advise that the gentleman from South Carolina [Mr. SPENCE] has 42½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 29 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

□ 1630

Mr. HEFLEY. Mr. Chairman, I rise in support of H.R. 1530, the National Defense Authorization Act for fiscal year 1996. I would like to say, this is my first time to be a cochairman of this committee or any committee in Congress for that matter. And it was an experience, and I could not have asked for a more cooperative or helpful ranking member than the gentleman from Texas, SOLOMON ORTIZ, who I thought did a super job.

This was truly, at least our part of it and I think most of the bill, was truly a nonpartisan or bipartisan product. As chairman of the Subcommittee on Military Installations and Facilities, I can assure the House that this bill squarely addresses one of the most serious problems confronting the Department of Defense and the people who serve in our Nation's military services.

That problem is the quality and availability of adequate troop housing and military family housing. There is no question that there is a crisis in military housing. Over 600,000 single enlisted personnel are assigned to on-base troop housing facilities. The average age of barracks and dormitories is over 40 years. One-fourth of these facilities is considered substandard. At current levels of funding, improving on-base housing for single enlisted personnel cannot be accomplished, depending on the military service, for years or, in some cases, for decades. The situation in family housing is not much better. Approximately 218,000 or two-thirds of the homes in the housing inventory of the Department of Defense are classified as inadequate.

One-quarter of the homes in the DOD inventory are over 40 years old and two-thirds are over 30 years old. This aging military family stock has extremely high maintenance and repair needs. If nothing changes, fixing the military family housing problem will take over 30 years.

The present military housing situation is unacceptable and the Committee on National Security is determined to put us on the path toward fixing the problem. H.R. 1530 contains critically important short-term and long-term remedies to this problem.

Working with the military services, we have identified a number of unfunded and badly needed quality-of-life improvements in housing, child care, health care facility that can be executed next year.

We have funded solely those projects where the need is the greatest and the dollars can immediately be put to use. Equally of importance, we coordinated these recommendations thoroughly with our colleagues on the Committee on Appropriations so that we are singing from the same page of music. And we have agreed, both of us, to a strong quality of life package.

This bill funds over $630 million in new construction improvements for barracks and dormitories at 63 installations, including projects at 25 installations which the committee identified as priority requirements for military services which were unfunded in the department's budget request.

The bill also provides approximately $900 million in military family housing construction and improvements. These funds will provide quality housing for about 9,400 military families, over 2,000 more than the Department's request, and will ensure that other badly needed neighborhood improvements are undertaken.

I want to stress again that this bill funds only those projects which can be executed in fiscal year 1996. This is not a hollow program. But beyond the important quality of life improvements we are recommending to the House, the committee has also taken a longer term view of the problem of fixing the military construction problem. We are providing for an opportunity for private sector involvement in this and have set up a structure that gives the possibility for that to take place at bases around the country. We are going to develop pilot programs this year, and I think this is the only way you can get there from here in terms of actually solving this problem.

So in conclusion, let me say, I strongly support this piece of legislation. I think not only in this particular area that I have talked about but throughout the bill, we make giant strides.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MCHUGH], who is the chairman of our moral, welfare, and recreation panel.

Mr. MCHUGH. Mr. Chairman, let me add my words of admiration and appreciation to the full committee chairman, the gentleman from South Carolina [Mr. SPENCE], and really all the members of the Committee on National Security, including, or course, the ranking minority member, the gentleman from California [Mr. DELLUMS], who have worked hard to make this, I think, a very credible and a very well-balanced piece of legislation.

We have heard today, Mr. Chairman, and we will continue to hear how difficult and how different these times are. I think this legislation reflects those realities in a very direct and a very palpable way. Indeed, while these times are different, they are at least as dangerous, if not more dangerous than any circumstances that we as a nation have encountered across this globe in perhaps the last half century or more.

There, too, this legislation is, I think, a very able attempt to try to react to those very dangerous circumstances.

In that regard, those of us, myself included, who had the opportunity and the honor to serve on the committee special oversight panel on moral, welfare and recreation have worked to include in this legislation a number of measures that will provide for an acceptable quality of life for men and women in uniform.

We all know, Mr. Chairman, that under any circumstances, these programs are so vitally important. But as our military men and women are being asked to deploy more and more, and not just by a Republican president, not just by a Democrat president, but by chiefs of the military from both sides of the aisle, to places like Haiti and Somalia, providing comfort in northern and southern Iraq and the skies of Bosnia, we have to maintain programs and let our men and women know that, as they leave, their families are being adequately taken care of, being provided for. This program and this legislation fully funds those kinds of programs, fully funds them, I might add, at a level that President Clinton requested.

This is a well-balanced, well-reasoned piece of legislation that, Mr. Chairman, I respectfully urge all my colleagues on both sides of the aisle to defend and to support.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], a very valuable member of our committee.

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

Once again, we stand on this floor and debate the merits of a defense authorization bill. But unlike previous debates, consideration of the 1996 Defense Authorization Act is different. Before us is legislation which stops the backsliding of previous defense bills and takes a critical first step toward matching resources with the ever-growing number of military commitments.

This bill doesn't solve all the problems which plague our Armed Forces. Ten years of declining defense budgets cannot be overturned in a single defense budget. Yet this bill makes significant, concrete improvements. Among the many initiatives, this bill:

Adds a third Aegis destroyer—a ship which was stricken from the Navy's original budget proposal but identified by the Navy's top admiral as his highest priority.

Takes a more prudent and robust approach to missile defense by adding $763 million for ballistic missile defense program and directing the Secretary of Defense to develop and deploy theater and national defenses ''at the earliest practical date;''

Fully funds the purchase of eight C–17's, a mission-essential platform which every top Pentagon official has testified as a gotta have program.

In addition this bill sends a message to our military personnel and their families that we understand the hardships they endure. We show our appreciation by fully funding a 2.4 percent pay raise and by adding $425 million for the construction and improvements to military family housing and troop housing.

Finally, this bill provides money to keep the B–2 industrial base in tact, giving us the option of procuring additional stealth bombers should we decide to do so. To those of my colleagues who think that the B–2 is too expensive, I simply point out that waging a war which a fleet of B–2 bombers could have deterred is far more costly both in terms of lives and money.

Is this a perfect bill? No, but it does what the administration has failed to do in three previous defense proposals. It honestly identifies our defense needs and takes appropriate action to address them.

My colleagues, last fall as part of our Contract With America we made a commitment to the American public that we would strengthen our military forces. In February, we passed H.R. 7 which demonstrated our commitment and our resolve. This bill continues that process by putting real deeds behind those words and promises.

I urge Members to support our troops by supporting this bill.

I urge my colleagues to support the bill and to avoid destructive amendments.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. HOKE] for the purposes of engaging in a colloquy.

Mr. HOKE. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from South Carolina.

As you know, last week I submitted to the Committee on Rules an amendment that would require the President to withdraw the United States from the Anti-Ballistic Missile Treaty as permitted under article XV of that treaty.

I sponsored that amendment because along with you, I believe that the ABM treaty adopts a national strategy of intentional defenselessness which is completely inconsistent and incompatible with our obligation to provide for the common defense of the people of the United States.

Not only does the ABM treaty depend on a misguided strategy of mutually assured destruction, but the Government of the United States has adopted an unspoken policy of nondisclosure of that strategy to the American people.

While this strategy of defenselessness may possibly have been arguable in 1972 when we had only one ICBM-capable enemy, it is utterly without merit today when many nations have gained or are gaining access to ballistic missile technology as well as to the weapons of mass destruction.

All of which is to say that in my view this policy is insane and will be viewed in the long sweep of history as a particularly dumb idea which held sway under peculiar circumstances for a very brief period of time.

But what is truly unconscionable is that the public has been kept out of the loop. Defrauded of its right to know and intentionally not told that all of America and particularly her largest cities are now the beta sites for a massive experiment in foreign relations, that this experiment in foreign and defense policy places the lives and fortunes of a quarter of a billion Americans at risk without their knowledge is unethical, immoral, and just plain wrong.

After consulting with you and Messrs. YOUNG, WELDON, and LIVINGSTON last week, I withdrew my amendment as a result of your stated intention to hold hearings on the validity of the ABM treaty and on a bill to repeal that treaty which will be offered later this week. I deeply appreciate that offer on your part.

I view as a tremendous opportunity to this, these hearings as a tremendous opportunity to inform the American people of the policy that we are under now that leaves them defenseless.

I also want to note that the gentleman form South Carolina [Mr. SPRATT] has offered an amendment that amounts to an endorsement of the ABM treaty.

Could the chairman share with me the view of the Committee on National Security on the Spratt amendment?

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

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

Mr. SPENCE. Mr. Chairman, let me say to the distinguished gentleman from Ohio that the committee overwhelmingly rejected a nearly identical amendment when it was offered during the committee markup of H.R. 1530. It was a bipartisan vote of 18 to 33. The Spratt amendment places too much credence in a treaty that was signed over 20 years ago with a nation that no longer exists and in strategic circumstances that no longer pertain. Therefore, I strongly urge a no vote on the Spratt amendment.

Let me also say to the gentleman from Ohio that it is this gentleman's intention to hold hearings in the Committee on National Security later this year on the viability of the ABM treaty. Such a review of that treaty is clearly warranted. I would certainly welcome the gentleman's active participation.

Mr. HOKE. Mr. Chairman, I applaud your commitment to hold those hearings, and I look forward to working with the gentleman and the committee. Let me also say to the gentleman that I am confident that they will demonstrate that the proper course for the United States is to state its intention to withdraw from this treaty.

Likewise, Mr. Chairman, I strongly oppose the Spratt amendment that seeks to endorse this outmoded ABM Treaty that prevents us from deploying a highly effective defense for the American people. I urge my colleagues to vote no on the Spratt amendment, and I thank the gentleman for engaging in this colloquy with me.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, there are many issues in this bill, and I want to make just two brief points.

No. 1, it is quite a well-balanced bill. Defense spending has been cut every year for the past decade, and there is a lot of ground to make up for. But in the areas of modernization, in getting and keeping good people, in readiness and in reforming the Pentagon, this bill makes substantial progress. It does not do as much as I would like in all the areas, but it makes substantial progress in each of them and deserves my colleagues' support.

The other issue is dealing with getting and keeping good people. For me that includes how we treat our veterans and military retirees. More and more in the future, I believe, that will be determined on, or one of the key parts of that will be health care.

□ 1645

This bill, again, does not solve all the problems with regard to access to health care for military retirees, but the report it requires, as well as some of the other studies, will move us toward solving that problem. The bottom line is the Government must keep its word to those people who have served their country.

Mr. Chairman, the first function of this Government is to provide for the defense of its citizens. This bill deserves the support of my colleagues.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise in support of H.R. 1530, the DOD authorization bill. The time has come to halt the significant reductions that have taken place in defense spending and to add some measure of stability to the defense budget. Our civilian and military defense leaders have to be able to effectively train our military personnel and maintain our force structure at a high state of readiness for all foreseeable threats to our Nation. I believe H.R. 1530 will do that in an efficient and effective way.

The power granted to us by the Constitution to raise and support the armed forces is indeed one of the most important rolls we exercise in the Congress. Mistakes and misjudgments on this bill can translate not only into dollars wasted or dollars saved, but into lives lost or lives saved; into military defeats or military victories.

George Washington, in his first annual address to Congress, stated that, ''To be prepared for war is one of the most effectual means of preserving peace.'' That is what this bill is all

about: being prepared for war, so we can preserve the peace.

One of the favorite refrains from the liberals, no matter what the question, is to cut defense a little bit more. Over the past 10 years defense budgets, in real terms, have steadily declined. The Department of Defense will spend nearly 35 percent less this year than it did in 1985. As a percentage of GDP, defense spending is at a 45 year low.

This year, with this bill, the massive decline in military spending will stop. And with this bill, we will stop the potentially disastrous decline of our military readiness.

I strongly urge my colleagues to support H.R. 1530—a peace preservation bill—and with it support the present and future security of our great Nation.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a member of our committee.

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

Mr. TIAHRT. Mr. Chairman, I rise in strong support of the National Defense Authorization Act, which seeks to keep our military strong and our troops ready. In particular, I would like to state my strong support for the B–2 bomber. I can still feel the pride that swelled up inside me on a windy day in Kansas just a month ago when Senator Bob Dole and I were on hand to christen to new B–2, called the Spirit of Kansas. That was a great moment of personal satisfaction for me.

Over 10 years ago I worked on the B–2 in Wichita. Although I worked on a great many aircraft, I can think of no aircraft which makes me more proud of Kansas ingenuity and the technical expertise of the American people. When I think about the B–2, I think about America's long nightmare during World War II. Unfortunately, 60 years ago Congress did not do its job in preparing this Nation for the possibility of war. We did not have the latest technology at our disposal. We were not ready. We wanted peace, but we did not have strength. In doing so, we unintentionally encouraged evil men to take advantage of our weakness. Let us resolve to never let this happen again.

When we ask a young American to guard our liberty, through service to the military, they make a self-sacrificing commitment to each and every one of us. In return, we should keep our commitment to them by providing them with the latest technology which will ensure their safety.

I strongly oppose the Kasich-Dellums amendment, which would shut down the B–2 program. That could cost us billions to start up the production line. The B–2's long range makes it less dependent on the overseas bases.

On the initial days of Desert Storm, a chart that I have here shows that the B–2's could have done the same job, 32 B–2's could have done the same job of 1,263 aircraft, putting fewer people in harm's way. It is a highly leverageable aircraft.

As a new Member of Congress, I urge my colleagues to come to the floor and vote to keep America's military strong and this Nation safe. We need to adopt funding for the B–2. We should support the bill reported out by the Committee on National Security and reject the amendment.

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

Mr. Chairman, I would just like to respond to my distinguished colleague, the previous speaker who took the well eloquently, and point out to the gentleman that it was not the Dellums-Kasich amendment that stopped the B–2, as a student of history knows; it was George Bush, former President of the United States, that stopped the B–2 program at 20. At that point the Secretary of Defense was Secretary Cheney. While I agreed with that, I did not think that we needed 20. I just wanted to set the program record straight, that it was President Bush who set the level at 20.

Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I just returned from a moving memorial tribute to our friend and former Armed Services Committee chairman, Les Aspin. I am not certain Les Aspin would have approved everything in this bill, but his thinking has helped shaped this Democrat's views in strong support.

Les Aspin knew that while the tensions of the cold war have ended, it is clear from recent reports in Bosnia, in Central and East Africa, on the Korean Peninsula, and Southeast Asia that the need for well-equipped and well-prepared armed forces has not lessened. The bill before us will substantially improve the Nation's military and economic security.

Admittedly, the Committee on National Security has made difficult recommendations, balancing our military force's needs with budgetary constraints. Yet, the bill maintains important defense systems, such as the F/A–18 tactical fighter, space-based military satellites, the C–17 strategic airlift plane, and the B–2 bomber.

In addition, it continues in modified form a critical program that encourages the utilization of commercial technologies for defense applications, while maintaining the industrial base needed to meet future national security requirements.

Among the provisions in the 1996 defense bill important to our Nation's defense are the funds for long-lead procurement items for two more B–2 bombers. The B–2, in my view, is critical to our future war-fighting abilities. Its stealth capabilities, payload capacity, and long range allow it to respond to short-notice contingencies anywhere in the world.

Most importantly, one B–2 bomber can deliver a bomb payload equivalent to what it took 75 bombers and support aircraft to drop in Desert Storm. Thus, fewer service men and women are placed in harm's way.

The bill also includes funds for additional F/A–18C/D's, a fighter designed for the Air Force needs of the 21st century. And it also funds continued development of the enhanced E/F version which will meet the Navy's future needs.

The bill continues funding for the space-based communications and observation satellites, including $693 million for development of the MILSTAR satellite system. MILSTAR 2 is scheduled for launch in August.

Several changes have been included in the bill in dual use research technology partnerships by which the Pentagon leverages commercial technology for defense use. I listened carefully to the colloquy earlier between my colleague and esteemed former chairman, the gentleman from California [Mr. DELLUMS], and the chairman of the subcommittee on R&D, the gentleman from Pennsylvania [Mr. WELDON], on this subject. They are both right. The $1.235 billion provided in the bill for these partnerships can support a robust program, helped by language I offered to strengthen DOD flexibility to manage it.

Funds are authorized in the bill to continue critical research and development of ballistic missile defense systems being designed to protect against missile attacks on U.S. troops and allies in war theaters and, at the earliest practical date, against potential attacks on the continental U.S. These are good investments.

Another provision establishes a defense export loan guarantee program at no cost to the taxpayer. The guarantee will allow U.S. defense companies to compete on an equal footing with foreign businesses that sell defense products to U.S. allies.

I want to underscore that the program in no way promotes weapons proliferation, as some will contend later in this debate. The program does not alter, nor would I support altering, the stringent arms control export process by which all weapons must be approved prior to export.

With these points made, Mr. Chairman, let me say that I regret the committee has sought to reverse two Pentagon policies which I believe the Congress has no business micromanaging. Inclusion of these issues is divisive and a distraction from the important national security issues addressed by the rest of the bill.

The first is the committee's recommended ban on privately funded abortions in military hospitals overseas. The second is a provision to require the immediate discharge of all HIV-positive service members. Neither provision was the subject of hearings this year, and both are unnecessary departures from current policy.

The bill repeals current policy and bans all privately-funded abortions performed in military hospitals overseas. Under current policy, no Federal Funds are used and health care professionals who do not want to perform abortions are not required to do so.

This issue is a matter of fairness. Servicewomen and military dependents stationed overseas don't expect special treatment, only the right to receive the same choices guaranteed to women by Roe versus Wade. Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers their health. Women will be forced to seek illegal or unsafe procedures, or be forced to delay the procedure until they can return to the States.

With respect to the bill's ban on HIV-positive service members, in my view, it is punitive and discriminatory. Current policy prescribes that so long as these individuals are deemed fit for duty by the service in which they serve, they may continue to serve. Neither the Department of Defense nor any of the four services sees a reason to change the policy that works. Neither do I, unless it is to discriminate against a class of individuals who have served their country honorably.

Mr. Chairman, I will work hard to change these two provisions, but the bill, in nearly all other respects, is worthy of my colleagues' strong support, and I urge a ''yes'' vote on final passage.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS], a new member of our committee.

Mr. CHAMBLISS. Mr. Chairman, amid the revolution of change brought about by the collective voice of the American people last November, today we come together to consider the defense authorization bill. One of the very few absolute responsibilities of the Federal Government, as outlined by the Framers of our Constitution is to fully provide for the defense of our great Nation and this defense bill does it for the first time in several years.

I would like to recognize the untiring efforts of the distinguished chairman of the National Security Committee to put together a defense bill that addresses the critical needs of our Armed Services. By realistically assessing needs and deficiencies, this bill strikes the necessary balance between readiness, quality of life procurement, and R&D. Concerns about a hollow military will soon fade, and the people of this Nation can once again feel secure that their brave men and women in uniform are the best trained, most modernly equipped, and ready force in the world.

I would like to specifically commend Chairman SPENCE, together with R&D subcommittee Chairman WELDON, for including in the bill a needed provision that will begin the replacement of the recently cancelled TSSAM program. The bill contains $75 million dollars for the Air Force and Navy to continue working together to develop a mission-essential air to ground standoff weapon, to be known as JASSM.

Other programs of critical importance to our national defense include full funding of the F–22 fighter program that will carry our air superiority well into the 21st century.

For airlift, full funding of the C–17 program will mean that when situations arise overseas, this country will be capable of projecting its awesome force to every corner of the world.

For these reasons, and for many other good decisions represented in this bill, I urge the Members' support of the defense bill. It is the right thing for the Nation. Our priorities are once again in place, and our military and our country will be the better for it.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

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

Mr. PICKETT. Mr. Chairman, the provisions in the military personnel title of H.R. 1530 are comprehensive and far reaching. They reflect a continuing effort to meet our commitments to our military members and to enhance the quality of life for the men and women, and their families, who so faithfully serve our country. The bill includes the full pay raise set forth by law, as provided for in the President's budget, as well as a substantial—5.2 percent—increase in the basic allowance for quarters which will significantly reduce out-of-pocket housing costs to service members. To help our military members acquire adequate housing in high-cost areas, the bill authorizes the Secretary of Defense to establish a minimum variable housing allowance—VHA—and includes a no loss provision so that the VHA amount paid to an individual in a given location will not be diminished as long as the member's housing costs have not been reduced.

Additionally, there are a number of provisions designed to improve the military medical system and to ensure that active duty and retired service members and their families receive the quality health care they deserve. Although there has been a great deal of interest in the issue of Medicare subvention, the reimbursement by Medicare to the Department of Defense for care provided to Medicare-eligible beneficiaries, we were unable to include this provision in the bill. The primary reason for this is that it falls outside the jurisdiction of the National Security Committee, but another limiting factor is that the Congressional Budget Office scores it as having a substantial direct spending impact. However, the bill does direct the Department to study alternatives to Medicare subvention so that Medicare-eligible military retirees and their dependents wishing to receive their health care in military treatment facilities can more readily be accommodated.

There are also provisions that deal with the uniformed services treatment facilities, or USTF's. These provisions, which I fully support, will move this program in a direction where full consideration will be given to integrating the USTF's into the tricare managed care system. These efforts will provide cost effective alternatives to assure continued quality care for the military beneficiaries who participate in the USTF Program.

While I strongly support the majority of the military personnel provisions, there are some issues I am disappointed to see included in this report, such as eliminating the National Guard Youth Opportunities Program, mandating an Armed Forces Expeditionary Medal for service in El Salvador, and denying military women in foreign countries access to military treatment facilities, without cost to the Government, for medical procedures related to abortion. I intend to support amendments offered which seek to change these provisions.

On the whole, Mr. Chairman, the military personnel titles of this bill represent a fair and comprehensive approach to military personnel program issues that should result in an improved quality of life for our service members. It is consistent with the desire and commitment of the Members of the House of Representatives to take care of the men and women who serve our country.

□ 1700

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

Mrs. FOWLER. Mr. Chairman, I rise to strongly support H.R. 1530, the Defense authorization bill. This legislation is a major step forward in restoring America's strength and ability to defend her vital interests.

Most importantly, this bill takes on deficiencies in the President's defense plans by highlighting four major areas for action: Quality of life issues; readiness improvements; modernization; and Pentagon reform.

The bill addresses challenges in these areas through the thoughtful application of some $9.4 billion in additional budget authority above the President's request. This increase, which is consistent with the House-passed budget resolution, provides $267.3 billion in B.A. and sets outlays at roughly $270 billion. It will give our defense establishment a respite from the severe battering it has taken over the last decade.

With the demise of the Warsaw Pact and the U.S.S.R., it was appropriate to draw down defense. But the level to which this administration has downsized has raised serious questions about our ability to meet vital needs. Under the administration's bottom-up review, defense spending as a percentage of GDP would decline to levels not seen since the days of Pearl Harbor.

The bill before us today would halt this trend. It would provide an additional $4.4 billion for the procurement of modern military equipment, in order to update our capabilities and minimize the risk to the U.S. personnel we so often call upon to go in harm's way. As the recent case of Capt. Scott O'Grady showed, we cannot afford to scrimp when the lives of our military personnel are at stake. Among other things, this funding will go to purchase additional ships, aircraft, missiles and ordnance, as well as helping to meet our strategic lift needs.

I am also pleased that the bill increases spending for quality-of-life issues, including the desperate shortage of military family housing. At Naval Station Mayport, in my district, there are some 1,300 military families on the waiting list for military housing. H.R. 1530 takes much-needed action to support military families like these.

Finally, the bill takes important steps to avoid repetition of the problems we had last year when operations and maintenance accounts were raided to fund unbudgeted contingencies. And it requires much-needed reforms at the Pentagon—reforms that will reduce personnel assigned to the Secretary of Defense by 25 percent and require cuts of some 30,000 acquisition personnel in fiscal year 1996, streamlining the acquisition process.

Mr. Chairman, this bill merits the House's strong support. I encourage its passage.

Mr. DELLUMS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, later this evening we will address an important and significant proposition. The bill as reported to the floor contains a provision that provides $553 million for long-lead items to purchase two additional B–2 bombers. In addition to that, it breaks the cap that was established in previous years, that set the cap at 20 B–2 bombers and the cost at $44.5 billion, I believe.

I would like to take a few minutes to talk about the implications of that, and I walk my way into that discussion this way:

At a time, Mr. Chairman, when, as I said earlier, we are visiting tremendous human misery upon millions of American people in this country, from children to veterans and farmers to senior citizens, because of the draconian cuts that we anticipate in this year's budget and in the out years for the purposes of reducing the deficit to ultimately balance the budget, the obvious question is this: Why then are we embarking upon a journey where the down payment is $553 million, on a journey the taxpayers must go on to the tune of $31.5 billion?

Question: Is it because the Pentagon wants these additional 20 B–2's? Because anyone that would argue that this is simply to buy B–2's is giving you a very disingenuous argument. What makes you more potent with 22 than 20? This is a down payment on 20 additional B–2's.

A, is it because the Pentagon wants it?

Answer: The Secretary of Defense said, ''No, we don't want it. No, we don't need it. Yes, there are alternatives.'' The chair of the Joint Chiefs of Staff and the vice chair of the Joint Chiefs of Staff said, ''No, we don't want it. No, we don't need it. Yes, there are alternatives.''

An independent study carried out by the Institute for Defense Analysis, a very prestigious and sophisticated analytical capability, came to the conclusion, ''No, we don't need it. No, we can't afford it. Yes, there are alternatives.'' The Roles and Mission Commission established by legislative mandate came to the exact same conclusion.

Mr. Chairman, perhaps one could rationalize the inclusion of this money to embrace 20 B–2's if the Pentagon wanted it. The Pentagon does not want it, they say they do not need it, and they say there are alternatives.

Second question: Is it for the safety of our personnel? We just experienced an F–16 fighter plane being knocked down, and some Member said if we had had B–2's, it would have made a difference.

Mr. Chairman, if anyone would take the time to read the independent study by the Institute for Defense Analysis, they came to a very interesting and potent conclusion: that if you increased the precision-guided munitions, that is, the smart bombs that people saw on C–SPAN in the context of the Persian Gulf, you know, the ones that go down Broadway, turn left, and drop? Precision-guided munitions. The study said if you increased the inventory of precision-guided munitions by 200 percent, you would reduce the aircraft loss by 40 percent.

Interesting next point: If you spent the money to buy B–2 bombers, the 20 B–2's bombers, you would reduce the aircraft loss by 8 percent. If it is about safety, precision-guided munitions, 40 percent increase in bomber safety; 8 percent over here with B–2 bombers.

The study went further and said with precision-guided munitions you get 3 things: more ammunition, more ordnance on the target, more accurately, with less risk, because you are not flying a plane over anything. You are standing back, with standoff capability, firing in precision-guided munitions.

Finally, they said it is more cost effective. Everybody is running around here talking about balancing the budget, reducing the deficit, saving money, not endangering and mortgaging the future of our children. Yet here is an independent, cogent, coherent, relevant study that says you get more bang for the buck, less risk, and much more cost-effective than building 20 additional B–2's.

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

Mr. DELLUMS. I will yield when I make my comment. Then we will have this fight, my friend, and bring your best, because it will be a nice fight.

The second point, Mr. Chairman, is, is this for national security and strategic value? Remember, colleagues, the B–2 bomber was designed in the context of the cold war. It had one mission: fly one time over the Soviet Union and drop nuclear weapons.

A, there is no more Soviet Union. B, I hope that rational minds have moved beyond the notion of the sanity, of the reasoning behind a global strategic nuclear war. I hope that is behind us.

Why, then, build 20 more B–2 bombers that were designed in a world that no longer exists? So you refurbish it? But it only flies one time and it goes out.

Several of my colleagues argue that if we had more B–2's, the world would be a safer place. Let's talk about that. We have got already 20 B–2's now. They are only relevant for the first day or two. They cannot fly around forever. That is not their mission. That is not their capability. You already have 20 of them.

After the first couple of days, you do not need these things. You have got F–117's, stealth fighters, that have the capacity to find and knock out air defenses, radar. You have the Wild Weasel that has the capacity to search out and find air defenses, radar, knock them out.

Where on this earth are you going to need 20 more B–2's? The newspaper with the contractor says, ''B–2's, when you don't have 14 days.'' Colleagues, it will take you 14 years to build 20 more B–2's. This is bizarre in the extreme.

Third point. Is it about industrial base? Some kind of way if we don't build 20 more B–2 's, our industrial base will fall apart and we won't have the capacity to build bombers.

My point. The contractor that built the B–2 did not build the B–1. The contractor that built the B–1 did not build the B–2. The contractor that built the B–52 did not build the previous bomber.

My point is, no contractor has built successive bombers. You have got an aircraft capability out here in America that would jump through that window to get B–3.

You don't have an industrial base problem. Let's confront what this really is. This is protecting the industrial base to build B–2 bombers, not to build some new bomber.

If you were going to have another bomber, why have a bomber contemplated and fashioned in the context of the cold war when every one of us in this room understands that the world has radically altered and the need and condition for other aircraft has radically changed?

Mr. Chairman, what is this about? I will give you my opinion. I will put myself on the line. This is about money. This is about dollars. This is about billions of dollars. Where it is built, where it is made, where it takes off and where it lands. It is not about safety. I have dealt with that argument. It is not about national security.

I have dealt with that argument. It is not about the realities of the post-cold-war. Who are you going to fly B–2 bombers against? Haiti, Somalia, Rwanda? Against Bosnia? This is ludicrous in the extreme. It is about money. It is about building it. It is about contractors saying, ''Let me build 20 more.''

It staggers the imagination, Mr. Chairman, what we could do in this room with $31.5 billion, and that is what it is going to cost, to revitalize the education for our children, or address the health needs of our senior citizens, or to move toward a national program on employment.

That $31.5 billion is no small change, Mr. Chairman. That is a lot of money. It seems to me that Members ought to make the decision because we need it, it is in our national best interest.

I would conclude by saying, ''No, we don't need it; no, we can't afford it; and, yes, there are alternatives.'' That is a conclusion acquiesced in by the Secretary of Defense, the Chair of the Joint Chiefs of Staff, two independent studies, and a whole lot of other people in this country. I believe at the end of the day, the American people know we don't need to build 20 more B–2 bombers.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DORNAN], chairman of the Subcommittee on Military Personnel.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. DORNAN. Mr. Chairman, how much time do we have on both sides, sir?

The CHAIRMAN. The gentleman from Arizona [Mr. STUMP] has 21 minutes remaining, and the gentleman from California [Mr. DELLUMS] has 10 minutes remaining.

Mr. DORNAN. I thank the Chair.

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

Mr. DORNAN. May I say to my friend from California, you promulgated your esoteric cogitations and articulated your sentimentalities profoundly and sagaciously.

Mr. DELLUMS. There was nothing esoteric about what I said.

Mr. DORNAN. I would not even yield for that great a comment on yourself.

However, I just flew the B–2 on May 1, and you are wrong at every count, wonderfully wrong, but as NORM DICKS and I will participate in this debate further, we will walk you down that path of error slowly, painfully but we will turn you around. They are looking forward to flying you in a B–2.

□ 1715

I want to dedicate this bill to all of the veterans of World War II and Korea, particularly Vietnam and all of the little killing fields in between.

In today's paper, listen to this on World War II, it says the favorite songs were Sentimental Journey and Bell Bottom Trousers, Eyes of Baby Blue. Now we all know our great World War II veteran, BOB STUMP, is on the floor. I think that was his theme song then and probably is now, is it not?

On a serious note to the body: The Battle of Okinawa, the bloodiest in all of the Pacific campaign, started on Easter Sunday, April 1. Today was the 74th day of that battle; 13 to go. On this day, June 13, hard fighting continued on Okinawa, as flame-throwing tanks—you do not want to be on the opposite side of that weapon—knock out Japanese caves and redoubts near the bottom of a 100-foot bluff. Soldiers of the U.S. 7th Infantry Division, Army, swarm up ropes to the top of the bluff.

I think I will remember that when we have hearings next month or the month after or the month after on subjecting women in America to the violence of combat. No matter how wonderfully patriotic and gung ho they may be, I cannot see women rappelling up ropes to the top of a bluff to engage in hand-to-hand combat, slitting throats and bashing other young people's heads in with gun butts.

Similar tactics also wipe out Japanese holdouts on Mounts Yuza-dake, Yaeju-dake and two nearby hills. Meanwhile down in Brunei, in one of the most beautiful capitals in the world, the richest city in the world person per person anywhere, the Australians' 9th Division, with heavy casualties, takes that city in north Borneo and a nearby airfield.

President Truman announces final plans for a summit conference with a killer, Joseph Stalin, mass killer, worse than Hitler, and Winston Churchill in Potsdam, a Berlin suburb. The Big Three will decide details of Europe's postwar future and continues the ghastly slavery for years, a lot of Christian nations.

The Polish government-in-exile in London refuses to participate in a Moscow meeting intended to install a Communist-evil empire dominated unity administration.

Sad ending to the conflict, and here we are in a dangerous world, profoundly different as the gentleman from California [Mr. DELLUMS] said, but still profoundly evil and profoundly bloody. The dinosaur of the evil empire is gone, the big Tyrannosaurus Rex, and now we have thousands of poisonous snakes and know we would not use the B–2 in Somalia, Rwanda, Uganda, on Haiti, but yes, we might use it in Bosnia to stop the genocidal killing there, to take out all of the bridges along the Danube and tell Milosevic to stop his genocidal killing cousins from sniping with expensive scope rifles little 8-year-old children in the street or hitting their mothers in the head as they hold their child's hand. Yes, the B–2 can be a great deterrent there.

On my piece of the action, personnel, manpower, we have established permanent end strengths to each service at the bottom-up-review levels, although I consider those levels inadequate with 7,500 slots.

I will put in my statement at this point on manpower, compensation, medical reserve components, POW–MIA action, and all the good things we did on personnel. It was great stuff, and I want to thank the gentleman from Virginia, [Mr. PICKETT], and the gentleman from Missouri, [Mr. SKELTON], and the gentleman from Mississippi, [SONNY MONTGOMERY], and all of my great Democrats. What a great personal contribution to the proud FLOYD SPENCE'S great bill. Vote for it and kill those dangerous amendments.

Mr. Chairman, the Committee on National Security has reported a bill, H.R. 1530, that protects force levels from further reduction and gives the Department of Defense the tools it needs to preserve a ''quality'' fighting force. The provisions are focused on four key themes that I would like to highlight.

MANPOWER

H.R. 1530 halts the precipitous military manpower drawdown by establishing permanent end strength floors for each service at Bottom Up Review [BUR] levels. Although I consider the BUR manning levels inadequate, legislated end strength floors are absolutely essential to protect a core manpower capability.

In addition, based on evidence that portions of each service are being stressed by high operations tempo, the bill provides the Secretary of Defense additional funding to enable him to add up to 7,500 personnel to missions he considers most in need.

COMPENSATION

Adequate pay remains critical to recruiting and retaining a quality force. H.R. 1530 provides a 2.4 percent pay raise—the largest permitted by current law, as well as a range of housing initiatives over and above those contained in the President's budget. Foremost among the housing initiatives was a 5.2 percent increase in the basic allowance for quarters. This measure—is nearly a 2 percent larger than that requested by the President—reduces the out-of-pocket housing costs to 19.5 percent for military personnel who live off-base.

We protect the value of military retirement from erosion and restores the equity between military and Federal civilian retirement COLAs. By allocating $403 million from non-readiness operations and maintenance [O&M] accounts, the bill moves the military COLA payment date to April 1996, in line with the Federal civilian payment date.

H.R. 1530 also requires military personnel convicted by court-martial to forfeit pay and allowances during their period of confinement. This measure ends a travesty that permitted people convicted of horrendous crimes to benefit from uninterrupted military pay.

MEDICAL

Reflecting committee concerns about the medical readiness of the reserve components. We provide a first-ever Department of Defense voluntary dental readiness insurance program (for members of the Selected Reserve.)

The bill also directs studies on two major concerns: (1) alternatives to Medicare reimbursement to the Department of Defense for care provided to beneficiaries over age 65,

and (2) the effectiveness of the TRICARE plan in providing military beneficiaries access to quality health care at lower cost.

RESERVE COMPONENTS

Because military technicians are a key to reserve component readiness, the bill increases the numbers of military technicians approximately 1,400 above the level requested by the President's budget.

Paying for the increased numbers of technicians—a 5-year cost of $750 million—required some tough choices. The President's budget request contained more than $75 million for ''civil-military'' programs. Although some of these programs were successful, the committee bill terminates the programs in favor of the direct readiness contribution expected from the additional technician manning.

H.R. 1530 provides another major contribution to the readiness of the reserve forces by including a mobilization income insurance plan. This plan will prevent a repeat of the financial hardships experienced by many reservists involuntarily called to active duty during the Persian Gulf War.

OTHER ISSUES

Finally, as an advocate for a full accounting for the POWs and MIAs of this Nation's wars, it gives me great satisfaction that H.R. 1530 includes a provision that will establish a rigorous process to account for persons missing in action.

These excellent results were achieved through a bi-partisan effort within the subcommittee. I would like to thank my colleagues, especially the ranking member, Mr. PICKETT, and congratulate them for a very productive year.

I fully support H.R. 1530 and would urge my colleagues to support it too.

Mr. DELLUMS. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Virginia [Mr. SISISKY].

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

Mr. SISISKY. Mr. Chairman, I am honored to serve with Chairman BATEMAN as the ranking member of the House National Security Readiness Subcommittee.

I want to take this opportunity to briefly discuss some of the steps the subcommittee took to enhance our military readiness.

By any standard, it was apparent throughout our deliberations that the military readiness of our armed forces—today and tomorrow—is serious business. It should be our highest defense priority. There should be no doubt in anyone's mind: this Nation has the best trained, best equipped, best led military forces anywhere in the world.

We can take pride in those who defend our Nation's interests in so many different parts of the world.

They often make great personal sacrifices to do their jobs.

Our task is to ensure that we provide these great men and women with the resources they require and the right kind of oversight.

The subcommittee recommendations contained in H.R. 1530, provide ample evidence of our support for the great people who serve in the U.S. military.

What we have done will support our personnel and sustain readiness, today and tomorrow.

Witnesses appearing before the committee seemed unanimous about one major issue:

The most difficult challenge to readiness involved taking dollars from operations and maintenance [O&M] accounts in order to pay for unfunded contingency operations.

They also pointed to the delay in providing for timely reimbursement.

They expressed concern about the detrimental impact on unit training, depot maintenance, and mission critical spare parts purchases.

This was particularly troublesome when the diversion of funds occurred late in the fiscal year.

This accounted for many genuine problems, as well as misperceptions, we encountered late last year.

While some thought this problem was too difficult to solve, I'm pleased to report that this bill contains a solution.

We developed an interim funding mechanism to cover the initial expense of unforeseen contingency operations.

But we also require a supplemental appropriations request to cover the anticipated costs in a timely manner.

With the passage of this bill, the services and ''CINCS'' can look forward to stability in the readiness accounts.

And Congress can plan on execution of the budget as it was enacted.

Other readiness initiatives included in H.R. 1530 will significantly enhance our ability to do oversight without micro-managing the Defense Department.

This bill provides the resources and guidance necessary to meet readiness challenges today and in the future.

It is a sound measure and deserves your support.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

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

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, I rise in strong support of this bill. H.R. 1530 represents for me a new contract—a contract with our American servicemen and women.

In this bill we place our highest priority on ensuring a fair quality of life for our soldiers, sailors, airmen and marines by fully funding a 2.4 percent annual pay raise to help close the gap between military pay and pay in comparable private sector jobs. We also provide for over $4 billion in construction of family housing, dormitories, and child development centers.

We also keep our word with these young men and women by fully funding operations and readiness accounts, that help ensure they remain the best trained and most ready fighting forces in the world. The bill also includes provisions to stop the dangerous practice of raiding of these accounts to pay for unbudgeted contingencies and ongoing peacekeeping operations around the world. If the President feels these missions are in our national interest, he ought to come before Congress and ask for the required funding.

H.R. 1530 also makes a good downpayment on future readiness by adding over $6 billion in much needed modernization and procurement over the President's request. These accounts have been woefully neglected over the past 10 years. Without the additions provided in this bill, we would have procured no fighter aircraft, no small arms, insufficient ammunition, and only two naval combatants in fiscal year 1996. These levels would not have even covered our losses due to retirement and attrition. This bill takes a small step towards reducing the modernization bow-wave we face in the next decade.

H.R. 1530 is as just important for what it does not do, as for what it does.

This bill does not break the budget or increase the deficit. H.R. 1530, and every project within it, provides for a strong and stable national defense budget within the confines of the approved budget resolution. And this Republican budget resolution sets us on the glide path required to balance the budget by 2002, a first since I have been here.

H.R. 1530 does not cannibalize scarce defense dollars to fritter away on nondefense spending and pork-barrel projects.

H.R. 1530 does not waste money on bloated bureaucracy. On the contrary, we recognize the significant downsizing in our Armed Forces and enact important provisions to see these decreases reflected in the Pentagon bureaucracy. The bill directs a 25 percent decrease in the Office of the Secretary of Defense and the senior civilian levels, and another 25 percent reduction in the bloated acquisition force over the same period.

H.R. 1530 does not sit idly by and allow the President to underfund even his own bottom up by $50 billion over 5 years. I believe this bill authorizes a responsible and sustainable budget capable of meeting all of our vital national security needs.

Finally, and I believe most importantly, H.R. 1530 does not leave our country and the American people defenseless against attack from ballistic missiles. The bill supports a wise and robust program to develop and deploy theater, and national, missile defense systems as soon as practicable. We live in an increasingly dangerous world. One where ballistic missile technology and weapons of mass destruction, to include nuclear, chemical and biological weapons, are in the hands, or soon will be, of well over a dozen countries. Some of my colleagues continue to rant about how the cold war is over. I agree. That is precisely why we have to move forward and protect our own people against the multilateral threats we will certainly face in its wake.

Mr. Chairman, I fully support H.R. 1530 and urge all of my colleagues, on both sides of the aisle, to vote for this important bill and support the contract with the American service men and women it represents.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Washington [Mr. DICKS]. I would first say to the gentleman, I apologize, I thought I was alone on the floor and I have just taken the time; I wanted to make my statement. I had hoped that he and I could engage each other.

Mr. DICKS. Mr. Chairman, I appreciate the former chairman, the distinguished ranking member, yielding time to me.

I want to say to my good friend from California, I have always supported programs in this House of Representatives based on the merits of the arguments and for no other reason, and I think we run a great risk when we start looking at motives or trying to suggest motives.

I support this program, and I want to make it clear why I support it. I believe the B–2 bomber with conventional submunitions offers a potential to stop enemy divisions from being able to go into Kuwait or South Korea. The Rand study shows that the B–2 with the sensor fused weapon, about 1,200 bomblets per airplane, three of them, could have stopped Saddam's division before it got into Kuwait. This is a revolutionary conventional war-fighting capability.

I believe that if we had enough B–2's, and every study that has been done, reputable study, says we need between 40 and 60 of these planes. I asked Colin Powell at the White House just a few weeks ago, ''What did you recommend to Dick Cheney?'' He said, ''I recommended 50 B–2's.'' I would point out that Dick Cheney now regrets his decision. He is one of eight Secretaries of Defense who has written President Clinton and said do not stop the industrial base, keep those planes coming, we need more B–2's.

Why do I feel so strongly about this? Because stealth technology proved itself in the gulf war. The F–117's were able to go in, take out the most heavily defended targets. They can knock out the surface-to-air missiles, and it allowed us to win the air war quickly, saving American lives, saving American treasure.

I can see a day in the future, if we had the 40 to 60 B–2's that I would like to see, if we could put 15 to 20 at Diego Garcia, 15 to 20 at Guam, 15 to 20 at Whiteman Air Force Base, where we could have a conventional deterrent. If that in fact was a reality and we did not have to fight the war in the gulf, then we would not have had to spend the $10 billion to move our forces to the gulf and the $60 billion to fight the war. That is why I think this is important. There are so many things we are paying for in the defense budget that do not have the value of the stealth bomber. This is an incredible revolutionary capability.

I am not talking about the Soviet Union, by the way. I am talking about Iraq, Iran, and North Korea. Having the potential to stop those divisions before they move into the country is something that I think is of high military value.

And I would say to all of the Americans who are watching Captain O'Grady, Captain O'Grady did not have to be shot down. If he was in a stealth aircraft, an F–117, he would not have been shot down. When he was shot down, then we had to sent these kids in to rescue him, putting them in harm's way.

The value of stealth is that it allows you to go into the most heavily defended areas, get the job done, and save Americans lives. This is worth thinking about and fighting for.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

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

Mr. GRAHAM. Mr. Chairman, there has been a lot of talk. We have gone from George Washington I have heard mentioned, World War II, we fought it again, very eloquently, I thought, and the gentleman who just spoke I think made very, very good comments. I am not going to stand up here and predict the future, but I am certain about certain things about the future. When the 21st century gets here there will be a war, and American troops will be involved.

□ 1730

When that does happen, and I know it will happen, I want to make sure that, as the gentleman who just spoke, that we have the best technology available to fight that war.

If you do not compete technologically in business, you lose your profit or market share. If you are not technologically advanced in war, you lost your life.

There are a lot of Captain O'Grady's out there who will fly whatever we tell them to fly. I want them to fly the best technologically available, to have the least risk possible, but there will always be risk, no matter what technology we choose.

But let it be said that the 21st century has to be planned for today. Here are some facts. In the year 2002, I want a balanced budget, and I will vote for a balanced budget, for the Neumann bill that balances the budget quicker than Kasich. I want a deterrent force of bombers that will protect this country.

Not only do I want a balanced budget for our children, I want a free and safe America for our children. The facts are this: In the year 2002, the B–52, which has been a great aircraft, will be over 40 years of age. The B–1 is a 1980's-vintage aircraft without Stealth technology.

If we start today and plan today and spend some money, not only will we save lives in the future, we will have a bomber that will deter war and will give our children a secure future.

That is why I am going to vote for the B–2. Does it cost a lot? Yes, it does. Will it save a lot of lives? Yes, it will because we will be in a war and what we do in the 21st century in war is determined by what we do here in 1995.

I am going to vote proudly for this bill, all of its components, the B–2 included, because I want to make sure in the 21st century that we have not only a balanced budget by setting our priorities today but that we have a military that can fight and win on two fronts. And to my gentleman friend from California, 20 aircraft is one squadron. I want two squadrons to fight wherever we need to fight.

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

Mr. CASTLE. Mr. Chairman, I rise in support of the fiscal year 1996 National Defense Authorization Act and applaud the committee's efforts on four major themes: maintenance and quality of life for military families and troops, operational readiness, equipment modernization and financial operations, including structural reform. I think this bill makes significant progress in each of these areas.

However, I rise in support of the Kasich amendment to delete the Committee on National Security proposal to include an additional $553 million in advanced procurement for long-lead funding for additional B–2 bombers.

I do not think the debate should be about whether it is these are good airplanes or not, but whether or not we can afford it. You are looking at a relatively small sum of money now, but as the gentleman from California [Mr. DELLUMS] has appointed out consistently today, it grows to a large sum of money. It is in the tens, twenties, even the $31.5 billion which has been referenced here. Cost is a major issue as we try to balance the budget by 2002. This is a significant factor.

I would also say I have seen no real agreement among the military whether or not we really need this. Admittedly, there are those who say we do. Just as admittedly, there are those who say we do not. There is even some question about the concurrent war strategy, two concurrent war strategies. So, for all of these reasons, I would suggest at this time we delete that provision.

Mr. Chairman, I rise in support of fiscal year 1996's National Defense Authorization Act, and applaud the committee's efforts to focus on four major themes: maintenance and quality of life for military families and troops; operational readiness; equipment modernization; and financial operations, including structural reform. This bill makes significant progress in each of these areas.

I wanted to briefly comment on the Kasich amendment to delete the National Security Committee proposal to include an additional $553 million in advance procurement for long-lead funding for additional B–2 bombers.

To be sure, the B–2 bomber is an awesome aircraft, and I wish we could afford to build another 20, or even more. But there are two facts to consider: one, that buying more B–2's means that you agree that we face such a sufficient threat that warrants having the bomber capability to fight two simultaneous regional conflicts, and two, that we can afford additional B–2's.

I agree we would need closer to forty B–2's for such a military strategy, but disagree with this dubious strategy, and believe the likelihood of facing such a scenario is extremely low. We no longer face an immediate or imminent global challenge from a competing superpower, let alone a likely scenario under which we would have to fight two major concurrent wars.

Furthermore, two 1995 studies commissioned by the Department of Defense at the direction of the Congress have found that there are other, more cost-effective options for improving U.S. military capabilities than buying more B–2's. According to the reports, the currently planned bomber force can meet military requirements for fighting two major regional conflicts through a mix of B–52's, B–1's, and B–2's. It would be more cost-effective to buy additional precision-guided munitions for the bomber force and to upgrade B–1 bombers than to build more than 20 B–2's.

While we might be able to afford the additional funds the committee has forwarded now, as we move down the road to the year 2002 and toward a balanced budget, agreeing to further funds to procure 20 more B–2's—at a total cost of almost $40 billion—will most certainly be a budget buster, and could lead us unwillingly toward procurement of further B–2's in Defense budgets that might offer little prospect of buying more B–2's.

While I am a strong supporter of a robust and fully well-rounded defense posture, at this juncture in our budgetary debates, and at this time of fiscal constraint, I find it hard to justify such an expenditure. The billions of dollars that would be needed to sustain such an effort are not affordable, nor is the very real possibility, according to the General Accounting Office, of cost overruns.

I urge passage of this bill, and of the Kasich amendment.

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

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

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

I rise in strong support of this bill, and I would like to take just a moment to focus on the fact that over the past several weeks we have been talking about this great hero, Captain O'Grady, and the Marines who rescued him, and there has not been a lot of attention focused on, quite frankly, the vulnerability of the F–16's and other aircraft that we have in our arsenal.

It seems to me that as we proceed with this very important measure, that we need to realize that we are in a very precarious situation in Bosnia, and the problem that the F–16's face is that they were not accompanied by the EF–111's or the EA–6B's, which are essential, absolutely essential, to jam enemy radar.

As we look now at this prospect of not proceeding with the B–2, it strikes me that it would be for the first time, the first time in the history of our country, that we would have taken a retrograde step on a new and advanced technology. Arguments have been made throughout this debate about the very serious national security threats that exist worldwide, and there was an interesting piece in yesterday's USA Today by Tony Snow, talking about the continued nuclear threat that remains on the horizon, and the challenge that we have is a very serious one.

I come from California. Yes, the B–2 is very important for our State, but, quite frankly, job creation in California is nothing more than an ancillary benefit, as far as I am concerned.

It is essential that we move ahead with this very important technology, and I hope that in a bipartisan way we can proceed with this.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, a little while ago, the gentlewoman from Colorado got on the floor and attacked this budget as being a retro budget, and yuppie-speak, that we were somehow going back towards the Cold War.

Well, the fact of the matter is our program for defense in the 21st century looks forward to the challenges facing us in the 21st century. If you want to talk about retro, let us talk about what has happened five times in this century when we have unilaterally disarmed, with disastrous results.

We need to make sure, as we put together our plans for a military force in the 21st century, that we do not end this century with a sixth unilateral disarmament.

We have cut military forces enough over the past 5 years. We need to move forward with a strong, bold defense agenda that will protect our country in the years to come and put first things first.

I would ask the gentlewoman from Colorado to be reminded of the words of John Kennedy on inauguration day in 1961 when he said, ''We dare not tempt our enemies with weakness, for only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.'' Good advice for us as we look to the 21st century.

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

Mr. MCKEON. Mr. Chairman, I rise today in support of the Defense Authorization Act, as reported by the Committee on National Security.

As a new member of the committee, I believe that this legislation makes major strides in advancing a strong U.S. defense policy.

Mr. Chairman, there is a particular issue that will be addressed today that I wish to talk about in the brief time I have. It concerns funding for the B–2 bomber.

I believe it is critical we vote to maintain the funding contained in the National Security Committee bill. We will hear a lot of talk today that the cold war is over and we do not need to spend taxpayer money on defense needs.

However, let us take a moment to look at what has happened to our defense structure since the end of the cold war. First, we have closed more bases at home and overseas than at any other time in our Nation's history. Second, we are retiring more aircraft and submarines than are currently being built. Third, we have drawn down our military to numbers which have not been seen in a generation.

Mr. Chairman, while it is true the cold war may be over, we cannot expect our future military leaders to engage the Saddam Husseins of the 21st century with 50-year-old B–52's and 30-year-old B–1 bombers.

Seven former Secretaries of Defense, the former commander of air operation during Desert Storm, and President Bush's former Secretary of the Air Force, all recognize this fact. It is time that Congress recognize it as well. Vote ''no'' on the Dellums-Kasich amendment.

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

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

Mr. GILLMOR. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, few other programs in the Federal budget have received more scrutiny than the Civilian Marksmanship Program. Much of this scrutiny has demonstrated a clear lack of knowledge about the program. To set the record straight, I raise three points.

First, although the Civilian Marksmanship Program was created by Congress in 1916 to promote marksmanship among able-bodied citizens, the 102d Congress restructured the program by statute, downsizing it. The program currently focuses on marksmanship training for American youth, aged 10–17. This training includes, in part, 450 Boy Scouts of America summer training camps which benefit approximately 450,000 scouts. The cost to the taxpayers for the Boy Scout camps was roughly 50 cents per participant.

Second, while the program has never been intended as a recruiting tool, the junior participating in the program have frequently been exposed to role model service men and women on marksmanship teams. The result of this positive exposure has resulted in conservative estimates that nearly 2,400 past participants annually volunteer for the armed forces.

Moreover, the positive exposure is not limited to active duty personnel. Adult trainer also include parents, law enforcement officers, national guardsmen and reservists, and volunteer active in Boys Scouts, Future Farmers of America, the American Legion, the Jaycees, 4–H, and others.

Values instilled in youth participants through these volunteers in this program include self-discipline, responsibility, safety discipline, self-

esteem, and character development. Any link opponents try to draw between this programs and urban violence is comparable to linking Olympic boxing competition with hoodlum street fighting.

In the wake of the Oklahoma City bombing, some of the long standing opponents of the Civilian Marksmanship Program have called for its abolition based on the remote possibility that terrorists might have participated in Civilian Marksmanship Program activities. Under this reasoning, we would outlaw all intercity youth programming based on the possibility that a gang member may have participated. Mr. Chairman, obviously the reasoning in both circumstances is absurd.

Third, the cost of the program per participant is cost-effective when compared to similar federally funded youth programs. The National Youth Sports Program, funded through the Department of Health and Human Services, reached 70,000 youth in 1993 at a cost of $9.4 million of $134 per participant. Like the civilian marksmanship program, the stated goals of this program are to motivate youth to earn and learn self-respect through a program of sports instruction and competition.

If the Civilian Marksmanship Program only reached the 36,000 junior club members whose organizations participated in the national matches last year, the cost per participant would be under $70 per youth. The Civilian Marksmanship Program, however, positively impacts many more youth, including nearly one-half million Boy Scouts.

Mr. Chairman, while I believe that the cost effectiveness of the Civilian Marksmanship Program is noteworthy, I am also mindful of our commitment to balance the Federal budget by 2002. Given these budgetary pressures, I have been working for several months to draft a proposal that would preserve the Civilian Marksmanship Program without the need of any further appropriations.

The Edwards-Gillmor amendment is the result of good faith efforts by Members of both sides of the aisle. The product is a rational solution which achieves the dual goals of preservation and privatization. The amendment has three major components.

First, the amendment replaces the current National Board for the Promotion of Rifle Practice and the Army's Director of Civilian Marksmanship with a independent nonprofit federal corporation. Second, the amendment allows the new corporation to solicit funds from nonfederal sources, eliminating the need for direct appropriations. By comparing FY 95 and FY 96, this approach saves the taxpayers $2.5 million. Third, the amendment preserves the basic components of the current civilian marksmanship program.

I have fully consulted Army Under Secretary Joe Reeder about the provisions of this amendment and he has told me that the Army is comfortable with them.

Mr. Chairman, the civilian marksmanship program has a history of being one of the most cost-effective youth programs funded by the Federal Government. But given current budget necessities, the time has come for this program to wean itself from appropriated funds. This amendment does that.

I would like to thank Rules Committee Chairman JERRY SOLOMON for his past support and hands-on leadership on this issue. I would like to thank Congressman DUKE CUNNINGHAM for his very active and supportive role on behalf of our privatization efforts in both the Subcommittee on Military Readiness and the Committee on National Security.

I also want to thank Congressman CHET EDWARDS, Subcommittee Chairman HERB BATEMAN and Congresswoman MARCY KAPTUR for their help on this amendment. Finally, I would also like to recognize and thank Congressman JOHN DINGELL and Congressman JACK MURTHA for their past support of the Civilian Marksmanship Program.

I urge my colleagues to support this bi-partisan amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland, Mr. Chairman, I rise today in strong support of H.R. 1530, the FY 96 Defense Authorization Act. While this bill contains many items which will greatly strengthen our national security, I believe none are as crucial as the item which we will vote on first.

H.R. 1530 includes authorization of $553 million for long-lead procurement of the B–2 bomber; as far as I know there is no B–2 production in our District. This money does not commit the United States to buying any specific amount of aircraft, it simply keeps the production base alive until we can come to a decision on how many aircraft are needed to maintain a strong national defense.

The Kasich-Dellums amendment would terminate any future production of the B–2 bomber. I believe this amendment is penny wise and pound foolish. Terminating production of the B–2 industrial base will signify that the United States has no future requirement for heavy bomber production. The only heavy bombers currently in our inventory are the B–52's which by the year 2005 will be nearly 40 years old and ready for retirement, leaving the United States with only 20 heavy bombers from the last B–2 purchase. This amendment would leave the United States unable of penetrating strong opponents, jeopardizing our national security.

I know JOHN KASICH strongly supports our military. And I am as much a deficit hawk as any Member of Congress. I strongly supported Mr. KASICH's budget, I supported the Penny-Kasich amendment and I believe Mr. KASICH has the vision to guide the budget process through the next century. But I repeat, this amendment is Penny Wise and Pound Foolish. Let's not tie our hands behind our back when national security is involved.

Support a strong Defense. Oppose the Dellums-Kasich B–2 amendment.

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

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I rise today in strong opposition to this defense authorization bill.

It's indefensible to disregard the Pentagon's request for $258 billion in funding and throw an additional $9.7 billion at it. The Pentagon is not known for low-balling its fiscal needs. Yet the present budget covers funding for two full-scale Persian Gulf wars to be fought simultaneously.

The cold war is indeed over, and it is necessary to secure readiness during a cold peace, yet this almost $10 billion additional funding not requested but built into the bill is indefensible.

It is indefensible to eliminate the Technology Reinvestment Program, which has successfully helped develop technologies important to both our military and our commercial industries.

It is indefensible to deny women service members and women dependents the ability to privately pay for and obtain abortion services at U.S. military facilities abroad, especially when such services are legal in the United States but may be unavailable in other countries.

And it is indefensible to discriminate against those women and men who would lay down their lives for this country, yet would be immediately discharged from service for contacting HIV.

Mr. Chairman, this Defense Authorization bill is a dangerous hodge-podge of runaway spending and Government intrusion into the private lives of our military personnel. I strongly urge my colleagues to reject this indefensible legislation.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, let me thank the ranking member for yielding this time to me.

Our requirement is to protect this country from foreign and domestic threats to our security.

I rise in opposition to this bill. But for those who are so eager to spend billions more on defense, while in any comparative analysis we now know that we already spend more than most of the other nations combined in this world, combined on defense, I would remind us there are other threats to our security. For our veterans who participated in the Persian Gulf war who are now homeless in our streets, they are not as secure as they ought to be.

For children, millions of whom are not getting the kind of nutrition they need to grow and develop, they are not as secure and our future is not as secure because of their condition.

For senior citizens who in our colder weather States will bear the brunt of a winter and some would have us, the new majority, without the aid of fuel assistance for them, some of them who will freeze to death, they are not as secure as they ought to be.

It is interesting to see these people who want to cut the budget so much now, and want to spend more than even the Pentagon has requested, and have us again throw additional dollars into the development of a B–2 bomber.

I am sure many are sincere in their objectives, but it just seems to be unwise at this point in our country, given our fiscal circumstances and given the responsibility and the concerns about

threats, both foreign and domestic, that we should reconsider perhaps what our priorities as a House ought to be.

Mr. DELLUMS. Mr. Chairman, I yield the remainder of my time to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, we will do some strange things this year, as legislative bodies often do, but I believe this is the looniest tune that will be sung here.

We are simply going to buy 20 new B–2 bombers for a mission that did not exist when the bomber existed. It is truly a plane in search of a mission. We have a rule which insulates more nuclear submarines from even being debated here. People should understand, yes, there are dangerous countries in the world today other than the Soviet Union. There were 10 years ago.

The biggest single threat has been defeated, and to have people come and tell us, now the Soviet Union has collapsed, that the world is a more dangerous place simply illustrates how desperately people will flail around for arguments to justify things they must have some other reason for wanting to do.

But understand the consequences. We are in a zero-sum situation. Build more nuclear submarines, and you must cut Medicare; build more B–2 bombers and it comes out of college student aid; give the Pentagon $9 billion more than the President asked for and prevent the House from voting to reduce it to the President's number, and you will cut the National Institutes of Health.

Members on the other side have said to the American people, ''Gee, we would like to do more about cancer research. We do not want to make your students pay more in college. We are sorry we are cutting back on Medicare. We wish we could do more about education. We would like to have more help to cities trying to combat water pollution, but we cannot afford it.''

Why can we not afford it?

□ 1745

Because we have brought forward a bill today which lavishes money on the Pentagon and restricts amendments that would try to cut it, and understand that we are not simply talking about a dangerous world. We are talking about a world in which people on the other side want the United States disproportionately to bear the burden.

They will cut foreign assistance for Africa, hundreds of millions that will go to keep poor children from starving, but then having cut the hundreds of millions from the poorest of the poor in Africa, they will give tens of billions to the Europeans and the wealthy East Asians so they do not have to have military budgets of their own. This is a continued blank check from the United States to the wealthy nations of the world.

We do too little to alleviate poverty. We do far too much to support luxury in parts of the world which do not have to spend money because we do.

I say to my colleagues, ''Vote for this bill as it is, and you guarantee the kind of painful cuts in education and health and elsewhere that we could avoid.''

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I, in the short time I have, cannot read and provide my complete statement, but there are portions of it I would like to present.

Obviously I rise today in strong support of the National Defense Authorization Act. This legislation represents a major step toward revitalizing our Nation's armed forces which have been grievously weakened in recent years by the administration's defense cuts. This bill will at long last halt this dangerous decline in defense spending. Finally we have a chance to vote on a forward-looking defense authorization bill, one that concentrates on readiness, military capability, not just for today, but for tomorrow.

Mr. Chairman, what I would like to do just briefly is talk about two programs, and I know this is going to be the most contentious issue on the House floor, and perhaps both sides of the aisle will have major contribution to this debate, but I rise in strong support for the committee's recommendation to include funding for the B–2 bomber program.

I am a fiscal conservative. I am well aware that we are trying to balance the budget, and I have much admiration for the Committee on the Budget and what they are trying to do.

As we are all aware, however, the Nation's long-range bomber force consists primarily of just two aircraft, the antiquated B–52 and the B–1. Making the B–2 a necessary addition is important, but the B–2 is not only necessary, it is practical. Without question it is the most cost effective and common sense means of long-range force projection.

Finally, funding the B–2 now makes sense. If we do not fund them this year, the production line will close and the cost of restarting it later will prove prohibitively costly. Let us not let this happen. The B–2 may well be the single most critical asset in our Nation's Air Force structure, and I urge my colleagues to accept the committee's language on the B–2 bomber.

Mr. Chairman, I rise today in strong support of the National Defense Authorization Act.

This legislation represents a major step toward revitalizing our Nation's Armed Forces, which have been grievously weakened in recent years by steep Clinton administration defense cuts.

H.R. 1530 will, at long last, halt this dangerous decline in defense spending. Finally, we have a chance to vote on a forward-looking defense authorization bill, one that concentrates on readiness and military capability not just for today, but for tomorrow.

The key components of this legislation bring much needed improvements to our Nation's Armed Forces. They include enhancing the quality of life for America's servicemen and women by raising their pay and rehabilitating their housing, thus preserving the standard of living needed for readiness and troop morale. They also include undertaking the long-overdue task of military modernization by providing for the development and deployment of national and theater missile defense systems.

H.R. 1530 also addresses the role of America's military in the world, including our involvement in NATO and the United Nations. This bill would correct the gross funding inequities that have plagued our involvement in international peacekeeping missions. In addition, I strongly support the provisions of H.R. 1530 requiring the President to certify to Congress that vital American interests are at stake before ever placing U.S. troops under U.N. command. It is the least we can do for our troops to bring some common sense and accountability to our foreign operations.

Furthermore, I wish to proclaim my strong support for the committee's recommendation to include funding for the B–2 Bomber Program. As we all are aware, the Nation's long-range bomber force consists primarily of just two aircraft: the antiquated B–52 and the B–1, making the B–2 a necessary addition. But the B–2 is not only necessary, it is practical. Without question it is the most cost-effective and common-sense means of long-range force projection. Financially, funding the B–2's now makes sense. If we don't fund them this year, the production line will close, and the cost of restarting it later will prove prohibitively costly. Let's not let this happen. The B–2 may well be the single most critical asset in our Nation's Air Force structure. I urge my colleagues to support the committee's language regarding the B–2 Program.

Mr. Chairman, H.R. 1530 makes sense. This legislation offers a sound approach to Defense funding. I commend the committee and the chairman of the committee for their work on this bill, which is fully deserving of our support. As such, I urge all my colleagues to vote for the committee bill and to oppose any weakening amendments.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CUNNINGHAM].

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Chairman, I would ask my colleagues to think about what a flak suppression mission is. On the May 10, 1972, it is a mission in which one precedes their actual bomber forces of their F–15's, F–16's, F–18's, and they knock out the SAM sites like shot down our young Air Force friend, and on May 10, 1972, we lost four Phantoms. My airplane was one of those knocking out those SAM sites. A B–2 bomber can go in anywhere and knock out those SAM sites.

And is there a dangerous world, in this gentleman's opinion? Yes, there is. I would ask my colleagues:

Look at the lives we would have saved in World War II going into Ploesti with a single B–2, and not just our lives, but Allied lives, and now today we have got SA–6's and SA–2's and even SA–12's. In Vietnam we had a

one-to-one kill ratio against the Mig's. We shot down—for every MIG we shot down we lost a fighter.

We established the Navy Fighter Weapons School, and our kill ration went from 12 to 1, but yet this year we lost all of the F–16's from Top Gun in our adversaries squadron because we do not have the dollars to pay for it. We have post-Korean aircraft, A–4's and A–5's, to train our pilots against potential enemy pilots. The Air Force has not bought a single plane in 2 years. The Navy bought 28 airplanes last year. Finland has bought more fighter aircraft than all our services combined in our last two procurements.

And we are asking does it take food out of childen's mouths and so on? I want our men and women to come back, not in body bags, and I do not want to mourn them during Memorial Day. But I would like them to come back alive with the best equipment.

I talked to drill sergeants and chiefs, master chiefs in the services, and they tell me they are telling their children, their daughters and their sons, not to come into our services because of base closures and the defense cuts that we have had, the uncertainty of their futures. We are way below the bottom-up review, and I would ask my colleagues to think seriously about the level in defense of this country, and I would ask my colleagues to support this bill, and I ask it humbly.

Mr. GEJDENSON. Mr. Chairman, I rise today to express my concerns about the National Security Committee's decision to alter the Navy's submarine plan. While I appreciate the committee's recognition of the military need to maintain the Electric Boat shipyard, the world's preeminent submarine designer and builder. I am very concerned about the decision not to authorize the third *Seawolf* (SSN–23). In addition to support from our party leaders, President Clinton, Speaker GINGRICH and Senator DOLE, the plan has also been endorsed by the Secretary of the Navy, the Secretary of Defense, the Joint Chiefs of Staff and several other independent agencies.

Many of you have been briefed by the intelligence community on the new threats confronting American military forces in the post-cold-war era. Currently, the Russians have six submarines at sea that are quieter than our most advanced submarines. Even as their economic and political struggles persist, they continue to invest in their submarine force, sacrificing investments in strategic bomber, land-based and surface ship forces. All told, more than 40 nations are operating over 600 submarines today. And many other adversarial nations continue to import and develop advanced submarine designs, technologies and components.

Clearly, submarines are now recognized worldwide as the critical element of a country's national security strategy. If Congress wants the U.S. Navy to protect our maritime trade interests and maintain our nation's dominance at sea, then we must authorize completion of what will be the world's most capable submarine, SSN–23. The military capabilities of SSN–23 will be unmatched!

I know that many of my colleagues are concerned about the cost of completing the third *Seawolf,* and I want to address this issue. First, the Navy has already invested $920 million in the third *Seawolf,* and this year, requested $1.5 billion to complete the ship. The cost to the Government to not build the boat will be an additional $1 billion in added overhead and liability costs to existing contracts, as well as program cancellation costs. Further, if we fail to move forward with the Navy's plan to build the third *Seawolf,* our nation will lose the unique capabilities of the hundreds of submarine vendors across the U.S. who build the submarine components.

During the 1980's, Congress authorized construction of 38 submarines. So far in the 1990s, Congress has authorized only 4, an 89 percent reduction. While the reduction in procurement rates is a result of the end of the cold war, unsettled areas and unknown threats still require our American military forces to have the most capable intelligence gathering, warfighting platform at sea. This military requirement will be met with the third *Seawolf.*

I am hopeful that Congress will approve the Navy's plan when the Defense Authorization bill goes to a conference committee. If we don't, we will waste close to $2 billion and our Navy will get nothing in return. Try to explain that one to your constituents back home.

Mr. BOEHLERT. Mr. Chairman, I come to the People's House today to tell my colleagues that I am outraged that some military personnel who commit serious crimes—murder, rape, child molestation—continue to receive active duty pay during their confinement.

Last year, just in the month of June alone, more than $700,000 was paid to military convicts. In effect, we're saying that if you serve in the military and you commit a crime, you can still receive a government paycheck while you serve your prison sentence. That's just plain wrong. Not only is it burdensome on American taxpayers, costing millions of their hard-earned dollars annually, it is a slap in the face to the victims and their families. This gives a whole new meaning to the phrase ''crime pays,'' and we in Congress have a special obligation to say, ''No, it doesn't.''

To correct this intolerable situation, section 542 of the National Defense Authorization Act requires the forfeiture of pay and allowances during a period of confinement resulting from the sentence of a court-martial, effective immediately. The percentage of pay and allowances forfeited is the maximum percentage that the court-martial could have directed as part of the sentence—that's 100 percent in a general court-martial.

I support this section of the National Defense Authorization Act, and strongly urge my colleagues to do the same.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to sections 1201 and 1202 of H.R. 1530, the National Defense Authorization Act. These provisions impose unacceptable restrictions on the President's ability to conduct foreign policy, and on his authority as Commander-in-Chief.

Section 1201 concerns U.S. military command and control structures. It reflects a policy position most of us, Democrats and Republicans alike, agree with. We don't like the idea of U.S. soldiers serving under anyone except U.S. commanders.

But this provision, in its radical attempt to legislate every area of U.S. military policy, goes too far.

This provision repeats the debate we had just a few months ago on H.R. 7.

I would like to remind my colleagues what is wrong with this provision.

It tries to rewrite the Constitution on the President's authority as Commander-in-Chief, and then includes language stating that this rewrite of the Constitution does not in fact rewrite the Constitution on these points.

It insults the U.S. military by micro-managing in statute how the military establishes sensitive and complicated command and control arrangements.

It prohibits any U.S. troops from serving under U.N. command, even if the U.N. commander is a U.S. military officer, without prior Congressional approval, unless the President certifies 15 days in advance.

The U.S. would be required to pull troops out of Korea, the Western Sahara, Georgia, Kuwait, and Jerusalem because there are foreign military officers in the chain of command of those U.N. peacekeeping operations and no Presidential certification has been made.

Had this provision been law in 1990, U.S. troops could not have participated in Desert Storm (elements of the 82nd Airborne Brigade served under French command).

When the Department of Defense was asked during the International Relations Committee markup of H.R. 7 about these precise command requirements, they replied that even a U.S. commander of U.S. troops in the United States would not always have the authority over his troops required by this provision, such as the authority to ''dismiss'' subordinates unilaterally.

The President's policy on peacekeeping, PDD–25, already states that the United States will not put large numbers of U.S. troops under foreign or U.N. command unless we are comfortable with the command and control arrangements. That policy answers our concerns about foreign command and control. We do not need section 1201 to protect our interests, or dictate to our military. A recent Wall Street Journal editorial said ''diminishing the legitimate powers of the presidency, even in this particular way, is poor precedent''.

Section 1202 poses a different set of problems. I believe the intent of the provision is to prohibit using Department of Defense funds to pay the U.S. peacekeeping assessment to the United Nations. As written, however, I believe it may do much more. It states that funds available to the Defense Department may not be used ''for the costs of a U.N. peacekeeping activity''. It further states that this prohibition applies to voluntary contributions, as well as the assessed contributions.

I am concerned that this language could be interpreted to prohibit the use of Defense Department funds to enforce the no-fly zones in Iraq and the former Yugoslavia, prohibit last year's United States assistance in the withdrawal of UNOSOM II from Somalia, or prohibit last year's humanitarian operation in Rwanda. That may not have been the intention of this section, but that may be its result. We simply do not know the impact of this provision.

I do not believe it is in the U.S. interest to prohibit the Defense Department from making voluntary contributions in support of U.N. peacekeeping if it sees fit. There was no time to debate this provision when it was considered as part of H.R. 7, and there will be no time to debate it on this bill.

I believe we need to consider these important matters with more time and care than has

been allowed thus far. I urge my colleagues to oppose sections 1201 and 1202 of this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, as modified by striking section 807, and by an amendment printed in part 3 of House Report 104–136, is considered as an original bill for the purpose of amendment and is considered as having been read.

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

H.R. 1530

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 1996''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs

Sec. 131. Repeal of prohibition on backfit of Trident submarines.
Sec. 132. Repeal of limitation on total cost for SSN–21 and SSN–22 Seawolf submarines.
Sec. 133. Competition required for selection of shipyards for construction of vessels for next generation attack submarine program.

Subtitle D—Air Force Programs

Sec. 141. Repeal of limitations.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Sense of Congress regarding cost growth in program for destruction of the existing stockpile of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Modifications to Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Maneuver variant unmanned aerial vehicle.
Sec. 213. Tactical manned reconnaissance.
Sec. 214. Advanced lithography program.
Sec. 215. Enhanced fiber optic guided missile system.
Sec. 216. Joint Advanced Strike Technology (JAST) program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.
Sec. 232. Ballistic missile defense policy of the United States.
Sec. 233. Implementation of policy.
Sec. 234. Follow-on technologies research and development.
Sec. 235. Policy on compliance with the ABM Treaty.
Sec. 236. Ballistic Missile Defense program accountability.
Sec. 237. ABM Treaty defined.
Sec. 238. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 241. Ballistic missile defense funding for fiscal year 1996.
Sec. 242. Policy concerning ballistic missile defense.
Sec. 243. Testing of theater missile defense interceptors.
Sec. 244. Repeal of missile defense provisions.

Subtitle E—Other Matters

Sec. 251. Allocation of funds for medical countermeasures against biowarfare threats.
Sec. 252. Analysis of consolidation of basic research accounts of military departments.
Sec. 253. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 254. Modification to University Research Initiative Support Program.
Sec. 255. Advanced Field Artillery System (Crusader).
Sec. 256. Review of C^4I by National Research Council.
Sec. 257. Five-year plan for federally funded research and development centers (FFRDCs).
Sec. 258. Manufacturing technology program.
Sec. 259. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 260. Aeronautical research and test capabilities assessment.
Sec. 261. Limitation on T–38 Avionics Upgrade program.
Sec. 262. Cross reference to congressional defense policy concerning national technology and industrial base, reinvestment, and conversion in operation of defense research and development programs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Defense Business Operations Fund

Sec. 311. Codification of Defense Business Operations Fund.
Sec. 312. Retention of centralized management of Defense Business Operations Fund and prohibition on further expansion of Fund.
Sec. 313. Charges for goods and services provided through Defense Business Operations Fund and termination of advance billing practices.
Sec. 314. Annual proposed budget for operation of Defense Business Operations Fund.
Sec. 315. Reduction in requests for transportation funded through Defense Business Operations Fund.

Subtitle C—Environmental Provisions

Sec. 321. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 322. Addition of amounts creditable to defense environmental restoration account.
Sec. 323. Repeal of certain environmental education programs.
Sec. 324. Repeal of limitation on obligation of amounts transferred from environmental restoration transfer account.
Sec. 325. Elimination of authority to transfer amounts for toxicological profiles.
Sec. 326. Sense of Congress on use of Defense Environmental Restoration Account.

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

Sec. 331. Management of Department of Defense civilian personnel.
Sec. 332. Management of depot employees.
Sec. 333. Conversion to performance by civilian employees of active-duty positions.
Sec. 334. Personnel actions involving employees of nonappropriated fund instrumentalities.
Sec. 335. Termination of overseas living quarters allowances for nonappropriated fund instrumentality employees.
Sec. 336. Overtime exemption for nonappropriated fund employees.
Sec. 337. Continued health insurance coverage.
Sec. 338. Creditability of certain NAFI service under the Federal Employees' Retirement System.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 341. Operation of commissary store system.
Sec. 342. Pricing policies for commissary store merchandise.
Sec. 343. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
Sec. 344. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 345. Transportation by commissaries and exchanges to overseas locations.
Sec. 346. Demonstration program for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 347. Continued operation of base exchange mart at Fort Worth Naval Air Station and authority to expand base exchange mart program.
Sec. 348. Uniform deferred payments program for military exchanges.
Sec. 349. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.

Sec. 350. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 351. Extension of deadline for conversion of Navy ships' stores to operation as nonappropriated fund instrumentalities.

Subtitle F—Contracting Out

Sec. 357. Procurement of electricity from most economical source.
Sec. 358. Procurement of certain commodities from most economical source.
Sec. 359. Increase in commercial procurement of printing and duplication services.
Sec. 360. Direct delivery of assorted consumable inventory items of Department of Defense.
Sec. 361. Operations of Defense Reutilization and Marketing Service.
Sec. 362. Private operation of payroll functions of Department of Defense for payment of civilian employees.
Sec. 363. Demonstration program to identify underdeductions and overpayments made to vendors.
Sec. 364. Pilot program to evaluate potential for private operation of overseas dependents' schools.
Sec. 365. Pilot program for evaluation of improved defense travel processing prototypes.
Sec. 366. Pilot program for private operation of consolidated information technology functions of Department of Defense.
Sec. 367. Report on efforts to contract out certain functions of Department of Defense.
Sec. 368. Pilot program for private operation of payroll and accounting functions of nonappropriated fund instrumentalities.

Subtitle G—Miscellaneous Reviews, Studies, and Reports

Sec. 371. Quarterly readiness reports.
Sec. 372. Reports required regarding expenditures for emergency and extraordinary expenses.
Sec. 373. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 374. Modification of notification requirement regarding use of core logistics functions waiver.
Sec. 375. Limitation on development or modernization of automated information systems of Department of Defense pending report.
Sec. 376. Report regarding reduction of costs associated with contract management oversight.

Subtitle H—Other Matters

Sec. 381. Prohibition on capital lease for Defense Business Management University.
Sec. 382. Authority of Inspector General over investigations of procurement fraud.
Sec. 383. Provision of equipment and facilities to assist in emergency response actions.
Sec. 384. Conversion of Civilian Marksmanship Program to nonappropriated fund instrumentality and activities under program.
Sec. 385. Personnel services and logistical support for certain activities held on military installations.
Sec. 386. Retention of monetary awards.
Sec. 387. Civil Reserve Air Fleet.
Sec. 388. Permanent authority regarding use of proceeds from sale of lost, abandoned, and unclaimed personal property at certain installations.
Sec. 389. Transfer of excess personal property to support law enforcement activities.
Sec. 390. Development and implementation of innovative processes to improve operation and maintenance.
Sec. 391. Review of use of Defense Logistics Agency to manage inventory control points.
Sec. 392. Sale of 50 percent of current war reserve fuel stocks.
Sec. 393. Military clothing sales stores, replacement sales.
Sec. 394. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 395. Core logistics capabilities of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variations in DOPMA authorized end strength limitations for active duty Navy and Air Force officers in certain grades.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Counting of certain active component personnel assigned in support of Reserve component training.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.
Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authority to extend transition period for officers selected for early retirement.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Military technician full-time support program for Army and Air Force reserve components.
Sec. 512. Military leave for military reserve technicians for certain duty overseas.
Sec. 513. Revisions to Army Guard combat reform initiative to include Army reserve under certain provisions and make certain revisions.
Sec. 514. ROTC scholarships for the National Guard.
Sec. 515. Report on feasibility of providing education benefits protection insurance for service academy and ROTC scholarship students who become medically unable to serve.
Sec. 516. Active duty officers detailed to ROTC duty at senior military colleges to serve as Commandant and Assistant Commandant of Cadets and as tactical officers.
Sec. 517. Mobilization income insurance program for members of Ready Reserve.
Sec. 518. Delay in reorganization of Army ROTC regional headquarters structure.

Subtitle C—Matters Relating to Force Levels

Sec. 521. Floor on end strengths.
Sec. 522. Army officer manning levels.
Sec. 523. Comptroller General review of proposed Army end strength allocations.
Sec. 524. Manning status of highly deployable support units.
Sec. 525. Sense of Congress concerning personnel tempo rates.

Subtitle D—Amendments to the Uniform Code of Military Justice

Sec. 541. References to Uniform Code of Military Justice.
Sec. 542. Forfeiture of pay and allowances during confinement by sentence of court-martial.
Sec. 543. Refusal to testify before court-martial.
Sec. 544. Flight from apprehension.
Sec. 545. Carnal knowledge.
Sec. 546. Time after accession for initial instruction in the Uniform Code of Military Justice.
Sec. 547. Persons who may appear before the United States Court of Appeals for the Armed Forces.
Sec. 548. Discretionary representation by Government appellate defense counsel in petitioning Supreme Court for writ of certiorari.
Sec. 549. Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces.
Sec. 550. Technical amendment.

Subtitle E—Other Matters

Sec. 551. Equalization of accrual of service credit for officers and enlisted members.
Sec. 552. Extension of expiring personnel authorities.
Sec. 553. Increase in educational assistance allowance with respect to skills or specialties for which there is a critical shortage of personnel.
Sec. 554. Amendments to education loan repayment programs.
Sec. 555. Recognition by States of living wills of members, certain former members, and their dependents.
Sec. 556. Transitional compensation for dependents of members of the Armed Forces separated for dependent abuse.
Sec. 557. Army ranger training.
Sec. 558. Repeal of certain civil-military programs.
Sec. 559. Eligibility for Armed Forces expeditionary medal based upon service in El Salvador.
Sec. 560. Revision and codification of Military Family Act and Military Child Care Act.
Sec. 561. Discharge of members of the Armed Forces who have the HIV–1 virus.
Sec. 562. Authority to appoint Brigadier General Charles E. Yeager, United States Air Forces (retired) to the grade of major general on the retired list.
Sec. 563. Determination of whereabouts and status of missing persons.
Sec. 564. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
Sec. 565. Report on the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 601. Military pay raise for fiscal year 1996.
Sec. 602. Limitation on basic allowance for subsistence for members without dependents residing in Government quarters.
Sec. 603. Authorization of payment of basic allowance for quarters to additional members assigned to sea duty.

Sec. 604. Establishment of minimum amounts of variable housing allowance for high housing cost areas and additional limitation on reduction of allowance for certain members.
Sec. 605. Clarification of limitation on receipt of family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.
Sec. 614. Codification and extension of special pay for critically short wartime health specialists in the Selected Reserves.
Sec. 615. Change in eligibility requirements for continuous monthly aviation incentive pay.
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Sec. 617. Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters.

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Sec. 621. Authorization of return to United States of formerly dependent children of members.
Sec. 622. Authorization of dislocation allowance for moves in connection with base realignments and closures.

Subtitle D—Other Matters

Sec. 631. Elimination of unnecessary annual reporting requirements regarding compensation matters.
Sec. 632. Study regarding joint process for determining location of recruiting stations.
Sec. 633. Elimination of disparity between effective dates for military and civilian retiree cost-of-living adjustments for fiscal year 1996.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Modification of requirements regarding routine physical examinations and immunizations under CHAMPUS.
Sec. 702. Correction of inequities in medical and dental care and death and disability benefits for certain Reservists.
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Subtitle B—TRICARE Program

Sec. 711. Priority use of military treatment facilities for persons enrolled in managed care initiatives.
Sec. 712. Staggered payment of enrollment fees for TRICARE.
Sec. 713. Requirement of budget neutrality for TRICARE to be based on entire program.
Sec. 714. Training in health care management and administration for TRICARE lead agents.
Sec. 715. Evaluation and report on TRICARE effectiveness.

Subtitle C—Uniformed Services Treatment Facilities

Sec. 721. Limitation on expenditures to support Uniformed Services Treatment Facilities and limitation on number of participants in USTF managed care plans.
Sec. 722. Application of Federal acquisition regulation to participation agreements with uniformed services treatment facilities.
Sec. 723. Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense.
Sec. 724. Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Maximum allowable payments to individual health-care providers under CHAMPUS.
Sec. 732. Expansion of existing restriction on use of defense funds for abortions.
Sec. 733. Identification of third-party payer situations.
Sec. 734. Redesignation of Military Health Care Account as Defense Health Program Account and two-year availability of certain Account funds.
Sec. 735. Expansion of financial assistance program for health-care professionals in reserve components to include dental specialties.
Sec. 736. Elimination of unnecessary annual reporting requirements regarding military health care.

Subtitle E—Other Matters

Sec. 741. Termination of program to train and utilize military psychologists to prescribe psychotropic medications.
Sec. 742. Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility.
Sec. 743. Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility.
Sec. 744. Demonstration program to train military medical personnel in civilian shock trauma units.
Sec. 745. Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel.
Sec. 746. Study regarding expanded mental health services for certain covered beneficiaries.
Sec. 747. Report on improved access to military health care for covered beneficiaries entitled to Medicare.
Sec. 748. Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Repeals of certain procurement provisions.
Sec. 802. Fees for certain testing services.
Sec. 803. Testing of defense acquisition programs.
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Sec. 805. Addition of certain items to domestic source limitation.
Sec. 806. Revisions to procurement notice provisions.
Sec. 807. International competitiveness.
Sec. 808. Encouragement of use of leasing authority.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Reorganization of Office of the Secretary of Defense.
Sec. 902. Restructuring of Department of Defense acquisition organization and workforce.
Sec. 903. Plan for incorporation of Department of Energy national security functions in Department of Defense.
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Sec. 905. Inclusion of Information Resources Management College in the National Defense University.
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Sec. 1004. Designation and liability of disbursing and certifying officials.
Sec. 1005. Authority for obligation of certain unauthorized fiscal year 1995 defense appropriations.
Sec. 1006. Authorization of prior emergency supplemental appropriations for fiscal year 1995.
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Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Contract options for LMSR vessels.
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Sec. 1101. Specification of Cooperative Threat Reduction programs.
Sec. 1102. Fiscal year 1996 authorization.
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Subtitle A—Peacekeeping Provisions

Sec. 1201. Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control.
Sec. 1202. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.

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Sec. 1221. Revision of definition of landmine for purposes of landmine export moratorium.
Sec. 1222. Extension and amendment of counterproliferation authorities.

Sec. 1223. Prohibition on use of funds for activities associated with the United States-People's Republic of China Joint Defense Conversion Commission.
Sec. 1224. Defense export loan guarantees.
Sec. 1225. Accounting for burdensharing contributions.
Sec. 1226. Authority to accept contributions for expenses of relocation within host nation of United States Armed Forces overseas.
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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
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Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing private investment.
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Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2407. Limitation on expenditures for construction project at Umatilla Army Depot, Oregon.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
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TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Correction in authorized uses of funds for Army National Guard projects in Mississippi.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1993 projects.
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TITLE XXVIII—GENERAL PROVISIONS

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Sec. 2801. Alternative means of acquiring and improving military family housing and supporting facilities for the Armed Forces.
Sec. 2802. Inclusion of other Armed Forces in Navy program of limited partnerships with private developers for military housing.
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Sec. 2804. Disposition of amounts recovered as a result of damage to real property.
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Sec. 2806. Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations.

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Sec. 2811. Authority to transfer property at military installations to be closed to persons who construct or provide military family housing.
Sec. 2812. Deposit of proceeds from leases of property located at installations being closed or realigned.
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Sec. 2821. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2822. Land acquisition or exchange, Shaw Air Force Base, Sumter, South Carolina.
Sec. 2823. Transfer of certain real property at Naval Weapons Industrial Reserve Plant, Calverton, New York, for use as national cemetery.
Sec. 2824. Land conveyance, Fort Ord, California.
Sec. 2825. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2826. Land conveyance, Naval Air Station, Pensacola, Florida.
Sec. 2827. Land conveyance, Avon Park Air Force Range, Sebring, Florida.
Sec. 2828. Land conveyance, Parks Reserve Forces Training Area, Dublin, California.
Sec. 2829. Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee.
Sec. 2830. Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas.
Sec. 2831. Transfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts.
Sec. 2832. Land conveyance, Elmendorf Air Force Base, Alaska.
Sec. 2833. Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California.

Subtitle D—Land Conveyances Involving Utilities

Sec. 2841. Conveyance of resource recovery facility, Fort Dix, New Jersey.
Sec. 2842. Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia.
Sec. 2843. Conveyance of electrical distribution system, Fort Irwin, California.

Subtitle E—Other Matters

Sec. 2851. Expansion of authority to sell electricity.
Sec. 2852. Authority for Mississippi State Port Authority to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi.
Sec. 2853. Prohibition on joint civil aviation use of Naval Air Station Miramar, California.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATION AND OTHER AUTHORIZATIONS

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Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Fiscal year 1996 authorized uses of stockpile funds.
Sec. 3302. Preference for domestic upgraders in disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic.
Sec. 3303. Restrictions on disposal of manganese ferro.
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TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1996.
Sec. 3403. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).
Sec. 3404. Study regarding future of naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1).

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Expenditures in accordance with other laws.

Subtitle B—Reconstitution of Commission as Government Corporation

Sec. 3521. Short title.

Sec. 3522. Reconstitution of commission as government corporation.
Sec. 3523. Supervisory board.
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Sec. 3525. General and specific powers of commission.
Sec. 3526. Congressional review of budget.
Sec. 3527. Audits.
Sec. 3528. Prescription of measurement rules and rates of tolls.
Sec. 3529. Procedures for changes in rules of measurement and rates of tolls
Sec. 3530. Miscellaneous technical amendments.
Sec. 3531. Conforming amendment to title 31, United States Code.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,423,067,000.

(2) For missiles, $862,830,000.

(3) For weapons and tracked combat vehicles, $1,359,664,000.

(4) For ammunition, $1,062,715,000.

(5) For other procurement, $2,545,587,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,106,488,000.

(2) For weapons, including missiles and torpedoes, $1,626,411,000.

(3) For shipbuilding and conversion, $6,227,958,000.

(4) For other procurement, $2,461,472,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $399,247,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of $461,779,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,031,952,000.

(2) For missiles, $3,430,083,000.

(3) For ammunition, $321,328,000.

(4) For other procurement, $6,784,801,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,205,917,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $150,000,000.

(2) For the Air National Guard, $227,800,000.

(3) For the Army Reserve, $84,300,000.

(4) For the Naval Reserve, $86,000,000.

(5) For the Air Force Reserve, $171,200,000.

(6) For the Marine Corps Reserve, $50,700,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1996 the amount of $746,698,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(b) ALLOCATION.—Of the funds specified in subsection (a)—

(1) $393,850,000 is for operations and maintenance;

(2) $299,448,000 is for procurement; and

(3) $53,400,000 is for research and development.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $125,000,000 for the procurement of not more than 20 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

Subtitle C—Navy Programs

SEC. 131. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683) is repealed.

SEC. 132. REPEAL OF LIMITATION ON TOTAL COST FOR SSN–21 AND SSN–22 SEAWOLF SUBMARINES.

Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

SEC. 133. COMPETITION REQUIRED FOR SELECTION OF SHIPYARDS FOR CONSTRUCTION OF VESSELS FOR NEXT GENERATION ATTACK SUBMARINE PROGRAM.

(a) COMPETITION REQUIRED.—The Secretary of the Navy shall select on a competitive basis the shipyard for construction of each vessel for the next generation attack submarine program.

(b) PROGRAM IDENTIFIED.—The next generation attack submarine program shall begin with the first submarine for which the Secretary of the Navy enters into a contract for construction after the submarine that is programmed to be constructed using funds appropriated for fiscal year 1998.

Subtitle D—Air Force Programs

SEC. 141. REPEAL OF LIMITATIONS.

The following provisions of law are repealed:

(1) Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373).

(2) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(3) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).

(4) Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688).

Subtitle E—Chemical Demilitarization Program

SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

Subsection (a) of section 173 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1393) is repealed.

SEC. 152. SENSE OF CONGRESS REGARDING COST GROWTH IN PROGRAM FOR DESTRUCTION OF THE EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

The Congress is concerned that growth in the estimated cost of the program to demilitarize the United States' stockpile of lethal chemical agents and munitions raises serious questions regarding that program. Accordingly, it is the sense of Congress that the Secretary of Defense should consider measures to reduce the overall cost of the chemical stockpile demilitarization program, while minimizing total risk and ensuring the maximum protection for the environment, the general public, and the personnel involved in the destruction of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,774,947,000.

(2) For the Navy, $8,516,509,000.

(3) For the Air Force, $13,184,102,000.

(4) For Defense-wide activities, $9,548,986,000, of which $239,341,000 is authorized for the activities of the Director, Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,181,076,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research and exploratory development'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) PURPOSES OF PROGRAM.—Section 2901(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''and the Department of Energy''; and

(B) by striking out ''their'' and inserting in lieu thereof ''its'';

(2) by striking out paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) COUNCIL.—Section 2902 of such title is amended—

(1) in subsection (b)—

(A) by striking out ''thirteen'' and inserting in lieu thereof ''12'';

(B) by striking out paragraph (3);

(C) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and

(D) in paragraph (8), as redesignated, by striking out '', who shall be nonvoting members'';

(2) in subsection (d)—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3) and in that paragraph by striking out ''Federal Coordinating Council on Science, Engineering, and Technology'' and inserting in lieu thereof ''National Science and Technology Council''; and

(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(3) in subsection (e)—

(A) by striking out paragraphs (1), (2), and (3);

(B) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (1), (2), (3), (4), (5), (6), and (7) respectively;

(C) in paragraph (2), as redesignated, by striking out ''such national and international environmental problems as climate change and ozone depletion'' and inserting in lieu thereof ''national and international environmental problems''; and

(D) in paragraph (4), as redesignated, by striking out ''clauses (2) through (6)'' and inserting in lieu thereof ''paragraphs (1) through (3)'';

(4) by striking out subsections (f) and (h); and

(5) by redesignating subsection (g) as subsection (f).

(c) COMPETITIVE PROCEDURES.—Section 2903(c) of such title is amended—

(1) by striking out ''or'' after ''contracts'' and inserting in lieu thereof ''using competitive procedures. The Executive Director may enter into''; and

(2) by striking out ''law, except that'' and inserting in lieu thereof ''law. In either case,''.

(d) SCIENTIFIC ADVISORY BOARD.—Section 2904 of such title is amended—

(1) in subsection (a)—

(A) by striking out ''and the Secretary of Energy''; and

(B) by inserting after ''in consultation with'' the following: ''the Secretary of Energy and'';

(2) in subsection (b)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3) and in that paragraph by striking out ''three'' and inserting in lieu thereof ''not less than two years and not more than six'';

(3) by striking out subsections (g) and (h); and

(4) by redesignating subsection (i) as subsection (g).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorization in section 201(3)—

(1) $100,000,000 shall be available for a competitive reusable rocket technology program (PE 63401F); and

(2) $7,500,000 shall be available for evaluation of prototype hardware of low-cost expendable launch vehicles (PE 63401F).

(b) LIMITATION.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

SEC. 212. MANEUVER VARIANT UNMANNED AERIAL VEHICLE.

None of the amounts appropriated or otherwise made available pursuant to the authorizations in section 201 may be obligated for the Maneuver Variant Unmanned Aerial Vehicle.

SEC. 213. TACTICAL MANNED RECONNAISSANCE.

None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission.

SEC. 214. ADVANCED LITHOGRAPHY PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—

(1) in subsection (a), by striking out ''to help achieve'' and all that follows through the end of the subsection and inserting in lieu thereof ''to ensure that lithographic processes being developed by American-owned manufacturers operating in the United States will lead to superior performance electronics systems for the Department of Defense. For purposes of the preceding sentence, the term 'American-owned manufacturers' means a manufacturing company or other business entity the majority ownership or control of which is by United States citizens.''; and

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations by the SIA as advisory.''.

SEC. 215. ENHANCED FIBER OPTIC GUIDED MISSILE SYSTEM.

(a) CERTIFICATION.—Not later than December 1, 1995, the Secretary of the Army shall certify to the congressional defense committees whether there is a requirement for the enhanced fiber optic guided missile (EFOG-M) system and whether there is a cost and effectiveness analysis supporting such requirement.

(b) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 EFOG-M test missiles.

(B) 256 fully operational EFOG-M missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the EFOG-M system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date at the cost estimated for such system as of the date of the enactment of this Act.

(c) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall assure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG-M system is provided to the prime contractor in accordance with the terms of the contract.

SEC. 216. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorizations in section 201, $280,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $123,795,000 shall be available for PE 63800N;

(2) $125,686,000 shall be available for PE 63800F; and

(3) $30,675,000 shall be available for PE 63800E.

(b) LIMITATION.—Not more than 75 percent of the amount appropriated for such program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report specified in subsection (c) is submitted to the congressional defense committees.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified form, not later than March 1, 1996, that sets forth in detail the following information for the period 1997 through 2005:

(1) What the total joint requirement, under two major regional contingency (MRC) assumptions, is for the following:

(A) Numbers of tactical combat aircraft and the characteristics required of those aircraft in terms of capabilities, range, and observability-stealthiness.

(B) Surface- and air-launched standoff precision guided munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as Extended Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfighting capability.

(2) What the major regional contingency warning time assumptions are, and what the effect on future tactical fighter/attack aircraft requirements are using other warning time assumptions.

(3) What requirements exist for the Joint Advanced Strike Technology program that cannot be met by existing aircraft or by those in development.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Ballistic Missile Defense Act of 1995''.

SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.

It is the policy of the United States—

(1) to deploy at the earliest practical date highly effective theater missile defenses (TMDs) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement and support the missile defense capabilities of friendly forces and of allies of the United States; and

(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

SEC. 233. IMPLEMENTATION OF POLICY.

(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.

(b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense shall develop for deployment at the earliest practical date an affordable, operationally-effective National Missile Defense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:

(1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.

(2) Fixed, ground-based radars.

(3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

(4) Battle management, command, control, and communications.

(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—

(1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and

(2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).

SEC. 234. FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT.

(a) FOLLOW-ON NATIONAL AND THEATER MISSILE DEFENSE TECHNOLOGY.—The Secretary shall pursue research and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—

(1) protecting the United States against limited ballistic missile attacks; and

(2) defending forward-deployed and expeditionary elements of the Armed Forces of the United States and complementing and supporting the missile defense capabilities of friendly forces and allies of the United States.

(b) EXCLUSION OF CERTAIN SYSTEMS FROM INITIAL DEPLOYMENT.—The initial National Missile Defense system architecture developed for deployment pursuant to section 233(b) may not include—

(1) ground-based or space-based directed energy weapons; or

(2) space-based interceptors.

SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.

(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).

(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).

(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:

(1) Theater High Altitude Area Defense (THAAD).

(2) Patriot Advanced Capability-3.

(3) Navy Lower Tier.

(4) Navy Upper Tier.

(5) Corps Surface-to-Air Missile.

(6) Hawk.

(7) Boost Phase Intercept.

(8) National Missile Defense.

(9) Arrow.

(10) Medium Extended Air Defense.

(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.

(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—

(A) compared with the information relating to that program in the report submitted in the previous year; and

(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.

(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.

(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle and subtitle D, the term ''ABM Treaty'' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 is repealed.

Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 241. BALLISTIC MISSILE DEFENSE FUNDING FOR FISCAL YEAR 1996.

Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1996 or otherwise made available to the Department of Defense for fiscal year 1996, not more than $3,070,199,000 may be obligated for Ballistic Missile Defense programs.

SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.

(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.

(b) BALLISTIC MISSILE DEFENSE AND STRATEGIC STABILITY.—(1) The Congress views the deployment of ballistic missile defenses as a strategically stabilizing measure.

(2) The deployment of Theater Missile Defense systems at the earliest practical date pursuant to section 232(a)(1) will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(3) The deployment of a National Missile Defense system at the earliest practical date pursuant to section 232(a)(2) against the threat of limited ballistic missile attacks—

(A) will strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaties (START–I and START–II); and

(B) would further strengthen deterrence if reductions below the levels permitted under START–II should be agreed to in the future.

(c) PRESIDENTIAL DISCUSSIONS WITH OTHER NATIONS.—(1) The Congress—

(A) notes that on the basis of section 235 it is no longer necessary for the United States to continue discussions with Russia to clarify the distinction between ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;

(B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and

(C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow defense against a limited ballistic missile attack that would have included (among other measures) permitted deployment of as many as four ground-based interceptor sites in addition to the one site currently permitted under the ABM Treaty and unrestricted exploitation of ground-based and space-based sensors.

(2) In light of the findings in paragraph (1), Congress urges the President to pursue high-level discussions with Russia to amend the ABM Treaty to permit—

(A) deployment of the number of ground-based ABM sites necessary to provide effective defense of the entire territory of the United States against limited ballistic missile attack; and

(B) the unrestricted exploitation of sensors based within the atmosphere and in space.

(3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(C) in the interim, to seek agreement with allies and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(i) the sharing of early warning information derived from sensors deployed by the United States and other states;

(ii) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(iii) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:

''(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

''(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

''(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

''(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

''(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

''(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

''(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.''.

SEC. 244. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

Subtitle E—Other Matters

SEC. 251. ALLOCATION OF FUNDS FOR MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

Section 2370a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''Department of Defense—'' and all that follows through ''not more than 20 percent'' and inserting in lieu thereof ''Department of Defense, not more than 50 percent''; and

(2) in subsection (b), by striking out paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 252. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.

(b) DEADLINE.—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

SEC. 253. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out ''calendar year'' and inserting in lieu thereof ''fiscal year''; and

(2) by striking out ''after the year'' and inserting in lieu thereof ''after the fiscal year''.

SEC. 254. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out ''shall'' both places it appears and inserting in lieu thereof ''may''; and

(2) in subsection (e), by striking out the sentence beginning with ''Such selection process''.

SEC. 255. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader system if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader system; and

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader system after August 1, 1996, unless significant progress has been made toward meeting the objectives set forth in subsection (c) and the statement described in subsection (d) has been submitted to the congressional defense committees.

(c) OBJECTIVES.—The objectives referred to in subsection (b) are the following:

(1) Breech and ignition design criteria for rate of fire for the cannon of the Crusader system have been met.

(2) The final ignition concept has been designed and successfully bench tested for the next prototype of the cannon of the Crusader system.

(3) Designs to prevent chamber piston reversals have been tested in a fixed weapons test stand.

(4) The chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone are fully understood, and predictable firings have been demonstrated.

(5) An analysis of the management of heat dissipation has been made for the full range of performance requirements for the cannon, and concept designs supported by that analysis are completed and proposed for engineering.

(6) Engineering designs to control pressure oscillations in the chamber during firing are proven and planned for integration into the next prototype of the cannon.

(7) Fill designs for the cannon chamber that focus on preventing future chamber explosions have been electronically simulated and bench tested.

(8) An assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon is completed.

(d) STATEMENT.—The statement referred to in subsection (b) is a statement submitted to the congressional defense committees not later than March 30, 1996, that contains the following:

(1) An assertion that all the hazards associated with liquid propellent have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader system (the cannon, vehicle, and crew module). The technology assessment shall include, for each performance goal of the Crusader system (including total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader system after August 1, 1996, the cost of each unit of the Crusader system in the year the Crusader system will be completed, and the cost of each unit of the Future Armored Resupply Vehicle (FARV) in the year that vehicle will be completed.

SEC. 256. REVIEW OF C^4I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C^4I) with a special focus on cross-service and interservice issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide C^4I programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide C^4I systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for C^4I.

(4) Proposed strategies for ensuring that future C^4I acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the C^4I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The National Research Council shall conduct the review over the two-year period beginning upon completion of the performance of the contract described in subsection (a).

(d) REPORTS.—(1) The National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C^4I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 257. FIVE-YEAR PLAN FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS).

(a) FIVE-YEAR PLAN.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by federally funded research and development centers (FFRDCs) and establish a framework for the future workload of such centers.

(b) OBJECTIVES.—The plan shall set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, the following:

(1) Implementation by federally funded research and development centers of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers.

(2) Consolidation of such core level activities into as few federally funded research and development centers as is practical and possible.

(3) Acquisition of systems engineering and systems integration activities currently performed by federally funded research and development centers through the use of competitive procedures.

(4) Transfer of the management of the Software Engineering Initiative activities to the Defense Information Systems Agency for purposes of supporting command, control, communications, computing, and intelligence (C^4I) programs.

(5) Transfer of the management of the core activities of Lincoln Laboratory to the Office of the Secretary of Defense.

(6) Acquisition of services provided to the Department of Defense by university-affiliated research centers (that operate like federally funded research and development centers) through the use of competitive procedures.

(c) OTHER MATTERS.—The plan also shall include the following:

(1) An assessment of the number of staff needed in each federally funded research and development center during each year over the five years covered by the plan.

(2) A specific timetable for phasing in the objectives set forth in subsection (b).

(d) REPORT.—Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.

(e) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $90,097,000.

SEC. 258. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended by striking out ''Science and''.

(3) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out ''or'' at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) will be carried out by an institution of higher education.''; and

(B) by adding at the end the following new paragraph:

''(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient costs to Government costs is two to one.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of chapter 148 of title 10, United States Code, is amended to read as follows:

''2525. Manufacturing technology program.''.

SEC. 259. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary).

(B) Weapons.

(C) Space systems.

(D) Command, control, communications, computers, and intelligence.

(2) The extent to which any military construction is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The cost of operations and maintenance at the laboratories and centers.

(5) The cost of environmental remediation at the laboratories and centers.

(d) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.

(e) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization in section 201 for the central test and evaluation investment development program, not more than 40 percent may be obligated before the report required by subsection (d) is submitted to Congress.

SEC. 260. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) POLICY.—(1) It is in the Nation's long-term national security interests to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) Encouragement of active Department of Defense partnership with other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities is in the national security and economic interest of the Department and the United States.

(b) REVIEW.—(1) In pursuit of the aeronautical research and test capabilities policy set forth in subsection (a), the Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(2) The review shall identify options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry. The review also shall set forth in detail the projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b). The report shall include recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

SEC. 261. LIMITATION ON T–38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T–38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term ''United States entity'' means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 262. CROSS REFERENCE TO CONGRESSIONAL DEFENSE POLICY CONCERNING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION IN OPERATION OF DEFENSE RESEARCH AND DEVELOPMENT PROGRAMS.

(a) SECTION 2358 PROJECTS.—Section 2358(a)(2)(B) of title 10, United States Code, is amended by inserting before the period the following: ''and advance the defense policies and objectives specified in section 2501 of this title''.

(b) SECTION 2371 PROJECTS.—Section 2371(a) of such title is amended by inserting before the period in the first sentence the following: ''for the purpose of advancing the defense policies and objectives specified in section 2501 of this title''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $19,339,936,000.

(2) For the Navy, $21,677,510,000.

(3) For the Marine Corps, $2,603,622,000.

(4) For the Air Force, $18,984,162,000.

(5) For Defense-wide activities, $10,680,371,000.

(6) For the Army Reserve, $1,139,591,000.

(7) For the Naval Reserve, $838,042,000.

(8) For the Marine Corps Reserve, $91,783,000.

(9) For the Air Force Reserve, $1,507,447,000.

(10) For the Army National Guard, $2,394,108,000.

(11) For the Air National Guard, $2,734,221,000.

(12) For the Defense Inspector General, $177,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,422,200,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,876,525,000.

(17) For Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $200,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.

(2) For the National Defense Sealift Fund, $1,574,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

Subtitle B—Defense Business Operations Fund

SEC. 311. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

''§ 2216. Defense Business Operations Fund

''(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary

of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed through the Fund.

''(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are the following:

''(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

''(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

''(3) The Defense Finance and Accounting Service.

''(4) The Defense Industrial Plant Equipment Center.

''(5) The Defense Commissary Agency.

''(6) The Defense Technical Information Service.

''(7) The Defense Reutilization and Marketing Service.

''(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

''(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity.

''(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

''(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following amounts:

''(A) Amounts necessary to recover the full costs of—

''(i) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

''(ii) the use of members of the armed forces in the provision of the goods and services, computed by calculating, to the maximum extent practicable, such costs as if employees of the Department of Defense were used in the provision of the goods and services.

''(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

''(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

''(2) Charges for goods and services provided through the Fund may not include the following amounts:

''(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

''(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

''(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

''(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

''(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

''(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

''(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

''(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

''(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

''(3) A comparison of the amounts actually expended for the operation of the Fund for the previous fiscal year with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

''(4) A report on the capital asset subaccount of the Fund that contains the following information:

''(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

''(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

''(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

''(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

''(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $15,000:

''(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

''(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

''(2) The term 'Fund' means the Defense Business Operations Fund.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:

''2216. Defense Business Operations Fund.''.

(b) CONFORMING REPEALS.—The following provisions of law are hereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

SEC. 312. RETENTION OF CENTRALIZED MANAGEMENT OF DEFENSE BUSINESS OPERATIONS FUND AND PROHIBITION ON FURTHER EXPANSION OF FUND.

(a) CENTRALIZED MANAGEMENT.—Subsection (a) of section 2216 of title 10, United States Code, as added by section 311(a), is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) Management of the Fund, including management of cash balances in the Fund, shall be exercised in the Office of the Secretary of Defense under the immediate authority of the Under Secretary of Defense (Comptroller). The Fund shall be treated as a single account for purposes of subchapter III of chapter 13 and subchapter II of chapter 15 of title 31.''.

(b) EXPANSION OF FUND.—Such subsection is further amended by adding at the end of paragraph (1) the following new sentence: ''The Secretary may not convert to management through the Fund any function, activity, fund, or account of the Department of Defense that is not managed through the Fund as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.''.

SEC. 313. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH DEFENSE BUSINESS OPERATIONS FUND AND TERMINATION OF ADVANCE BILLING PRACTICES.

(a) CHARGES INCLUDED.—Paragraph (1)(A)(ii) of subsection (d) of section 2216 of title 10, United States Code, as added by section 311(a), is amended by striking out ''as if employees of the Department of Defense were used in the provision of the goods and services'' and inserting in lieu thereof ''using the pay and allowances of the members''.

(b) CHARGES EXCLUDED.—Paragraph (2) of such subsection is amended by adding at the end the following new subparagraph:

''(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.''.

(c) TERMINATION OF ADVANCE BILLING PRACTICES.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) After September 30, 1996, functions and activities managed through the Fund may not use advance billing in the provision of goods and services to customers.''.

SEC. 314. ANNUAL PROPOSED BUDGET FOR OPERATION OF DEFENSE BUSINESS OPERATIONS FUND.

Subsection (h)(2) of section 2216 of title 10, United States Code, as added by section 311(a), is amended by adding at the end the following new sentence: ''The proposed budget shall include the amount necessary to cover the operating losses, if any, of the Fund for the previous fiscal year.''.

SEC. 315. REDUCTION IN REQUESTS FOR TRANSPORTATION FUNDED THROUGH DEFENSE BUSINESS OPERATIONS FUND.

(a) REDUCTION.—The Secretary of Defense shall direct the heads of Defense-wide activities and the Secretaries of the military departments to reduce requests during fiscal year 1996 for purchasing transportation from the transportation accounts of the Defense Business Operations Fund by $70,000,000 below the level of such requests during fiscal year 1995. The rates charged for transportation funded through the Defense Business Operations Fund shall be reduced to reflect the effect of the reduced requests on overhead costs.

(b) REPORT REQUIRED.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report regarding—

(1) the effect on the Defense transportation organization of implementing certain consolidation proposals, such as the elimination of duplication in the component command structure; and

(2) the extent that transportation overhead, the cost of which is passed on to customers, can be significantly reduced without adversely affecting mobilization requirements.

Subtitle C—Environmental Provisions

SEC. 321. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b) of title 10, United States Code, is amended in paragraph (1) by striking out ''not needed by the armed forces'' and all that follows through the end of the paragraph and inserting in lieu thereof the following: ''not needed by the armed forces for any of the following items or services if they directly benefit the historical collection of the armed forces:

''(A) Similar items held by any individual, organization, institution, agency, or nation.

''(B) Conservation supplies, equipment, facilities, or systems.

''(C) Search, salvage, or transportation services.

''(D) Restoration, conservation, or preservation services.

''(E) Educational programs.''.

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code is amended to read as follows:

''(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

''(1) Amounts recovered under section 107 of CERCLA for response actions of the Secretary.

''(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.''.

SEC. 323. REPEAL OF CERTAIN ENVIRONMENTAL EDUCATION PROGRAMS.

Sections 1333 and 1334 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) are repealed.

SEC. 324. REPEAL OF LIMITATION ON OBLIGATION OF AMOUNTS TRANSFERRED FROM ENVIRONMENTAL RESTORATION TRANSFER ACCOUNT.

(a) REPEAL OF LIMITATION.—Section 2703 of title 10, United States Code, is further amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d), subsection (e) (as amended by section 322), and subsection (f) as subsections (c), (d), and (e), respectively.

(b) EFFECT ON CONTRACTS.—Nothing in the amendment made by subsection (a) shall be considered to negate or invalidate any legal protection or legal defense available to the Department of Defense under ''force majeure'' clauses in environmental restoration contracts or agreements existing on the date of the enactment of this Act.

SEC. 325. ELIMINATION OF AUTHORITY TO TRANSFER AMOUNTS FOR TOXICOLOGICAL PROFILES.

Section 2704 of title 10, United States Code, is amended in subsections (c) and (d)(3)—

(1) by striking out '', such sums from amounts appropriated to the Department of Defense,''; and

(2) by striking out '', including the manner for transferring funds and personnel and for coordination of activities under this section''.

SEC. 326. SENSE OF CONGRESS ON USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

It is the sense of Congress that the Secretary of Defense should make every effort to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

SEC. 331. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''(including any limitation on full-time equivalent positions)'' before the period at the end of the second sentence; and

(B) by adding at the end the following new sentence: ''The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.''; and

(2) by adding at the end the following new subsection:

''(d) With respect to each budget activity within an appropriation for any fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number, and of the type and with the skill mix, that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.''.

SEC. 332. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2472. Management of depot employees

''(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—The civilian employees of the Department of Defense involved in the depot-level maintenance and repair of materiel may not be managed on the basis of any end-strength constraint or limitation on the number of such employees who may be employed on the last day of a fiscal year. Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance and repair.

''(b) ANNUAL REPORT.—Not later than 60 days after the beginning of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds have been appropriated for that fiscal year for performance by Department of Defense employees.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by adding at the end the following new item:

''2472. Management of depot employees.''.

SEC. 333. CONVERSION TO PERFORMANCE BY CIVILIAN EMPLOYEES OF ACTIVE-DUTY POSITIONS.

(a) CONVERSION TO CIVILIAN PERFORMANCE.—During fiscal year 1996, the Secretary of Defense shall change to performance by employees of the Department of Defense the performance of not less than 10,000 positions in the Department of Defense that, as of September 30, 1995, were designated to be performed by members of the Armed Forces on active duty.

(b) IMPLEMENTATION PLAN.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 334. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CLARIFICATION OF DEFINITION OF NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.''.

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: ''and to permit the direct reporting of alleged violations of subsection (b) to the Inspector General of the Department of Defense''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking out ''Navy Resale and Services Support Office'' and inserting in lieu thereof ''Navy Exchange Service Command''.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1587. Employees of nonappropriated fund instrumentalities: personnel actions''.

(2) The item relating to section 1587 in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

''1587. Employees of nonappropriated fund instrumentalities: personnel actions.''.

SEC. 335. TERMINATION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) PROHIBITION OF ALLOWANCE FOR NEW EMPLOYEES.—A nonappropriated fund instrumentality employee hired after the date of the enactment of this Act may not be paid an overseas living quarters allowance from nonappropriated funds of the nonappropriated fund instrumentality that employs the employee.

(b) TERMINATION OF ALLOWANCE FOR CURRENT EMPLOYEES.—A nonappropriated fund instrumentality employee who is eligible for an overseas living quarters allowance on the date of the enactment of this Act shall cease to be eligible for such an allowance after the earlier of—

(1) September 30, 1998; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term ''nonappropriated fund instrumentality employee'' has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 336. OVERTIME EXEMPTION FOR NONAPPROPRIATED FUND EMPLOYEES.

Section 6121(2) of title 5, United States Code, is amended to read as follows:

''(2) 'employee' has the meaning given it by section 2105(a) and also includes those paid from nonappropriated funds of the Army and Air Force Exchange Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces;''.

SEC. 337. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or a voluntary separation from a surplus position,''

after ''an involuntary separation from a position''; and

(2) by adding at the end the following new subparagraph:

''(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction in force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.''.

SEC. 338. CREDITABILITY OF CERTAIN NAFI SERVICE UNDER THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) IN GENERAL.—Subject to subsections (b) and (c), upon application to the Office of Personnel Management, any individual who, on the date of making such application, is an employee within the Department of Defense or the legislative branch of the Government shall be allowed credit under chapter 84 of title 5, United States Code (for purposes of benefits payable out of the Fund) for any service if—

(1) such service was performed by such individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, described in section 2105(c) of such title; and

(2) such individual has served continuously, since moving (after December 31, 1986, and without a break in service of more than 3 days) from a nonappropriated fund instrumentality referred to in paragraph (1), in—

(A) the Department of Defense; or

(B) the legislative branch of the Government.

(b) CONDITIONS.—An individual may not be allowed credit for service under this section unless—

(1) an application is filed before the deadline under subsection (c);

(2) such individual has been subject to chapter 84 of title 5, United States Code, since moving in the manner described in subsection (a)(2); and

(3) such individual deposits to the credit of the Fund an amount equal to 1.3 percent of the basic pay paid to such individual for such service, with interest (computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code).

(c) DEADLINE.—An application under this section may not be filed after—

(1) the end of the 6-month period beginning on the date of the enactment of this Act; or

(2) if earlier, the date on which a written determination is made by the Office of Personnel Management that the actuarial present value of all benefits payable as a result of the enactment of this section has reached $50,000,000.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section.

(e) DEFINITION.—For purposes of this section, the term ''Fund'' means the Civil Service Retirement and Disability Fund under section 8348 of title 5, United States Code.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 341. OPERATION OF COMMISSARY STORE SYSTEM.

(a) COOPERATION WITH OTHER ENTITIES.—Section 2482 of title 10, United States Code, is amended—

*(1) in the section heading, by striking out ''**private**'';*

(2) by inserting ''(a) PRIVATE OPERATION.—'' before ''Private persons''; and

(3) by adding at the end the following new subsection:

''(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) The Defense Commissary Agency, and other agencies of the Department of Defense that support the operation of the commissary store system, may enter into contracts or other agreements with other appropriated fund or nonappropriated fund instrumentalities of the Department of Defense or other departments or agencies of the United States to facilitate efficiency in the management and operation of the commissary store system.

''(2) A commissary store operated by a nonappropriated fund instrumentality shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency to a nonappropriated fund instrumentality operating a commissary store.''.

(b) AUTHORIZATION FOR DISTRIBUTORS TO SERVE AS VENDOR AGENTS.—Such section is further amended by adding after subsection (b), as added by subsection (a), the following new subsection:

''(c) PAYMENTS TO VENDOR AGENTS.—If a distributor for a vendor of resale products under contract to the Defense Commissary Agency is designated as an agent by and for the vendor, the distributor may invoice the agency and accept payments from the agency under the vendor's contract. A distributor designated as a agent for purposes of this subsection may request payment for more than one product of the vendor on the same invoice. All payments made by the agency to a distributor designated by a vendor as the vendor's agent shall be considered payments under the vendor's contract, and the payments shall fulfill the payment obligations of the United States in the same manner as if the payments had been made directly to the vendor.''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

''2482. Commissary stores: operation.''.

SEC. 342. PRICING POLICIES FOR COMMISSARY STORE MERCHANDISE.

Section 2486(d)(1) of title 10, United States Code, is amended—

(1) by striking out ''each item'' and inserting in lieu thereof ''items''; and

(2) by striking out ''actual product cost of the item'' and inserting in lieu thereof ''total average product cost of merchandise sold''.

SEC. 343. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: ''unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor''.

SEC. 344. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after ''most competitive source'' the following: ''and distributed in the most economical manner''.

(b) DETERMINATION OF MOST ECONOMICAL DISTRIBUTION METHOD.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense represents the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

''(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless the results of the determination under paragraph (1).

''(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.''.

SEC. 345. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2643. Commissary and exchange services: transportation overseas

''The Secretary of Defense shall give the officials responsible for operation of commissaries and military exchanges the authority to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2643. Commissary and exchange services: transportation overseas.''.

SEC. 346. DEMONSTRATION PROGRAM FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROGRAM REQUIRED.—The Secretary of Defense shall conduct a demonstration program at six military installations, under which funds appropriated for the support of morale, welfare, and recreation programs at the installations are combined with nonappropriated funds available for such programs and treated as nonappropriated funds. Under this demonstration program, the combined appropriated funds shall be expended pursuant to the laws and regulations that apply to nonappropriated funds.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary of Defense shall select two military installations from each military department to participate in the demonstration program.

(c) EFFECT ON CIVILIAN EMPLOYEES.—Civilian employees of the Department of Defense who are normally paid using the appropriated funds that are combined under subsection (a) shall be considered to be nonappropriated fund instrumentality employees unless they continue to be paid using other appropriated funds. Any converted employee shall automatically revert to the employee's former status at the end of the program or upon any action by management to terminate the employee, whichever occurs first. Any converted employee shall retain retirement and medical benefits under the employee's former status.

(d) PERIOD OF DEMONSTRATION PROGRAM.—The demonstration program shall terminate at the end of the first full fiscal year beginning on or after the date of the enactment of this Act.

(e) REPORT.—Not later than 90 days after the end of the demonstration program, the Secretary of Defense shall submit to Congress a report describing the results of the demonstration program.

SEC. 347. CONTINUED OPERATION OF BASE EXCHANGE MART AT FORT WORTH NAVAL AIR STATION AND AUTHORITY TO EXPAND BASE EXCHANGE MART PROGRAM.

(a) CONTINUED OPERATION OF BASE EXCHANGE MART.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out '', until December 31, 1995,''.

(b) EXPANSION OF BASE EXCHANGE MART PROGRAM.—(1) Subject to paragraph (2), the Secretary of Defense may provide for the operation by a nonappropriated fund instrumentality of not more than ten combined exchange and commissary stores, in which groceries are sold at five percent above cost and other items are sold at the typical military exchange markup.

(2) The Secretary may select a military installation as the location for a combined exchange and commissary store only if—

(A) the installation has been or is selected for closure or realignment; or

(B) the continued operation of a separate military exchange and commissary store at the installation is not economically feasible.

(3) If a nonappropriated fund instrumentality incurs a loss in operating a commissary store as a result of the pricing requirements specified in paragraph (1), the Secretary may authorize a transfer of funds appropriated for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss. However, the total amount of appropriated funds transferred during a fiscal year to support the operation of a commissary store may not exceed an amount equal to 25 percent of the appropriated funds provided during the last full year of operation of the commissary store by the Defense Commissary Agency.

(4) The combined military exchange and commissary stores authorized under this subsection shall include the combined military exchange and commissary store operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas.

(5) For purposes of this section, the term ''nonappropriated fund instrumentality'' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 348. UNIFORM DEFERRED PAYMENTS PROGRAM FOR MILITARY EXCHANGES.

(a) USE OF COMMERCIAL BANKING INSTITUTIONS.—As soon as possible after the date of the enactment of this Act, the Secretary of Defense shall endeavor to enter into an agreement with a commercial banking institution under which the commercial banking institution will fund and operate the deferred payment programs of the Army and Air Force Exchange Service and Navy Exchange Service Command. To ease the transition to commercial operation, the Secretary may initially limit the agreement to one of the two military exchange services.

(b) UNIFORM EXCHANGE CREDIT PROGRAM.—Not later than January 1, 1997, the Secretary shall establish a uniform deferred payment program for use in all military exchanges to replace the separate deferred payment programs currently operated by the Army and Air Force Exchange Service and Navy Exchange Service Command.

(c) REPORT.—Not later than December 31, 1995, the Secretary of Defense shall submit to Congress a report describing the implementation of this section.

SEC. 349. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not more than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 350. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement efficiency-building options identified in the study.

SEC. 351. EXTENSION OF DEADLINE FOR CONVERSION OF NAVY SHIPS' STORES TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) EXTENSION.—Section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 1996''.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report—

(1) evaluating the costs and benefits of converting the operation of all Navy ships' stores to operation by the Navy Exchange Service Command, as required by section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note); and

(2) reviewing the Navy Audit Agency report regarding such conversion prepared pursuant to section 374 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

Subtitle F—Contracting Out

SEC. 357. PROCUREMENT OF ELECTRICITY FROM MOST ECONOMICAL SOURCE.

(a) PROCUREMENT OF ELECTRICITY.—(1) Chapter 147 of title 10, United States Code, is amended by inserting after section 2483 the following new section:

''§ 2483a. Procurement of electricity from most economical source

''The Secretary of Defense shall procure electricity for use on military installations and by other activities and functions of the Department of Defense from the most economical source, as determined by the Secretary. The Secretary shall make the determination required by this section in the manner provided in section 2462 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2483 the following new item:

''2483a. Procurement of electricity from most economical source.''.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall take effect on March 1, 1996, except that the amendment shall not be construed to require the termination of any contract for the purchase of electricity for the Department of Defense entered into before that date.

SEC. 358. PROCUREMENT OF CERTAIN COMMODITIES FROM MOST ECONOMICAL SOURCE.

(a) PROCUREMENT OF SUPPLIES.—In the case of supplies for the Department of Defense procured through the General Services Administration as of the date of the enactment of this Act, the Secretary of Defense shall procure such supplies from another source if the Secretary determines that the source can provide the supplies at a lower cost. The Secretary shall make the determinations required by this section in the manner provided in section 2462 of title 10, United States Code.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall take effect on March 1, 1996, except that the amendment shall not be construed to require the termination of any contract between the Secretary of Defense and the General Services Administration entered into before that date.

SEC. 359. INCREASE IN COMMERCIAL PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

Notwithstanding any other provision of law, during fiscal year 1996, the Defense Printing Service may use private printing sources for up to 70 percent of its printing and duplication services.

SEC. 360. DIRECT DELIVERY OF ASSORTED CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

To reduce the expense and necessity of maintaining extensive warehouses for consumable inventory items of the Department of Defense, the Secretary of Defense shall arrange for direct vendor delivery of food, clothing, medical and pharmaceutical supplies, automotive, electrical, fuel, and construction supplies, and other consumable inventory items for military installations throughout the United States. The Secretary shall complete implementation of this direct vendor delivery system not later than September 30, 1996.

SEC. 361. OPERATIONS OF DEFENSE REUTILIZATION AND MARKETING SERVICE.

The Secretary of Defense shall enter into a contract, not later than July 1, 1996, for the performance by a commercial entity of all of the operations of the unit of the Defense Logistics Agency known as the Defense Reutilization and Marketing Service.

SEC. 362. PRIVATE OPERATION OF PAYROLL FUNCTIONS OF DEPARTMENT OF DEFENSE FOR PAYMENT OF CIVILIAN EMPLOYEES.

(a) PLAN ON CONTRACTING OUT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan regarding private operation of payroll functions for civilian employees of the Department of Defense.

(b) IMPLEMENTATION.—Not later than October 1, 1996, the Secretary shall implement the plan developed under subsection (a).

SEC. 363. DEMONSTRATION PROGRAM TO IDENTIFY UNDERDEDUCTIONS AND OVERPAYMENTS MADE TO VENDORS.

(a) DEMONSTRATION PROGRAM REQUIRED.—The Secretary of Defense shall conduct a demonstration program at the Defense Personnel Support Center, Philadelphia, Pennsylvania, to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense to identify moneys due the United States because of underdeductions and overpayments made to vendors. Pursuant to an agreement between the Secretary and one or more private contractors selected by the Secretary, the contractors shall perform an audit of accounting and procurement records of the Department for at least fiscal years 1993, 1994, and 1995 using commercial sector data processing techniques, which would compare purchase documents and agreements with vendor invoices to discover discrepancies in allowances, pricing, discounts, billback allowances, backhaul allowances, and freight routing

instructions. The audit shall also attempt to identify duplicate payments and unauthorized invoice charges.

(b) BONUS PAYMENT.—From amounts made available to conduct the demonstration program, the Secretary may pay the contractors a negotiated amount not to exceed 25 percent of all amounts recovered as a result of the audit.

(c) AVAILABILITY OF FUNDS.—From amounts authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available to cover the costs of the demonstration program, including the cost of any bonus payment under subsection (b).

SEC. 364. PILOT PROGRAM TO EVALUATE POTENTIAL FOR PRIVATE OPERATION OF OVERSEAS DEPENDENTS' SCHOOLS.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to assess the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary of Defense conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program. Under the pilot program, the Secretary shall provide for the operation of the school by an appropriate private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary of Defense shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 365. PILOT PROGRAM FOR EVALUATION OF IMPROVED DEFENSE TRAVEL PROCESSING PROTOTYPES.

(a) PILOT PROGRAM REQUIRED; LOCATION.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall conduct a pilot program regarding two prototype tests of commercial travel applications to determine the best approach for the Department of Defense Travel System.

(2) The Secretary shall conduct the pilot program at six military installations containing approximately equal numbers of members of the Armed Forces. Two installations shall be selected from each military department.

(b) DESCRIPTION OF PROTOTYPE TESTS.—The two respective tests shall be as follows:

(1) In this test, three installations (one for each military department), with the Department of Defense acting as its own integrator, will implement the travel processes proposed by the task force on travel management chartered by the Secretary of Defense in July 1994, and will offer specific business opportunities in the services areas currently utilized, namely reservations and credit card technologies.

(2) In this test, three installations (one for each military department), will contract out their entire travel process, reserving only essential elements, such as travel authorization, for performance by employees of the Department of Defense. Particular attention will be focused on the ability of the vendor to integrate all processes into a responsive, reasonably priced, uniform travel system.

(c) CONDUCT OF TESTS.—The two prototype tests shall be conducted as follows:

(1) Each test must accommodate the guidelines for travel management issued by the Under Secretary of Defense (Comptroller).

(2) The tests must take no more than 60 days to set up and be operational for one year.

(d) EVALUATION CRITERIA.—The Secretary of Defense shall establish evaluation criteria that include, at a minimum—

(1) aligning travel policy and cost estimates with mission at the point of reservation;

(2) using fully integrated solutions envisioned by the Department of Defense travel reengineering report of January 1995;

(3) matching credit card data and reservation data with cost estimate data;

(4) matching data with a trip pro forma plan to eliminate the need for further approvals; and

(5) a responsive and flexible management information system for managers at all levels to monitor travel expenses throughout the year, budget accurately for any future year, and assess cost and value relationship regarding temporary duty travel for each mission.

(e) PLAN FOR PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the prototype test, including the objective of reducing the total costs of managing travel by at least one-half.

(2) The methodology, duration, and anticipated costs, including an arrangement whereby the contractor would receive its agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation mechanism required by subsection (d).

(5) A provision for implementing the most successful prototype Department-wide, based upon final assessment of results.

SEC. 366. PILOT PROGRAM FOR PRIVATE OPERATION OF CONSOLIDATED INFORMATION TECHNOLOGY FUNCTIONS OF DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—(1) The Secretary of Defense shall enter into discussions with private sector entities for the purpose of issuing a request for proposal to establish a pilot program to test and evaluate the cost savings and efficiencies of private operation of all information technology services for the Department of Defense currently being consolidated in Defense MegaCenters. The negotiations shall be conducted so that the request for proposal may be issued within 60 days after the date of the enactment of this Act.

(2) The minimum workload to be contracted out in the pilot program shall be equivalent to the workload of at least three Defense MegaCenters.

(b) ESTABLISHMENT AND DURATION.—The Secretary of Defense shall implement private operations under the pilot program within one year after the date of the enactment of this Act. The pilot program shall operate for not more than a three-year period after implementation.

(c) GOAL OF PROGRAM.—The goal of the pilot program is to receive proposals from private sector entities that, if implemented, would reduce operating costs to the Department of Defense for information technology functions by at least 35 percent in comparison to annual operating cost as of the date of the enactment of this Act.

(d) PLAN OF PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the program.

(2) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement whereby the private contractor would receive the agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in subsection (c).

(3) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) An evaluation mechanism for the program.

(5) A provision for expanding the program to all information technology functions of the Department of Defense, based upon final assessment of the results of the program.

(e) SUSPENSION OF FURTHER CONSOLIDATION.—Until the completion of the pilot program and submission of the final report required under subsection (f)(2), none of the funds appropriated to the Department of Defense for a fiscal year after fiscal year 1995 may be used to reduce the number of data centers of the Department of Defense to fewer than the 16 Defense MegaCenters identified as of the date of the enactment of this Act.

(f) REPORTING REQUIREMENTS.—(1) Not later than six months after commencing contracting out activities under the pilot program, the Secretary of Defense shall submit to Congress an initial assessment report regarding the implementation of the pilot program.

(2) The Secretary shall submit to Congress a final assessment report, including a recommendation for expanding the program as appropriate, not later than one year after commencing contracting out activities under the pilot program.

SEC. 367. REPORT ON EFFORTS TO CONTRACT OUT CERTAIN FUNCTIONS OF DEPARTMENT OF DEFENSE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the advantages and disadvantages of using contractor personnel, rather than civilian employees of the Department of Defense, to perform functions of the Department that are not essential to the warfighting mission of the Armed Forces. The report shall specify all legislative and regulatory impediments to contracting those functions for private performance.

SEC. 368. PILOT PROGRAM FOR PRIVATE OPERATION OF PAYROLL AND ACCOUNTING FUNCTIONS OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) PILOT PROGRAM REQUIRED; LOCATION.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall enter into discussions with private sector entities for the purpose of issuing a request for proposal to establish a pilot program to test and evaluate the cost savings and efficiencies of private operation of accounting and payroll function of nonappropriated fund instrumentalities of the Department of Defense. The negotiations shall be conducted so that the request for proposal may be issued within 60 days after the date of the enactment of this Act.

(2) The pilot program shall consist of a major Department of Defense Nonappropriated Fund Accounting and Payroll function.

(b) GOAL OF PROGRAM.—The goal of the pilot program is to receive proposals from private sector entities that, if implemented, would reduce by at least 25 percent the total costs to the Government for each pay event.

(c) PLAN OF PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the program.

(2) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement whereby the private contractor would receive the agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in subsection (b).

(3) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) An evaluation mechanism for the program.

(5) A provision for expanding the program to all accounting and payroll functions of nonappropriated fund instrumentalities of the Department of Defense, based upon final assessment of the results of the program.

Subtitle G—Miscellaneous Reviews, Studies, and Reports

SEC. 371. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 452. Quarterly readiness reports

''(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

''(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

''(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

''(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

''(b) MATTERS TO BE INCLUDED.—Each such report—

''(1) shall specifically describe identified readiness problems or deficiencies and planned remedial actions; and

''(2) shall include the key indicators and other relevant data related to the identified problem area or deficiency.

''(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.''.

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

''452. Quarterly readiness reports.''.

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 372. REPORTS REQUIRED REGARDING EXPENDITURES FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Subsection (c) of section 127 of title 10, United States Code, is amended to read as follows:

''(c)(1) In any fiscal year in which funds are expended under the authority of this section, the Secretary of Defense shall submit a report of such expenditures on a quarterly basis to the committees specified in paragraph (3).

''(2) An obligation or expenditure in an amount of $1,000,000 or more may not be made under the authority of this section for any single transaction until the Secretary of Defense has notified the committees specified in paragraph (3).

''(3) The committees referred to in paragraphs (1) and (2) are—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

SEC. 373. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

"SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

''(a) ANNUAL REPORTS.—(1) During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for the budget activities specified in subsection (d) (hereinafter in this section referred to as 'covered budget activities'). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

''(2) Each such report shall include—

''(A) specific identification of each transfer during the preceding fiscal year of funds available for any covered budget activity, showing the amount of the transfer, the covered budget activity from which the transfer was made, and the budget activity to which the transfer was made; and

''(B) with respect to each such transfer, a statement of whether that transfer was made to a budget activity within a different appropriation than the appropriation containing the covered budget activity from which the transfer was made or to a budget activity within the same appropriation.

''(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

''(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include the following:

''(1) With respect to each transfer of funds identified in the report, a statement of the specific reason for the transfer.

''(2) For each covered budget activity—

''(A) a statement, for the period covered by the report, of—

''(i) the total amount of transfers into funds available for that activity;

''(ii) the total amount of transfers from funds available for that activity; and

''(iii) the net amount of transfers into, or out of, funds available for that activity; and

''(B) a detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

''(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

''(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

''(A) Combat Units.

''(B) Tactical Support.

''(C) Force-Related Training/Special Activities.

''(D) Depot Maintenance.

''(E) JCS Exercises.

''(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

''(A) Mission and Other Flight Operations.

''(B) Mission and Other Ship Operations.

''(C) Fleet Air Training.

''(D) Ship Operational Support and Training.

''(E) Aircraft Depot Maintenance.

''(F) Ship Depot Maintenance.

''(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

''(A) Primary Combat Forces.

''(B) Primary Combat Weapons.

''(C) Global and Early Warning.

''(D) Air Operations Training.

''(E) Depot Maintenance.

''(F) JCS Exercises.''.

SEC. 374. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

''(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

SEC. 375. LIMITATION ON DEVELOPMENT OR MODERNIZATION OF AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE PENDING REPORT.

(a) OBLIGATIONS AND EXPENDITURES SUBJECT TO REPORT.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301, the Secretary of Defense may not obligate or expend amounts in excess of $2,411,947,000 for the development and modernization of automated data processing programs of the Department of Defense until after the end of the 30-day period beginning on the date on which the Inspector General of the Department of Defense submits to Congress a report that—

(1) addresses the ongoing concerns about performance measures and management controls regarding automated information systems;

(2) certifies that the Inspector General has completed review of the Base Level System Modernization and the Sustaining Base Information System;

(3) certifies that the Inspector General has completed the tasks identified in the review of Standard Installation/Division Personnel System-3;

(4) provides complete functional economic analyses for Automated System for Transportation Data, Electronic Data Interchange, Flexible Computer Integrated Manufacturing, Navy Tactical Command Support System, and Defense Information System Network;

(5) contains the resolution of the existing problems with the Defense Information System Network, Continuous Acquisition and Life-Cycle Support, and the Joint Computer-Aided Acquisition and Logistics Support;

(6) provides the necessary waivers regarding compelling military value, or provides complete functional economic analyses, regarding Air Force Wargaming Center Air Force Command Exercise System, Cheyenne Mountain Upgrade, Transportation Coordinator Automated Command and Control Information Systems, and Wing Command and Control System; and

(7) certifies the termination of the Personnel Electronic Record Management System or provides justification for the continued need for the program.

(b) AUTOMATED INFORMATION SYSTEM DEFINED.—For purposes of this section, the term ''automated information system'' means an automated information system of the Department of Defense subject to section 381 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2738; 10 U.S.C. 113 note).

SEC. 376. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term ''major defense acquisition programs'' has the

meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle H—Other Matters

SEC. 381. PROHIBITION ON CAPITAL LEASE FOR DEFENSE BUSINESS MANAGEMENT UNIVERSITY.

None of the funds appropriated to the Department of Defense for fiscal year 1996 may be used to enter into any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University if the lease would be treated as a capital lease for budgetary purposes.

SEC. 382. AUTHORITY OF INSPECTOR GENERAL OVER INVESTIGATIONS OF PROCUREMENT FRAUD.

(a) AUTHORITY.—Section 141 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) The Inspector General shall be responsible for and shall oversee all investigations of procurement fraud within the Department of Defense.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall take such action as may be necessary to implement the amendment made by subsection (a).

SEC. 383. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Assistance provided under this section may include training facilities, sensors, protective clothing, antidotes, and other materials and expertise of the Department of Defense appropriate for use by a Federal, State, or local law enforcement agency in preparing for or responding to an emergency involving chemical or biological agents if the Secretary determines that the materials or services to be provided are not reasonably available from another source.''.

SEC. 384. CONVERSION OF CIVILIAN MARKSMANSHIP PROGRAM TO NONAPPROPRIATED FUND INSTRUMENTALITY AND ACTIVITIES UNDER PROGRAM.

(a) CONVERSION.—Section 4307 of title 10, United States Code, is amended to read as follows:

''§ 4307. Promotion of rifle practice and firearms safety: administration

''(a) NONAPPROPRIATED FUND INSTRUMENTALITY.—On and after October 1, 1995, the Civilian Marksmanship Program shall be operated as a nonappropriated fund instrumentality of the United States within the Department of Defense for the benefit of members of the armed forces and for the promotion of rifle practice and firearms safety among civilians.

''(b) NATIONAL BOARD.—(1) The Civilian Marksmanship Program shall be under the general supervision of a National Board for the Promotion of Rifle Practice and Firearms Safety, which shall replace the National Board for the Promotion of Rifle Practice. The National Board shall consist of nine members who are appointed by the Secretary of the Army.

''(2) The term of office of a member of the National Board shall be two years. However, in the case of the initial National Board, the Secretary shall appoint four members who will have a one-year term.

''(3) Members of the National Board shall serve without compensation, except that members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the National Board.

''(c) DIRECTOR AND STAFF.—The National Board shall appoint a person to serve as director of the Civilian Marksmanship Program. The compensation and benefits of the director and all other civilian employees of the Department of Defense used by the Civilian Marksmanship Program shall be paid from nonappropriated funds available to the Civilian Marksmanship Program.

''(d) FUNDING.—(1) Except as provided in section 4310 of this title, funds appropriated or otherwise made available to the Department of Defense in appropriation Acts may not be obligated or expended to benefit the Civilian Marksmanship Program or activities conducted by the Civilian Marksmanship Program.

''(2) The National Board and the director may solicit, accept, hold, use, and dispose of, in furtherance of the activities of the Civilian Marksmanship Program, donations of money, property, and services received by gift, devise, bequest, or otherwise. Donations may be accepted from munitions and firearms manufacturers notwithstanding any legal restrictions otherwise arising from their procurement relationships with the United States.

''(3) Amounts collected under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under section 4308 of this title, shall be credited to the Civilian Marksmanship Program and shall be available to carry out the Civilian Marksmanship Program. Amounts collected by, and available to, the National Board for the Promotion of Rifle Practice before the date of the enactment of this section from rifle sales programs and from fees in connection with competitions sponsored by that Board shall be transferred to the National Board to be available to carry out the Civilian Marksmanship Program.

''(4) Funds held on behalf of the Civilian Marksmanship Program shall not be construed to be Government or public funds or appropriated funds and shall not be available to support other nonappropriated fund instrumentalities of the Department of Defense. Funds held on behalf of other nonappropriated fund instrumentalities of the Department of Defense shall not be available to support the Civilian Marksmanship Program. Expenditures on behalf of the Civilian Marksmanship Program, including compensation and benefits for civilian employees, may not exceed $5,000,000 during any fiscal year. The approval of the National Board shall be required for any expenditure in excess of $50,000. Notwithstanding any other provision of law, funds held on behalf of the Civilian Marksmanship Program shall remain available until expended.

''(e) DEFINITIONS.—In this section and sections 4308 through 4313 of this title:

''(1) The term 'Civilian Marksmanship Program' means the rifle practice and firearms safety program carried out by the National Board under section 4308 and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.

''(2) The term 'National Board' means the National Board for the Promotion of Rifle Practice and Firearms Safety.''.

(b) ACTIVITIES.—Section 4308 of such title is amended to read as follows:

''§ 4308. Promotion of rifle practice and firearms safety: activities

''(a) INSTRUCTION, SAFETY, AND COMPETITION PROGRAMS.—(1) The Civilian Marksmanship Program shall provide for—

''(A) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

''(B) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

''(C) the promotion of practice in the use of rifled arms and the maintenance and management of matches or competitions in the use of those arms; and

''(D) the award to competitors of trophies, prizes, badges, and other insignia.

''(2) In carrying out this subsection, the Civilian Marksmanship Program shall give priority to activities that benefit firearms safety training and competition for youth and reach as many youth participants as possible.

''(3) Before a person may participate in any activity sponsored or supported by the Civilian Marksmanship Program under this subsection, the person shall be required to certify that the person has not violated any Federal or State firearms laws.

''(b) SALE AND ISSUANCE OF ARMS AND AMMUNITION.—(1) The Civilian Marksmanship Program may issue, without cost, the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for activities conducted under subsection (a). Issuance shall be made only to gun clubs under the direction of the National Board that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4–H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition.

''(2) The Civilian Marksmanship Program may sell at fair market value caliber .30 rifles, caliber .22 rifles, and air rifles, and ammunition for such rifles, to gun clubs that are under the direction of the National Board and provide training in the use of rifled arms. In lieu of sales, the Civilian Marksmanship Program may loan such rifles to such gun clubs.

''(3) The Civilian Marksmanship Program may sell at fair market value small arms, ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the National Board.

''(4) Before conveying any weapon or ammunition to a person, whether by sale or lease, the National Board shall provide for a criminal records check of the person with appropriate Federal and State law enforcement agencies.

''(c) OTHER AUTHORITIES.—The National Board shall provide for—

''(1) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor to carry out the Civilian Marksmanship Program; and

''(2) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the National Board to participate in matches or competitions in the use of rifled arms.

''(d) FEES.—The National Board may impose reasonable fees for persons and gun clubs participating in any program or competition conducted under the Civilian Marksmanship Program for the promotion of rifle practice and firearms safety among civilians.

''(e) RECEIPT OF EXCESS ARMS AND AMMUNITION.—(1) The Secretary of the Army shall reserve for the Civilian Marksmanship Program all remaining M–1 Garand rifles, and ammunition for such rifles, still held by the Army. After the date of the enactment of this section, the Secretary of the Army shall cease demilitarization of remaining M–1 Garand rifles in the Army inventory unless such rifles are determined to be irreparable by the Defense Logistics Agency.

''(2) Transfers under this subsection shall be made without cost to the Civilian Marksmanship Program, except that the National Board shall assume the costs of transportation for the transferred small arms and ammunition.

''(f) PARTICIPATION CONDITIONS.—(1) All participants in the Civilian Marksmanship Program and activities sponsored or supported by the National Board shall be required, as a condition of participation, to sign affidavits stating that—

''(A) they have never been convicted of a firearms violation under State or Federal law; and

''(B) they are not members of any organization which advocates the violent overthrow of the United States Government.

''(2) Any person found to have violated this subsection shall be ineligible to participate in

the Civilian Marksmanship Program and future activities sponsored or supported by the National Board.''.

(c) PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INSTRUCTION AND COMPETITION.—Section 4310 of such title is amended to read as follows:

''§ 4310. Rifle instruction and competitions: participation of members

''(a) PARTICIPATION AUTHORIZED.—The commander of a major command of the armed forces may detail regular or reserve officers and noncommissioned officers under the authority of the commander to duty as instructors at rifle ranges for training civilians in the safe use of military arms. The commander of a major command may detail enlisted members under the authority of the commander as temporary instructors in the safe use of the rifle to organized rifle clubs requesting that instruction. The commander of a major command may detail members under the authority of the commander to provide other logistical and administrative support for competitions and other activities conducted by the Civilian Marksmanship Program. Members of a reserve component may be detailed only if the service to be provided meets a legitimate training need of the members involved.

''(b) COSTS OF PARTICIPATION.—The commander of a major command of the armed forces may pay the personnel costs and travel and per diem expenses of members of an active or reserve component of the armed forces who participate in a competition sponsored by the Civilian Marksmanship Program or who provide instruction or other services in support of the Civilian Marksmanship Program.''.

(d) CONFORMING AMENDMENTS.—(1) Section 4312(a) of such title is amended by striking out ''as prescribed by the Secretary of the Army'' and inserting in lieu thereof ''as part of the Civilian Marksmanship Program''.

(2) Section 4313 of such title is amended—

(A) in subsection (a), by striking out ''Secretary of the Army'' both places it appears and inserting in lieu thereof ''National Board''; and

(B) in subsection (b), by striking out ''Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may'' and inserting in lieu thereof ''Nonappropriated funds available to the Civilian Marksmanship Program shall''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, and 4310 and inserting in lieu thereof the following new items:

''4307. Promotion of rifle practice and firearms safety: administration.

''4308. Promotion of rifle practice and firearms safety: activities.

''4310. Rifle instruction and competitions: participation of members.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

SEC. 385. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) In the case of a Boy Scout Jamboree held on a United States military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).''.

SEC. 386. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2610. Acceptance of monetary awards from competition for excellence

''(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept any monetary award given to the Department of Defense by a nongovernmental entity as an award in competition recognizing excellence or innovation in providing services or administering programs.

''(b) DISPOSITION OF AWARDS.—(1) Subject to paragraph (2), a monetary award accepted under subsection (a) shall be credited to the appropriation supporting the operation of the command, installation, or other activity that is recognized for the award and, in such amount as is provided in advance in appropriation Acts, shall be available for the same purposes as the underlying appropriation.

''(2) Subject to such limitations as may be provided in appropriation Acts, the Secretary of Defense may disburse an amount not to exceed 50 percent of the monetary award to persons who are responsible for the excellence or innovation recognized by the award. A person may not receive more than $10,000 under the authority of this paragraph from any monetary reward.

''(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred to compete in a competition described in subsection (a) or to accept a monetary award under this section.

''(d) REGULATIONS AND REPORTING.—(1) The Secretary of Defense shall prescribe regulations to determine the disposition of any monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

''(2) The Secretary of Defense shall submit to Congress an annual report describing the disposition of any monetary awards accepted under this section and the payment of any incidental expenses under this subsection (c).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2610. Acceptance of monetary awards from competition for excellence.''.

SEC. 387. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out ''full'' before ''Civil Reserve Air Fleet'' in subsections (b)(2) and (e).

SEC. 388. PERMANENT AUTHORITY REGARDING USE OF PROCEEDS FROM SALE OF LOST, ABANDONED, AND UNCLAIMED PERSONAL PROPERTY AT CERTAIN INSTALLATIONS.

(a) CONVERSION OF EXISTING DEMONSTRATION PROJECT.—Section 343 the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsection:

''(d) APPLICATION OF SPECIAL RULE.—The special rule provided by subsection (a) shall apply with respect to the disposal under section 2575 of title 10, United States Code, of property found on the military installations referred to in subsection (b).''.

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is amended—

(1) by striking out ''DEMONSTRATION PROJECT'' in the subsection heading and inserting in lieu thereof ''SPECIAL RULE REGARDING PROCEEDS''; and

(2) by striking out ''demonstration project'' and inserting in lieu thereof ''permanent program''.

SEC. 389. TRANSFER OF EXCESS PERSONAL PROPERTY TO SUPPORT LAW ENFORCEMENT ACTIVITIES.

Section 1208(a)(1)(A) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101–189; 10 U.S.C. 372 note) is amended by striking out ''counter-drug activities'' and inserting in lieu thereof ''law enforcement activities, including counter-drug activities''.

SEC. 390. DEVELOPMENT AND IMPLEMENTATION OF INNOVATIVE PROCESSES TO IMPROVE OPERATION AND MAINTENANCE.

Of the amounts authorized to be appropriated under section 301(5), $350,000,000 shall be available to the Secretary of Defense for the development or acquisition of information technologies and reengineered functional processes, such as in the areas of personnel management, finance, and depot-level maintenance, for implementation within the Department of Defense. Before obligating or expending funds under this section for an information technology or reengineered functional process, the Secretary shall certify to Congress that the information technology or reengineered functional process—

(1) demonstrates a rate of return, within three years, of 300 percent compared to the investment made under this section; or

(2) would have a measurable effect upon the effectiveness of the readiness of the Armed Forces or the operation and management of the Department of Defense.

SEC. 391. REVIEW OF USE OF DEFENSE LOGISTICS AGENCY TO MANAGE INVENTORY CONTROL POINTS.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—The Secretary of Defense shall conduct a review regarding the consolidation under the Defense Logistics Agency of all inventory control points, including the inventory management and acquisition of depot-level repairables.

(b) SUBMISSION OF RESULTS.—Not later than March 31, 1996, the Secretary shall complete the review and submit a report to the congressional defense committees describing the results the review.

(c) LIMITATION ON IMPLEMENTATION OF MATERIEL MANAGEMENT STANDARD SYSTEM.—Pending the submission of the report, the Secretary of Defense may not proceed with the implementation of the automated data processing program of the Department of Defense known as the Materiel Management Standard System.

SEC. 392. SALE OF 50 PERCENT OF CURRENT WAR RESERVE FUEL STOCKS.

(a) SALE REQUIRED.—Notwithstanding section 2390(a) of title 10, United States Code, the Secretary of Defense shall reduce war reserve fuel stocks of the Department of Defense to a level equal to 50 percent of the level of such stocks on January 1, 1995. The Secretary shall achieve the reduction through consumption of fuel in the Department of Defense and, if necessary, sales of fuel outside the Department to the highest qualified bidders.

(b) SUBSEQUENT FUEL PURCHASES.—After the date of the enactment of this Act, fuel purchases for the Department of Defense shall be made on the basis of the actual fuel needs of the Department.

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the manner in which the reduction of war reserve fuel stocks is to be made and the time period within which the reduction is to be achieved.

(d) SUSPENSION OF REDUCTION; INCREASES.—The Secretary of Defense may suspend the reduction of war reserve fuel stocks, and in fact increase such stocks as otherwise authorized by law, in the event of a national emergency or to advance the national security interests of the United States.

SEC. 393. MILITARY CLOTHING SALES STORES, REPLACEMENT SALES.

(a) IN GENERAL.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

''(a) The branch, office, or officer designated by the Secretary of the Navy shall procure and sell, for cash or credit—

''(1) articles specified by the Secretary of the Navy or a person designated by the Secretary, to members of the Navy and Marine Corps; and

''(2) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

An account of sales on credit shall be kept and the amount due reported to any branch office, or officer designated by the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

''(b) The branch, office, or officer designated by the Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

''(c) The branch, office, or officer designated by the Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

''(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

''(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Navy or Marine Corps honorably or under honorable conditions at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify section 772 or 773 of this title.

''(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

''(g) The Secretary may provide for the procurement and sale of stores designated by him to such civilian officers and employees of the United States, and such other persons, as he considers proper—

''(1) at military installations outside the United States (provided such sales conform with host nation support agreements); and

''(2) at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain those stores from commercial enterprises without impairing the efficient operation of military activities.

However, sales to such civilian officers and employees inside the United States may be only to those who reside within military installations.

''(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of themselves and their families.''.

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

''7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.''.

(b) CONFORMING AMENDMENTS FOR OTHER ARMED FORCES.—(1) Section 4621(f) of such title is amended by inserting before the period at the end the following: ''or by commercial credit''.

(2) Section 9621(f) of such title is amended by inserting before the period at the end the following: ''or by commercial credit''.

SEC. 394. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM.—Of the amounts authorized to be appropriated in section 301(5)—

(1) $50,000,000 shall be available for providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $8,000,000 shall be available for making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION OF AVAILABILITY OF FUNDS.—Not later than June 30, 1996—

(1) the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) the Secretary of Education shall notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT.—The Secretary of Defense (with respect to funds made available under subsection (a)(1)) and the Secretary of Education (with respect to funds made available under subsection (a)(2)) shall disburse such funds not later than 30 days after the date on which notification to the eligible local education agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''educational agencies assistance'' means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(2) The term ''educational agencies payments'' means payments authorized under subsection (d) of that section.

(e) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out ''30 percent'' and inserting in lieu thereof ''20 percent''; and

(2) by striking out ''counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)''.

(f) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended by striking out ''and 1995'' and inserting in lieu thereof ''1995, and 1996''.

(g) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) in subsection (d), by striking out ''under section 3'' and all that follows through ''of such subsection that result from'' and inserting in lieu thereof ''payments under section 8003(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(e)) as a result of'';

(2) in subsection (e)(2)(C), by inserting after ''et seq.),'' the following: ''title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),'';

(3) in subsection (e)(2)(D), by striking out ''under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238)''; and

(4) in subsection (h)—

(A) in paragraph (1), by striking out ''section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))'' and inserting in lieu thereof ''section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))''; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

''(3) The term 'State' does not include Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands.''.

SEC. 395. CORE LOGISTICS CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2473. Depot-level maintenance and repair workload

''(a) IMPORTANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR CORE CAPABILITIES.—It is essential for the national defense that the United States maintain a core depot-level maintenance and repair capability (including skilled personnel, equipment, and facilities) within facilities owned and operated by the Department of Defense that—

''(1) is of the proper size (A) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to military contingencies, and (B) to provide for rapid augmentation in time of emergency; and

''(2) is assigned sufficient workload to ensure cost efficiency and proficiency in time of peace.

''(b) DETERMINATION OF CORE DEPOT MAINTENANCE ACTIVITIES.—(1) The Secretary of each military department shall identify those depot-level maintenance and repair activities under that Secretary's jurisdiction that are necessary to ensure for that military department the depot-level maintenance and repair capability described in subsection (a) and as required by section 2464 of this title.

''(2) The Secretary of each military department shall prescribe the procedures to be used to quantify the requirements necessary to support the capability described in subsection (a).

''(c) PERFORMANCE OF WORKLOAD THAT SUPPORTS DEPOT-LEVEL MAINTENANCE AND REPAIR CORE CAPABILITIES.—The Secretary of each military department shall require the performance of depot-level maintenance and repair of activities identified under subsection (b) at organic Department of Defense maintenance depots at levels sufficient to ensure that the Department of Defense maintains the core depot-level maintenance and repair capability described in subsection (a).

''(d) INTERSERVICING OF WORKLOAD.—The Secretary of Defense, after consultation with the Secretaries of the military departments, may transfer workload that supports the core capability described in subsection (a) from one military department to another. The Secretary of Defense shall use merit-based criteria in evaluating such transfers.

''(e) SOURCE OF REPAIR FOR OTHER DEPOT-LEVEL WORKLOADS.—In the case of depot-level maintenance and repair workloads in excess of the workload required pursuant to subsection (c) to be performed at organic Department of Defense depots, the Secretary of Defense, after consultation with the Secretaries of the military departments, may provide for the performance of those workloads through sources selected by competition. The Secretary of Defense shall use competition between private firms and organic Department of Defense depots for any such workload when the Secretary determines there are less than two qualified sources of supply among private firms for the performance of that specific depot-level maintenance workload.

''(f) DEPOT-LEVEL WORKLOAD COMPETITIONS.—In any competition under this section for a depot-level workload (whether among private firms or between Department of Defense activities and private firms), bids from any entity participating in the competition shall accurately disclose all costs properly and consistently derived from accounting systems and practices

that comply with laws, policies, and standards applicable to that entity. In any competition between Department of Defense activities and private firms, the Government calculation for the cost of performance of the function by Department of Defense civilian employees shall be based on an estimate using the most efficient and cost effective manner for performance of such function by Department of Defense civilian employees.

''(g) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report specifying depot maintenance core capability requirements determined in accordance with the procedures established to comply with subsection (b)(2) and the planned amount of workload to be accomplished in the organic depots of each military department in support of those requirements for the following fiscal year. The report shall identify the planned amount of workload measured by direct labor hours and by amounts expended and shall be shown separately for each commodity group.''.

(b) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—Effective December 31, 1996—

(1) section 2466 of title 10, United States Code, is repealed unless Congress takes further action regarding such repeal; and

(2) section 2469 of title 10, United States Code, is repealed unless Congress takes further action regarding such repeal.

(c) INTERIM EXCLUSION OF LARGE MAINTENANCE AND REPAIR PROJECTS FROM 60/40 REQUIREMENT.—Effective on the date of the enactment of this Act, section 2466(d) of title 10, United States Code, is amended—

(1) by striking out ''EXCEPTION.—'' and inserting in lieu thereof ''EXCEPTIONS.—(1)''; and

(2) by adding at the end the following new paragraph:

''(2) If a maintenance or repair project for a single item that is contracted for performance by non-Federal Government personnel accounts for 5 percent or more of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload, the project and the funds necessary for the project shall not be considered when applying the percentage limitation specified in subsection (a) to that military department or Defense Agency.''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 146 of such title is amended—

(1) effective December 31, 1996, by striking out the items relating to sections 2466 and 2469; and

(2) by adding at the end the following new item:

''2473. Depot-level maintenance and repair workload.''.

(e) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall include the following:

(1) The analysis required by subsection (f) of the effect on that workload of the so-called 60/40 requirement.

(2) The analysis required by subsection (g) of the projected effect on that workload using a definition of core capability consistent with the description in section 2473(a) of title 10, United States Code, as added by subsection (a).

(3) The comparison of those analyses required by subsection (h).

(4) Identification and analysis of significant issues that arise if organic Department of Defense depots are allowed to participate in a full and open competition with private firms for repair workloads in excess of work that supports core capabilities.

(f) 60/40 REQUIREMENT.—(1) The report under subsection (e) shall include an analysis of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Government personnel. That analysis shall include the following:

(A) A description of the effect on military readiness and the national security resulting from that requirement, including a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(B) A determination of the depot-level maintenance and repair workload of the Department of Defense allocated for performance by organic Department of Defense depots for any fiscal year during which the requirement has been in effect, the percentage of funds for that workload that were obligated to private sector entities, shown for each such fiscal year and for the entire period during which the requirement has been in effect.

(2) That analysis shall be made with respect to—

(A) the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution for each commodity group (such as naval vessels, aircraft, tracked combat vehicles); and

(B) the projected distribution during the five fiscal years beginning with fiscal year 1996 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, set forth in the same manner as described in subparagraph (A).

(g) CORE WORKLOAD ANALYSIS.—The report under subsection (e) shall include an analysis of the depot-level maintenance and repair workload of the Department of Defense in which the Secretary uses the capability described in section 2473(a) of title 10, United States Code, as added by subsection (a), as the standard for determining that portion of such workload that is required to be performed in organic Department of Defense facilities. That analysis shall be made with respect to—

(1) the distribution that would (using that standard) have been made during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution for each commodity group (such as naval vessels, aircraft, tracked combat vehicles); and

(2) the projected distribution (using that standard) during the five fiscal years beginning with fiscal year 1996 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, set forth in the same manner as described in paragraph (1).

(h) COMPARISON.—The report under subsection (e) shall include a comparison of the results of the analysis of the depot-level maintenance and repair workload of the Department of Defense under subsection (f) with the results of the analysis of that workload under subsection (g). The comparison shall include a comparison of the two analyses by service and commodity group with respect to each of the following:

(1) Identification, based on each analysis, of core workloads and of the capabilities and equipment needed to perform depot-level maintenance and repair for those core workloads.

(2) Identification, based on each analysis, of depot-level maintenance and repair work performed (or that would be performed) at organic Department of Defense depots and of depot-level maintenance and repair work performed (or that would be performed) by non-Government personnel.

(3) Readiness.

(4) The Department of Defense budget.

(5) The depot-level maintenance and repair workload distribution, under each analysis, by direct labor hours performed and by dollars expended.

(6) Projected level, for each analysis, of Government capital investment in public and private depot-level maintenance and repair facilities.

(i) REVIEW BY GAO.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (e). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than April 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the analysis by the Comptroller General of the report submitted by the Secretary of Defense under this section.

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, 1996 , as follows:

(1) The Army, 495,000.

(2) The Navy, 428,000.

(3) The Marine Corps, 174,000.

(4) The Air Force, 388,200.

SEC. 402. TEMPORARY VARIATIONS IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY NAVY AND AIR FORCE OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS IN GRADE OF MAJOR.—Notwithstanding section 523(a)(1) of title 10, United States Code, and except as provided in section 523(c) of such title, of the total number of commissioned officers serving on active duty in the Air Force at the end of any fiscal year through fiscal year 1997 (excluding officers in categories specified in section 523(b) of title 10, United States Code), the number of officers who may be serving on active duty in the grade of major may not, as of the end of such fiscal year, exceed the number determined in accordance with the following table:

Total number of Air Force commissioned officers (excluding officers in categories specified in section 523(b) of title 10, United States Code) on active duty	*Number of officers who may be serving on active duty in grade of major*
70,000	*14,612*
75,000	*15,407*
80,000	*16,202*
85,000	*16,997*
90,000	*17,792*
95,000	*18,587*
100,000	*19,382*
105,000	*20,177*
110,000	*20,971*
115,000	*21,766*
120,000	*22,561*
125,000	*23,356*

(b) NAVY OFFICERS IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.—Notwithstanding section 523(a)(2) of title 10, United States Code, and except as provided in section 523(c) of such title, of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year through fiscal year 1997 (excluding officers in categories

specified in section 523(b) of title 10, United States Code), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of Navy commissioned officers (excluding officers in categories specified in section 523(b) of title 10, United States Code) on active duty	Number of officers who may be serving on active duty in grade of		
	Lieutenant Commander	Commander	Captain
45,000	10,034	6,498	2,801
48,000	10,475	6,706	2,902
51,000	10,916	6,912	3,002
54,000	11,357	7,120	3,103
57,000	11,798	7,328	3,204
60,000	12,239	7,535	3,305
63,000	12,680	7,742	3,406
66,000	13,121	7,949	3,506
70,000	13,709	8,226	3,641
90,000	16,649	9,608	4,313

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, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,608.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 109,458.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996 , the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,490.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,817.

(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.''.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) SCOPE.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $68,951,663,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) EFFECT ON END STRENGTHS.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons.''.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons.''.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) REQUIREMENT OF ANNUAL AUTHORIZATION OF END STRENGTH.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.''.

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) AUTHORIZATION FOR FISCAL YEARS 1996 AND 1997.—For each of fiscal years 1996 and 1997, the number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) may not exceed the following:

(1) Army National Guard, 25,500.

(2) Army Reserve, 6,630.

(3) Air National Guard, 22,906.

(4) Air Force Reserve, 9,802.

(c) ADMINISTRATION OF MILITARY TECHNICIAN PROGRAM.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10216. Military technicians

''(a) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

''(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

''(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

''(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

''(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

''(3) For each fiscal year, the Secretary of Defense shall, for reserve component management headquarters organizations (including national and State-level National Guard headquarters, in United States Property and Fiscal Offices, and

in similar management-level headquarters in the Army and Air Force Reserve), achieve a programmed manning level for military technicians that is not more than 70 percent of the programmed manpower structure for those organizations for military technicians for that fiscal year.

''(4) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions. Planned reductions in Department of Defense civilian personnel that would apply to such technician authorizations and personnel but for this paragraph shall be reallocated by the Secretary of Defense on a proportional basis throughout the Department of Defense, with an emphasis on reducing headquarters personnel.

''(b) DUAL-STATUS REQUIREMENT.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the selected reserve if such loss of membership was not due to the failure to meet military standards.''.

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

''10216. Military technicians.''.

(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of those positions to the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

''(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

''(2) Within each of the numbers under paragraph (1)—

''(A) the number applicable to a reserve component management headquarter organization; and

''(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

''(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).''.

SEC. 512. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code is amended by adding at the end the following new subsection:

''(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

''(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.''.

SEC. 513. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

''(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

''(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section.''; and

(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out ''National Guard'' before the period at the end and inserting in lieu thereof ''Selected Reserve''.

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out ''National Guard'' both places it appears and inserting in lieu thereof ''Selected Reserve'';

(2) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

''(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.''.

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out ''National Guard'' each place it appears and inserting in lieu thereof ''Selected Reserve''; and

(2) in subsection (c)—

(A) by striking out ''a member of the Army National Guard enters the National Guard'' and inserting in lieu thereof ''a member of the Army Selected Reserve enters the Army Selected Reserve''; and

(B) by striking out ''from the Army National Guard''.

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out ''National Guard'' each place it appears and inserting in lieu thereof ''Selected Reserve''.

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting ''and the Army Reserve'' before the period at the end.

SEC. 514. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting ''full-time'' before ''active duty'' in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ''A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.''.

SEC. 515. REPORT ON FEASIBILITY OF PROVIDING EDUCATION BENEFITS PROTECTION INSURANCE FOR SERVICE ACADEMY AND ROTC SCHOLARSHIP STUDENTS WHO BECOME MEDICALLY UNABLE TO SERVE.

Not later than June 30, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and the feasibility of the establishment of an insurance program, to operate at no cost to the Government, to insure individuals who are cadets or midshipmen at one of the service academies or who hold Reserve Officer Training Corps scholarships under section 2107 or 2107a of title 10, United States Code, against the loss of the value of attendance at such service academy (in terms of the cost of education at another institution), or the value of the scholarship, in cases in which such attendance or such scholarship is terminated by the Secretary of the military department concerned because the individual has become, through no fault of the individual, medically disqualified from military service.

SEC. 516. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2111a. Detail of officers to senior military colleges

''(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense shall detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

''(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

''(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

''(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense shall authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

''(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

''(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

''(1) Texas A&M University.

''(2) Norwich College.

''(3) The Virginia Military Institute.

''(4) The Citadel.

''(5) Virginia Polytechnic Institute and State University.

''(6) North Georgia College.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2111a. Detail of officers to senior military colleges.''.

SEC. 517. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

''CHAPTER 1214—READY RESERVE INCOME INSURANCE

''Sec.
''12521. Definitions.
''12522. Establishment and purpose of program.
''12523. Program administration.
''12524. Eligible insurance companies.
''12525. Persons insured; amount.
''12526. Deductions; payment.
''12527. Payment of insurance; beneficiaries.
''12528. Premiums; accounting to the Secretary.
''12529. Forfeiture.

"§ 12521. Definitions

''In this chapter:

''(1) The term 'covered service' means active duty in the armed forces performed by a member of a reserve component under orders for more than 30 days which specify that the member's service is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent or in support of forces activated during a period of war or during a period of national emergency as declared by the President or Congress.

''(2) The term 'covered member' means a member of the Ready Reserve who is eligible for and who has not declined coverage under this chapter.

''(3) The term 'Secretary' means the Secretary of Defense.

''(4) The term 'Department' means the Department of Defense.

''(5) The term 'Board' means the Board of Actuaries established under section 2006(e)(1) of this title.

''(6) The term 'Fund' means the Department of Defense Ready Reserve Income Insurance Fund.

"§ 12522. Establishment and purpose of program

''(a) ESTABLISHMENT.—There is established an insurance program for members of the Ready Reserve to be known as the Department of Defense Ready Reserve Income Insurance Program which shall be administered by the Secretary. There is also established on the books of the Treasury a fund to be known as the Department of Defense Ready Reserve Income Insurance Fund, which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Program.

''(b) ASSETS OF FUND.—There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under sections 12526 and 12528 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''(c) BOARD OF ACTUARIES.—The Department of Defense Education Benefits Fund Board of Actuaries shall have the actuarial responsibility for the Program.

''(d) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—(1) Not later than six months after the Program is established, the Board shall determine (project) the premium rate for the coverage to be offered.

''(2) If at the time of any such valuation there has been a change in benefits under the Program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board shall determine a premium rate methodology and schedule for the liquidation of any liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

''(3) If at the time of any such valuation the Board determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Board shall recommend a premium rate schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

''(4) If at any time liabilities exceed assets of the Fund as a result of a call up, and funds are unavailable to pay benefits, the Secretary shall seek a special appropriation to cover the unfunded liability. If appropriations are not made, in any fiscal year, the Secretary shall limit the value of any benefits conferred by this program to an amount that does not exceed assets of the Fund expected to accrue at the end of such fiscal year. Benefits that cannot be paid because of such limitation of funds shall be deferred and paid only after funds become available.

''(e) PAYMENTS INTO THE FUND.—(1) Payment into the Fund under this subsection shall accumulate in accordance with the provisions of section 12526 of this title.

''(2) At the beginning of each fiscal year, the Secretary shall determine the sum of the following:

''(A) The projected amount of the premiums to be collected, investment earnings, and any special appropriations received for that fiscal year.

''(B) The amount for that year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

''(C) The amount for that year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

''(f) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

"§ 12523. Program administration

''The insurance program provided for in this chapter shall be administered by the Secretary, who is authorized to adopt such rules, procedures, and policies as in the Secretary's judgment may be necessary or appropriate to carry out the purposes of this chapter.

"§ 12524. Eligible insurance companies

''(a) The Secretary may, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), purchase from one or more insurance companies a policy or policies of group insurance to offer benefits to all members. Each such insurance company shall (1) be licensed to issue insurance in each of the 50 States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least 1 percent of the total amount of insurance which all such insurance companies have in effect in the United States.

''(b) Any insurance company which issues a policy under subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

''(c) The Secretary may use the facilities and services of any insurance company issuing any policy under this chapter and may designate one such company as the representative of the other companies and contract to pay a reasonable fee to the designated company for its services.

''(d) The Secretary shall arrange with the insurance company issuing any policy under this chapter to reinsure, under conditions approved by the Secretary, portions of the total amount of insurance under such policy or policies with such other insurance companies (which meet qualifying criteria set forth by the Secretary) as may elect to participate in such reinsurance.

''(e) The Secretary may at any time discontinue any policy purchased under this section.

"§ 12525. Persons insured; amount

''(a)(1) Any policy of insurance provided under this chapter shall insure each covered member of the Ready Reserve against covered service. Any covered member ordered into covered service shall be entitled to payment of a basic benefit of $1,000 for each month of covered service which is in excess of the initial 30 days of covered service, unless the member has elected in writing (A) not to be insured under this chapter, (B) to be insured for a lower benefit of half the basic benefit, or (C) to be insured in a greater amount, in increments of $500, above the basic benefit not to exceed $5,000 per month of

covered service (adjusted pursuant to paragraph (2)), following the initial 30 days of covered service, except that no member may be paid under this chapter for more than 12 months of covered service served during any period of 18 months. Payment for any period of covered service less than one month shall be at the rate of one-thirtieth of the monthly rate for each day served. Payment shall be based solely on insured status and on the period of covered service served; no proof of lost income or expenses incurred as a result of covered service shall be required.

''(2) The Secretary shall determine annually the effect of inflation on the benefits and establish an adjustment rate which ensures that there is no loss of value in the benefits payable to a member. Adjustments shall apply to benefits for members with existing coverage and for newly eligible members. Such adjustments for inflation will be rounded to the nearest $10 increment.

''(3) Members of the Ready Reserve who, under regulations prescribed by the Secretary of Defense in coordination with the Secretary of Transportation, are serving on active duty (or full-time National Guard duty) shall not be eligible to purchase insurance under this chapter. Additional categories of members of the Ready Reserve, in the discretion of the Secretary of Defense, may also be excluded from eligibility to purchase insurance under this chapter.

''(b) Promptly following the effective date of this chapter, the Secretary shall make a one-time offer of insurance coverage under this chapter to all persons who were members of the Ready Reserve of an armed force on that date and who remain members of the Ready Reserve. Members of the Ready Reserve, first becoming eligible for coverage after the effective date of this chapter, shall be automatically enrolled for the basic benefit unless declined, or another amount is elected under subsection (a)(1).

''(c) Members shall be given a written explanation of the insurance and be advised that they have the right (1) to decline coverage altogether, (2) to select half the basic benefit, or (3) to select increased benefits. The right of a member of the Ready Reserve to decline, increase, or decrease coverage shall be exercised within 30 days of first being eligible for coverage.

''§ 12526. Deductions; payment

''(a)(1) During any period in which a member insured under this chapter is participating in paid reserve training or other duty, there shall be deducted each month from the member's basic pay or compensation for inactive duty training an amount determined by the Secretary to be the same for all members of the Ready Reserve who subscribe to the same amount of insurance as the share of the cost attributable to insuring such member. As provided in section 12525 of this title, the Secretary may establish graduated monthly premiums for an amount of insurance less than the basic amount of coverage or in excess of the basic coverage amount.

''(2) Any member insured under this chapter who is not in a pay status in which the member receives pay on a monthly basis shall pay the cost attributable to insuring such member in accordance with regulations to be adopted by the Secretary.

''(b) An amount equal to the first amount due on insurance under this chapter may be advanced from current appropriations for military pay to any such member, which amount shall constitute a lien upon the pay for military service accruing to the person to whom such advance was made, and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss by reason of such advance.

''(c) The sums withheld from the basic or other pay of insured members or deposited by insured members, together with the income derived from any dividends or premium rate adjustments, shall be deposited to the credit of the Fund. All premium payments for insurance issued under this chapter shall be deposited into the Fund.

''§ 12527. Payment of insurance; beneficiaries

''(a) A member insured under this chapter who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis, with the first payment due no later than one month following the 30th day of covered service. The Secretary shall adopt regulations prescribing the manner in which payments shall be made, either to the member or, in accordance with subsection (d), to a designated person or entity.

''(b) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest as determined by the Secretary by regulation) to whom the insurance payments to which such member is entitled are to be paid. Such designation may be made to a bank or other financial institution, to the credit of a designated person. In the latter event, insurance payments to which a member becomes entitled shall be paid to the designated person, bank or financial institution.

''(c) Any amount of insurance payable under this chapter on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim therefor, to the beneficiary or beneficiaries which the former member had designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

''§ 12528. Premiums; accounting to the Secretary

''(a) Each policy of insurance provided by the Secretary under this chapter shall include for the first policy years a fixed monetary premium per $1,000 of insurance, based, in consultation with the Board, on the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors. Different premium levels may be established for different amounts of coverage, provided that the premium rate established for the basic benefit shall not be at a premium rate higher than the premium rate set for increased coverages.

''(b) Each policy shall include provisions whereby the premium rate for the first policy year shall be continued for subsequent policy years (but the premium amount may be increased to account or inflation-adjusted benefit increases). The rate may be readjusted for any subsequent year with the consent of the Secretary based on prior consultation with the Board of Actuaries.

''§ 12529. Forfeiture

''Any person found guilty of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces, shall forfeit all rights to insurance under this chapter.''.

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

''1214. Ready Reserve Income Insurance ..... 12521''.

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1218 of title 10, United States Code, as added by subsection (a), and the deductions and contributions for that program shall take effect on a date designated by the Secretary. Such date may not be later than September 30, 1996. The Secretary shall publish in the Federal Register notice of such effective date.

SEC. 518. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

Subtitle C—Matters Relating to Force Levels

SEC. 521. FLOOR ON END STRENGTHS.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 691. Permanent end strength levels to support two major regional contingencies

''(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

''(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

''(1) For the Army, 495,000.

''(2) For the Navy, 395,000.

''(3) For the Marine Corps, 174,000.

''(4) For the Air Force, 381,000.

''(c) No funds appropriated to the Department of Defense may be used to reduce the active duty end strengths for the armed forces below the levels specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to reduce such end strengths below the levels specified in subsection (b) until the end of the six-month period beginning on the date of the submission of such notification to Congress.

''(d) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''691. Permanent end strength levels to support two major regional contingencies.''.

SEC. 522. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 3201. Officers on active duty: minimum strength based on requirements

''(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least 90 percent of the programmed manpower structure for the active component of the Army.

''(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

''(c) In this section:

''(1) The term 'programmed manpower structure' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

''(2) The term 'programmed force structure' means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after ''Sec.'' the following new item:

''3201. Officers on active duty: minimum strength based on requirements.''.

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources (including resources from outside Army accounts) to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 523. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 524. MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

Not later than September 30, 1996, the Secretary of each military department shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units under that Secretary's jurisdiction that (as determined by the Secretary) are high-priority support units that would deploy early in a contingency operation or other crisis and that are, as a matter of policy, managed at less than 100 percent of their authorized strengths. The Secretary shall include in the report the number of such high-priority support units (shown by type of unit), the level of manning within such high-priority support units, and either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 525. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of unit or assignment.

Subtitle D—Amendments to the Uniform Code of Military Justice

SEC. 541. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 542. FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT BY SENTENCE OF COURT-MARTIAL.

(a) FORFEITURE.—(1) Subchapter VIII is amended by inserting after section 857 (article 57) the following new section (article):

"§ 857a. Art. 57a. Sentences: forfeiture of pay and allowances during confinement by sentence of court-martial

''(a) A court-martial sentence, as announced by the sentencing authority, that includes confinement shall result in the forfeiture of pay and allowances due that member during the period of the confinement or while on parole. The forfeiture shall be effective on the date on which the sentence is announced. The percentage of pay and allowances forfeited shall be the maximum percentage that the court-martial could have directed as part of the sentence.

''(b) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for confinement, the member shall be paid the pay and allowances which the member would have been paid, but for the forfeiture, for the period during which the forfeiture was in effect.''.

(2) The table of sections at the beginning of subchapter VIII is amended by inserting after the item relating to section 857 (article 57) the following new item:

''857a. 57a. Sentences: forfeiture of pay and allowances during confinement by sentence of court-martial.''.

(b) ACTION BY THE CONVENING AUTHORITY.—Section 860 (article 60) is 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) In a case involving an accused who has dependents and in which the sentence, as approved, includes confinement, the convening authority or other person taking action under this section may waive some or all of the forfeiture of pay and allowances otherwise required by section 857a of this title (article 57a). Any amount of pay and allowances payable only by reason of such a waiver shall be paid, as the convening authority or other person taking action under this section directs, to the dependents of the accused.''

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 543. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended by striking out ''shall be'' in the second sentence and all that follows inserting in lieu thereof ''shall be fined or imprisoned, or both, at the court's discretion.''.

SEC. 544. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

"§ 895. Art. 95. Resistance, flight, breach of arrest, and escape

''Any person subject to this chapter who—

''(1) resists apprehension;

''(2) flees from apprehension;

''(3) breaks arrest; or

''(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.''.

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

''895. 95. Resistance, flight, breach of arrest, and escape.''.

SEC. 545. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

''(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

''(1) who is not that person's spouse; and

''(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.''.

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

''(d) In a prosecution under subsection (b), it is a defense that—

''(1) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

''(2) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.''.

SEC. 546. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out ''within six days'' and inserting in lieu thereof ''within fourteen days''.

SEC. 547. PERSONS WHO MAY APPEAR BEFORE THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

Section 944 (article 144) is amended by adding at the end the following new sentence: ''However, no person may appear before the court (whether on a brief or in person) other than an attorney who is admitted to practice before the court or who is authorized to appear by the court in a particular case (except that the court may permit a third-year law student certified under a State rule for practical training of law students to appear as an amicus curiae).''.

SEC. 548. DISCRETIONARY REPRESENTATION BY GOVERNMENT APPELLATE DEFENSE COUNSEL IN PETITIONING SUPREME COURT FOR WRIT OF CERTIORARI.

Section 870 (article 70) is amended—

(1) in subsection (c), by inserting ''(except as provided in subsection (f))'' before ''the Supreme Court''; and

(2) by adding at the end the following new subsection:

''(f) Representation of the accused by appellate defense counsel in preparation of a petition to the Supreme Court for a writ of certiorari shall be at the discretion of the appellate defense counsel.''.

SEC. 549. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 942 note) is repealed.

SEC. 550. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out ''Courts of Military Review'' both places it appears and inserting in lieu thereof ''Courts of Criminal Appeals''.

Subtitle E—Other Matters

SEC. 551. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by inserting ''(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—'' before ''An enlisted member'';

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

''(3) is confined by military or civilian authorities for more than one day before, during, or after trial; or''; and

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

(b) OFFICER SERVICE CREDIT.—Such section is further amended by adding at the end the following:

''(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

''(1) deserts;

''(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

''(3) is confined by military or civilian authorities for more than one day before, during, or after trial; or

''(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.''.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''972. Members: effect of time lost.''.

(d) CONFORMING AMENDMENTS.—(1) Section 1405(c) is amended—

(A) by striking out ''MADE UP.—Time'' and inserting in lieu thereof ''MADE UP OR EXCLUDED.—(1) Time'';

(B) by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)'';

(C) by inserting after ''of this title'' the following: '', or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,''; and

(D) by adding at the end the following:

''(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)''; and

(B) by adding at the end of section 3926 the following new subsection:

''(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

''§ 6328. Computation of years of service: voluntary retirement

''(a) ENLISTED MEMBERS.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

''(b) OFFICERS.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this chapter any time identified with respect to that officer under that section.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

''6328. Computation of years of service: voluntary retirement.''.

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)''; and

(B) by adding at the end of section 8926 the following new subsection:

''(d) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 552. EXTENSION OF EXPIRING PERSONNEL AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(n) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(d) AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.—Section 5721 of title 10, United States Code, is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 553. INCREASE IN EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(2) The authority provided by paragraph (1) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.''.

SEC. 554. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) GENERAL EDUCATION LOAN REPAYMENT PROGRAM.—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

(b) EDUCATION LOAN REPAYMENT PROGRAM FOR ENLISTED MEMBERS OF SELECTED RESERVE WITH CRITICAL SPECIALTIES.—Section 16301(a)(1) of such title is amended—

(1) by striking out ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

(c) EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED RESERVE WITH WARTIME CRITICAL MEDICAL SKILL SHORTAGES.—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

SEC. 555. RECOGNITION BY STATES OF LIVING WILLS OF MEMBERS, CERTAIN FORMER MEMBERS, AND THEIR DEPENDENTS.

(a) RECOGNITION BY STATES REQUIRED.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

''§ 1044c. Military advance medical directives: requirement for recognition by States

''(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—A military advance medical directive—

''(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

''(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

''(b) MILITARY ADVANCE MEDICAL DIRECTIVES.—For the purposes of this section, a military advance medical directive is any written declaration regarding future medical treatment that—

''(1) is executed by a person eligible for legal assistance under section 1044(a) of this title or regulations of the Secretary concerned; and

''(2) is intended—

''(A) to provide, withdraw, or withhold life-prolonging procedures, including hydration and sustenance, in the event of a terminal condition or persistent vegetative state of the declarant; or

''(B) to appoint another person to make health care decisions for the declarant under circumstances stated in the declaration if the declarant is determined to be incapable of making informed health care decisions.

''(c) STATEMENT TO BE INCLUDED.—Under regulations prescribed by the Secretary concerned, a written declaration described in subsection (b) shall contain a statement that clearly indicates the purpose of the declaration to serve as the military advance medical directive of the declarant. However, the failure of a military advance medical directive to include such a statement shall not be construed to negate the legal effect of the directive under subsection (a).

''(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following new item:

''1044c. Military advance medical directives: requirement for recognition by States.''.

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, as added by subsection (a), shall apply with respect to any military advance medical directive described in such section declared before, on, or after the date of the enactment of this Act.

SEC. 556. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) MANDATORY PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by striking out ''may each establish a program'' and inserting in lieu thereof ''shall each establish a program''.

(b) PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended by striking out ''of a separation from active duty as'' in the first sentence.

SEC. 557. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

''§ 4303. Army Ranger Training: instructor staffing; safety

''(a) LEVELS OF PERSONNEL ASSIGNED TO BE NOT LESS THAN NUMBER REQUIRED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade (or other organizational element of the Army primarily responsible for ranger student training) are not less than the required manning spaces for that brigade.

''(2) If at any time the number of officers, or the number of enlisted members, permanently assigned to the Ranger Training Brigade is less than the required manning spaces for officers, or for enlisted members, as the case may be, for the Brigade, the Secretary of the Army shall submit to Congress a notice of such shortage, together with a statement of the reasons for the shortage and of the expected date when the number assigned will be not less than the required manning spaces, in accordance with paragraph (1).

''(b) REQUIRED MANNING SPACES.—(1) The Secretary of the Army may not (except as provided in paragraph (3)) reduce the required manning spaces for the Ranger Training Brigade below the baseline required manning spaces.

''(2) In this section:

''(A) The term 'required manning spaces' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

''(B) The term 'baseline required manning spaces' means the required manning spaces for the Army Ranger Training Brigade as of February 10, 1995, of 94 officers and 658 enlisted members.

''(3) The Secretary may (subject to paragraph (4)) make reductions in required manning spaces for the Army Ranger Training Brigade from the baseline required manning spaces if—

''(A) reductions in ranger student training loads result in decreased instructor workload; and

''(B) one or more of the three major phases of the Ranger Course (conducted at Fort Benning, Georgia, at the Mountain Ranger Camp, and in Florida) is eliminated.

''(4) Before making a reduction authorized by paragraph (3) in required manning spaces, the Secretary of the Army shall submit to Congress a report on the proposed reduction. Such a reduction may not be made unless the report includes a certification by the Secretary that the reduction will not reduce the ability of the commander of the Ranger Training Brigade to conduct training safely. The report shall include a description of the reduction (including specification of the number of officers and the number of enlisted members that will be considered to be required to carry out the missions of the Army Ranger Training Brigade after the reduction) and shall set forth the rationale of the Secretary for the reduction.

''(c) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a 'safety cell' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

''(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily 'go' and 'no-go' decisions regarding training in light of all relevant conditions, including conditions of terrain, weather, water, and climate and other conditions.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

''4303. Army Ranger Training: instructor staffing; safety.''.

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, or the number of enlisted members, permanently assigned to the Ranger Training Brigade is not 100 percent (or more) of the requirement specified in subsection (b) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army—

(A) shall take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) not later than 90 days after such date of enactment, shall submit to Congress a plan to achieve and maintain that requirement.

(2) If the Secretary does not accomplish the requirement referred to in paragraph (1) with respect to both officers and enlisted members within 12 months after the date of the enactment of this Act (as required by paragraph (1)(A)), the Secretary shall halt all training activities of the Ranger Training Brigade until the requirement is met.

SEC. 558. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—(1) Section 410 of title 10, United States Code, and section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note) are repealed.

(2) The table of sections at the beginning of chapter 20 of title 10, United States Code, is amended by striking out the item relating to section 410.

(b) REPEAL OF RELATED PROVISIONS.—The following sections of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) are repealed.

(1) Section 1045 (10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs.

(2) Section 1091 (32 U.S.C. 501 note), relating to the National Guard Civilian Youth Opportunities Program.

(c) TERMINATION OF SUPPORT OF CIVILIAN COMMUNITY CORPS.—(1) The Secretary of Defense may not provide support to, or participate in, the Civilian Community Corps Demonstration Program established under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611–12626) or the Civilian Community Corps required as part of that demonstration program.

(2) Section 1093 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 12612 note), relating to coordination between the National Guard Civilian Youth Opportunities Pilot Program and the Civilian Community Corps Demonstration Program, is repealed.

SEC. 559. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 560. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter Sec.
"I. Military Family Programs 1781
"II. Military Child Care 1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.
"1781. Office of Family Policy.
"1782. Surveys of military families.
"1783. Family members serving on advisory committees.
"1784. Employment opportunities for military spouses.
"1785. Youth sponsorship program.
"1786. Dependent student travel within the United States.
"1787. Reporting of child abuse.

"§ 1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

"§ 1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(4)(A) of title 44.

"§ 1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§ 1784. Employment opportunities for military spouses

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

"(1) to implement such measures as the President orders under subsection (a);

"(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

"(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

"(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

"(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

"§ 1785. Youth sponsorship program

"(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

"(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

"§ 1786. Dependent student travel within the United States

"Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

"§ 1787. Reporting of child abuse

"(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

"(b) DEFINITION.—In this section, the term 'child abuse and neglect' has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

"SUBCHAPTER II—MILITARY CHILD CARE

"Sec.
"1791. Funding for military child care.
"1792. Child care employees.
"1793. Parent fees.
"1794. Child abuse prevention and safety at facilities.
"1795. Parent partnerships with child development centers.
"1796. Subsidies for family home day care.
"1797. Early childhood education program.
"1798. Definitions.

"§ 1791. Funding for military child care

"It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

"§ 1792. Child care employees

"(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

"(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

"(3) The training program established under this subsection shall cover, at a minimum, training in the following:

"(A) Early childhood development.

"(B) Activities and disciplinary techniques appropriate to children of different ages.

"(C) Child abuse prevention and detection.

"(D) Cardiopulmonary resuscitation and other emergency medical procedures.

"(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

"(2) The duties of such employees shall include the following:

"(A) Special teaching activities at the center.

"(B) Daily oversight and instruction of other child care employees at the center.

"(C) Daily assistance in the preparation of lesson plans.

"(D) Assistance in the center's child abuse prevention and detection program.

"(E) Advising the director of the center on the performance of other child care employees.

"(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

"(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

"(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

"(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

"(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

"(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

"(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term 'competitive service position' means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

"§ 1793. Parent fees

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

"(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis,

to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

"§ 1794. Child abuse prevention and safety at facilities

''(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

''(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

''(2) The Secretary shall publicize the existence of the number.

''(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

''(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

''(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

''(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

''(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

''(3) If a military child development center is closed under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report notifying those committees of the closing. The report shall include—

''(A) notice of the violation that resulted in the closing and the cost of remedying the violation; and

''(B) a statement of the reasons why the violation has not been remedied as of the time of the report.

"§ 1795. Parent partnerships with child development centers

''(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

''(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§ 1796. Subsidies for family home day care

''The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§ 1797. Early childhood education program

''The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§ 1798. Definitions

''In this subchapter:

''(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

''(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

''(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

''(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"88. Military Family Programs and Military Child Care ..... 1781".

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) CONFORMING AMENDMENT.—Effective October 1, 1995, section 1782(c) of title 10, United States Code, as added by subsection (a), is amended by striking out ''section 3502(4)(A) of title 44'' and inserting in lieu thereof ''section 3502(3)(A)(i) of title 44''.

(f) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

SEC. 561. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV–1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§ 1177. Members infected with HIV–1 virus: mandatory discharge or retirement

''(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

''(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

''(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

''(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

''(e) 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.

''(f) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus–1 (HIV–1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

''1177. Members infected with HIV–1 virus: mandatory discharge or retirement.''.

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 562. AUTHORITY TO APPOINT BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCES (RETIRED) TO THE GRADE OF MAJOR GENERAL ON THE RETIRED LIST.

The President is authorized to appoint, by and with the advice and consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. Any such appointment shall not affect the retired pay or other benefits of Charles E. Yeager or any benefits to which any other person is or may become entitled based upon his service.

SEC. 563. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces and any civilian employee of the Department of Defense or contractor of the Department of Defense who serves with or accompanies the Armed Forces in the field under orders is accounted for by the United States (by the return of such person alive, by the return of the remains of such person, or by the decision that credible evidence exists to support another determination of the status of such person) and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

''CHAPTER 76—MISSING PERSONS

''Sec.
''1501. System for accounting for missing persons.
''1502. Missing persons: initial report.
''1503. Initial inquiry.
''1504. Subsequent inquiry.
''1505. Further review.
''1506. Personnel files.
''1507. Recommendation of status of death.
''1508. Persons previously declared dead.
''1509. Return alive of person declared missing or dead.
''1510. Effect on State law.
''1511. Definitions.

''§ 1501. System for accounting for missing persons

''(a) OFFICE FOR MISSING PERSONS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to be responsible for the policy, control, and oversight of the entire process for investigation and recovery related to persons covered by subsection (c). In carrying out the responsibilities of that office, the head of the office shall coordinate the efforts of the office with those of other departments and agencies of the Government and other elements of the Department of Defense for such purposes and shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

''(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly through the Department of Defense, for—

''(A) the determination of the status of persons described in subsection (c); and

''(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

''(2) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

''(c) COVERED PERSONS.—This chapter applies to the following persons:

''(1) Any member of the Army, Navy, Air Force, or Marine Corps on active duty who, during a period of war or national emergency or any other period of hostilities specified by the Secretary of Defense for the purposes of this section, disappears in the theater of such hostilities (except under circumstances suggesting that the disappearance is voluntary).

''(2) Any civilian employee of the Department of Defense (including an employee of a contractor of the Department of Defense) who, during a period described in paragraph (1), disappears in the theater of such hostilities (except under circumstances suggesting that the disappearance is voluntary) while serving with or accompanying the Army, Navy, Air Force, or Marine Corps in the field during such period.

''(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person described in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary of Defense shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

''§ 1502. Missing persons: initial report

''(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts or status of a person covered by this chapter is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

''(1) recommend that the person be placed in a missing status; and

''(2) submit that recommendation to the commander of the unified command for that area in accordance with procedures prescribed under section 1501(b) of this title.

''(b) FORWARDING OF RECORDS.—The commander making the initial assessment shall (in accordance with procedures prescribed under section 1501(b) of this title) safeguard and forward for official use any information relating to the whereabouts or status of the person that result from the preliminary assessment or from actions taken to locate the person.

''§ 1503. Initial inquiry

''(a) APPOINTMENT OF BOARD.—Not later than ten days after receiving notification under section 1502(a)(2) of this title that a person has been recommended for placement in a missing status, the commander of the unified command having responsibility for the area in which the disappearance occurred shall appoint a board to conduct an inquiry into the whereabouts and status of the person.

''(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the commander who appoints a board under this section that the absence or missing status of two or more persons is factually related, the commander may appoint a single board under this section to conduct the inquiry into the whereabouts or status of all such persons.

''(c) COMPOSITION.—(1) A board appointed under this section shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

''(2) An individual referred to in paragraph (1) is the following:

''(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

''(B) A civilian, in the case of an inquiry with respect to a civilian employee of the United States or of a contractor of the Department of Defense.

''(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the member access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

''(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person under this section shall—

''(1) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of that person;

''(2) collect appropriate documentation of the facts and evidence covered by the investigation;

''(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

''(4) with respect to each person covered by the inquiry, recommend to the commander who appointed the board that—

''(A) the person be placed in a missing status; or

''(B) the person be declared to have deserted, to be absent without leave, or to be dead.

''(e) INQUIRY PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

''(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts or status of each person covered by the inquiry;

''(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts or status of the person arising from such actions; and

''(3) maintain a record of its proceedings.

''(f) COUNSEL FOR MISSING PERSON.—(1) The commander appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry, or, in the case described by 1503(c) of this title, one counsel to represent all persons covered by

the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel'.

''(2) To be appointed as a missing person's counsel, a person must—

''(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial; and

''(B) have a security clearance that affords the counsel access to all information relating to the whereabouts or status of the person or persons covered by the inquiry.

''(3) A missing person's counsel—

''(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

''(B) shall observe all official activities of the board during such proceedings;

''(C) may question witnesses before the board; and

''(D) shall monitor the deliberations of the board; and

''(4) A missing person's counsel shall review the report of the board under subsection (i) and submit to the commander who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

''(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to any missing person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person designated under section 655 of this title).

''(h) RECOMMENDATION ON STATUS OF MISSING PERSONS.—(1) Upon completion of its inquiry, a board appointed under this section shall make a recommendation to the commander who appointed the board as to the appropriate determination of the current whereabouts or status of each person whose whereabouts were covered by the inquiry.

''(2)(A) A board may not recommend under paragraph (1) that a person be declared dead unless the board determines that the evidence before it established conclusive proof of the death of the person.

''(B) In this paragraph, the term 'conclusive proof of death' means evidence establishing that death is the only credible explanation for the absence of the person.

''(i) REPORT.—(1) A board appointed under this section shall submit to the commander who appointed it a report on the inquiry carried out by the board. The report shall include—

''(A) a discussion of the facts and evidence considered by the board in the inquiry;

''(B) the recommendation of the board under subsection (h) with respect to each person covered by the report; and

''(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

''(2) A report submitted under this subsection may not be made public until one year after the date on which the report is submitted.

''(j) ACTIONS BY REGIONAL COMMANDER.—(1) Not later than 15 days after the date of the receipt of a report under subsection (i), the commander who appointed the board shall review—

''(A) the report; and

''(B) the review of that report submitted under subsection (f)(4) by the missing person's counsel.

''(2) In reviewing a report under paragraph (1), the commander receiving the report shall determine whether or not the report is complete and free of administrative error. If the commander determines that the report is incomplete, or that the report is not free of administrative error, the commander may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the commander concerned that a report reviewed under this subsection is complete and free of administrative error, the commander shall make a recommendation concerning the status of each person covered by the report.

''(4) The report, together with the recommendations under paragraph (3), shall be forwarded to the Secretary of Defense in accordance with procedures prescribed under section 1501(b) of this title.

''(k) DETERMINATION BY SECRETARY.—The Secretary of Defense (or the Secretary of the military department concerned acting under delegation of authority from the Secretary of Defense) shall review the recommendations of a report forwarded under subsection (j)(4). After conducting such review, the Secretary shall make a determination, with respect to each person whose status is covered by the report, whether such person shall (1) continue to have a missing status, (2) be declared to have deserted, (3) be declared to be absent without leave, or (4) be declared to be dead. In making such determination, the Secretary may convene a board in accordance with section 1504 of this title.

''(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary makes a determination under subsection (k), the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall—

''(1) provide an unclassified summary of the report of the board (including the name of the missing person's counsel for the inquiry, the names of the members of the board, and the name of the commander who convened the board) to the primary next of kin, to the other members of the immediate family, and to any other previously designated person of the missing person; and

''(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts or status of the person not earlier than one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that would result in a substantial change in the official status of the person.

''§ 1504. Subsequent inquiry

''(a) ADDITIONAL BOARD.—If information on the whereabouts or status of a person covered by an inquiry under section 1503 of this title becomes available within one year after the date of the submission of the report submitted under section 1502 of this title, the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall appoint a board under this section to conduct an inquiry into the information.

''(b) AUTHORITY FOR INQUIRY.—The Secretary of Defense may delegate authority over such subsequent inquiry to the Secretary concerned.

''(c) SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the agency employing the employee or contracting with the contractor, as the case may be.

''(d) DATE OF APPOINTMENT.—The Secretary shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the report concerning that person submitted under section 1502 of this title.

''(e) COMBINED INQUIRIES.—If it appears to the Secretary that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts or status of all such persons.

''(f) COMPOSITION.—(1) Subject to paragraphs (2) and (3), a board appointed under this section shall consist of the following:

''(A) In the case of a board appointed to inquire into the whereabouts or status of a member of the armed forces, not less than three officers having the grade of major or lieutenant commander or above.

''(B) In the case of a board appointed to inquire into the whereabouts or status of a civilian employee of the Department of Defense or contractor of the Department of Defense—

''(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

''(ii) such members of the armed forces as the Secretary of Defense considers advisable.

''(2) The Secretary shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

''(3)(A) One member of each board appointed under this subsection shall be an attorney or judge advocate who has expertise in the public law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

''(B) One member of each board appointed under this subsection shall be an individual who—

''(i) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

''(ii) has an understanding of and expertise in the official activities of one or more such persons at the time such person or persons disappeared.

''(g) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts or status of a person shall—

''(1) review the report under subsection (i) of section 1503 of this title of the board appointed to conduct the inquiry into the status or whereabouts of the person under section 1503 of this title and the recommendation under subsection (j)(3) of that section of the commander who appointed the board under that subsection as to the status of the person;

''(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts or status of the person that has become available since the completion of the inquiry under section 1503 of this title;

''(3) draw conclusions as to the whereabouts or status of the person;

''(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

''(5) submit to the Secretary of Defense a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts or status of the person.

''(h) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

''(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

''(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

''(i) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated persons of the missing person may attend the proceedings of the board during the inquiry in accordance with this section.

''(2) The Secretary shall notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

''(3) An individual who receives a notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not less than 21 days after the date on which the individual receives the notice.

''(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

''(A) in the case of an individual who is the primary next of kin or another member of the immediate family of a missing person whose status is a subject of the inquiry and whose receipt of the pay or allowances (including allotments) of the missing person could be reduced or terminated as a result of a revision in the status of the missing person, may attend the proceedings of the board with private counsel;

''(B) shall have access to the personnel file of the missing person, to unclassified reports (if any) of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

''(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

''(D) subject to paragraph (5), shall be given the opportunity to submit in writing objection to any recommendation of the board under subsection (k) as to the status of the missing person.

''(5) Objections under paragraph (4)(D) to any recommendation of the board shall be submitted to the president of the board not later than 24 hours after the date on which the recommendations are made. The president shall include any such objections in the report of the board under subsection (k).

''(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

''(j) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

''(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

''(A) declassify to an appropriate degree classified information; or

''(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

''(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to president of the board making the request and the counsel for the missing person appointed under subsection (f).

''(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

''(k) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of each missing person covered by the inquiry.

''(2) A board may not recommend under paragraph (1) that a person be declared dead unless—

''(A) proof of death is established by the board; and

''(B) in making the recommendation, the board complies with section 1507 of this title.

''(l) REPORT.—A board appointed under this section shall submit to the Secretary of Defense a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

''(m) ACTIONS BY SECRETARY.—(1) Not later than 30 days after the receipt of a report from a board under subsection (k), the Secretary shall review—

''(A) the report;

''(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

''(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(6).

''(2) In reviewing a report under paragraph (1) (including the review and objections described in subparagraphs (A) and (B) of that paragraph), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

''(n) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 90 days after the date on which a board submits a report on a person under subsection (l), the Secretary of Defense shall—

''(1) with respect to each missing person whose status or whereabouts are covered by the report, provide an unclassified summary of the report to the primary next of kin, the other members of the immediate family, and any other previously designated person; and

''(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts or status of the person not later than three years after the date of the official notice of the disappearance of the person, unless information becomes available within that time that would result in a substantial change in the official status of the person.

''§ 1505. Further review

''(a) SUBSEQUENT REVIEW.—(1) The Secretary shall conduct subsequent inquiries into the whereabouts or status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

''(2) Subject to paragraph (4), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

''(A) on or about three years after the date of the official notice of the disappearance of the person; and

''(B) not later than every three years thereafter.

''(3) In addition to appointment of boards under paragraph (2), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection upon receipt of information that could result in a change or revision of status of a missing person. Whenever the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (2)(B) shall be determined from the date of the receipt of such information.

''(4) The Secretary is not required to appoint a board under paragraph (2) with respect to the disappearance of any person—

''(A) more than 20 years after the initial report under section 1502 of this title of the disappearance of that person; or

''(B) if, before the end of such 20-year period, the missing person is accounted for.

''(b) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

''§ 1506. Personnel files

''(a) INFORMATION IN FILES.—Except as provided in subsection (b), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the United States relating to the disappearance and whereabouts or status of the person.

''(b) CLASSIFIED INFORMATION.—(1) The Secretary concerned may withhold classified information from a personnel file under this section.

''(2) If the Secretary concerned withholds classified information from the personnel file of a person, the Secretary shall ensure that the file contains the following:

''(A) A notice that the withheld information exists.

''(B) A notice of the date of the most recent review of the classification of the withheld information.

''(c) WRONGFUL WITHHOLDING.—Any person who knowingly and willfully withholds from the personnel file of a missing person any information (other than classified information) relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

''(d) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the missing person's primary next of kin, the other members of the missing person's immediate family, or any other previously designated person of the missing person.

''§ 1507. Recommendation of status of death

''(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1504 or 1505 of this title may not recommend that a person be declared dead unless—

''(1) credible evidence exists to suggest that the person is dead;

''(2) the United States possesses no credible evidence that suggests that the person is alive;

''(3) representatives of the United States have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

''(4) representatives of the United States have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good

faith effort to obtain access to such records, such representatives are not granted such access).

''(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1504 or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under such section the following:

''(1) A detailed description of the location where the death occurred.

''(2) A statement of the date on which the death occurred.

''(3) A description of the location of the body, if recovered.

''(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

''§ 1508. Persons previously declared dead

''(a) REVIEW OF STATUS.—(1) Not later than three years after the date of the enactment of this chapter, a person referred to in paragraph (2) may submit to the Secretary of Defense a request for appointment by the Secretary of a board to review the status of a person previously declared dead, in a case in which the death is declared to have occurred on or after January 1, 1950.

''(2) A board shall be appointed under this section with respect to the death of any person based on the request of any of the following persons:

''(A) An adult member of the immediate family of the person previously declared dead.

''(B) An adult dependent of such person.

''(C) The primary next of kin of such person.

''(D) A person previously designated by such person.

''(3) A request under this paragraph shall be submitted to the Secretary of the department of the United States that had jurisdiction over the person covered by the request at the time of the person's disappearance.

''(b) APPOINTMENT OF BOARD.—Upon request of a person under subsection (a), the Secretary of Defense shall appoint a board to review the status of the person covered by the request.

''(c) DUTIES OF BOARD.—A board appointed under this section to review the status of a person shall—

''(1) conduct an investigation to determine the status of the person; and

''(2) issue a report describing the findings of the board under the investigation and the recommendations of the board as to the status of the person.

''(d) EFFECT OF CHANGE IN STATUS.—If a board appointed under this section recommends placing in a missing status a person previously declared dead, such person shall accrue no pay or allowances as a result of the placement of the person in such status.

''§ 1509. Return alive of person declared missing or dead

''(a) PAY AND ALLOWANCES.—Any person in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

''(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

''§ 1510. Effect on State law

''Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

''§ 1511. Definitions

''In this chapter:

''(1) The term 'missing person' means—

''(A) a member of the armed forces on active duty who is missing; or

''(B) a civilian employee of the Department of Defense or of a contractor of the Department of Defense who is serving with or accompanying an armed force under orders and who is missing.

''(2) The term 'missing status' means the status of a missing person who is determined to be absent in a status of—

''(A) missing;

''(B) missing in action;

''(C) interned in a foreign country;

''(D) captured, beleaguered, or besieged by a hostile force; or

''(E) detained in a foreign country against that person's will.

''(3) The term 'accounted for', with respect to a person in a missing status, means that the person is returned to United States control alive, that the remains of the person are returned to the United States, or that credible evidence exists to support another determination of the person's status.

''(4) The term 'primary next of kin', in the case of a missing person, means—

''(A) the principal individual who, but for the status of the person, would receive financial support from the person; or

''(B) in the case of a missing person for whom there is no individual described in subparagraph (A), the family member or other individual designated by the missing person to receive a death gratuity.

''(5) The term 'member of the immediate family', in the case of a missing person, means the spouse or a child, parent, or sibling of the person.

''(6) The term 'previously designated person', in the case of a missing person, means an individual (other than an individual who is a member of the immediate family of the missing person) designated by the missing person under section 655 of this title for purposes of this chapter.

''(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

''(8) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

''76. Missing Persons ..... 1501''.

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1)(A) Section 555 is repealed.

(B) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 555.

(2) Section 552 is amended—

(A) in subsection (a), by striking out ''for all purposes,'' in the second sentence of the flush matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof ''for all purposes.'';

(B) in subsection (b), by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) that his death is determined under chapter 76 title 10.''; and

(C) in subsection (e), by striking out ''section 555 of this title'' and inserting in lieu thereof ''chapter 76 of title 10''.

(3) Section 553 is amended—

(A) in subsection (f), by inserting ''under chapter 76 of title 10'' after ''When the Secretary concerned'';

(B) in subsection (f), by striking out ''the Secretary concerned receives evidence'' and inserting in lieu thereof ''a board convened under chapter 76 of title 10 reports''; and

(C) in subsection (g), by striking out ''section 555 of this title'' and inserting ''chapter 76 of title 10''.

(4) Section 556 is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1), (5), (6), and (7) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(ii) by inserting ''and'' at the end of paragraph (2), as so redesignated; and

(iii) by striking out the semicolon at the end of paragraph (3), as so redesignated, and inserting in lieu thereof a period;

(B) by striking out subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(C) in subsection (g), as so redesignated—

(i) by striking out the second sentence; and

(ii) by striking out ''status'' and inserting in lieu thereof ''pay''.

(5) Section 557(a)(1) is amended by striking out '', 553, and 555'' and inserting in lieu thereof ''and 553''.

(6) Section 559(b)(4)(B) is amended by striking out ''section 556(f)'' and inserting in lieu thereof ''section 556(e)''.

(d) DESIGNATION OF INDIVIDUALS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 655. Designation of persons having interest in status of missing persons

''(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the Army, Navy, Air Force, or Marine Corps, require that the person specify in writing the person or persons, if any, to whom information on the whereabouts or status of the member shall be provided if such whereabouts or status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

''(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.''.

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

''655. Designation of persons having interest in status of missing persons.''.

SEC. 564. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

SEC. 565. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(d) DEFINITION.—For the purposes of this section, the term ''criminal history identification files'', with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

(d) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term ''uniformed services'' does not include the National Oceanic and Atmospheric Administration.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS WITHOUT DEPENDENTS RESIDING IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

''(4) In the case of members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage during a fiscal year if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The percentage limitation specified in this paragraph shall be achieved as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.''.

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting ''(1)'' after ''(b)'';

(3) by designating the second sentence as paragraph (2); and

(4) by designating the fifth sentence as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out ''the third sentence of subsection (b)'' and inserting in lieu thereof ''subsection (b)(2)''; and

(B) in paragraph (2), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (b)(2)''.

(2) Section 1012 of title 37, United States Code, is amended by striking out ''the last sentence of section 402(b)'' and inserting in lieu thereof ''section 402(b)(3)''.

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and the Marine Corps—

(1) the number of members without dependents who reside in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members without dependents who reside in Government quarters;

(3) a recommended maximum percentage of members without dependents who reside in Government quarters at their permanent duty station and should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage was selected.

SEC. 603. AUTHORIZATION OF PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO ADDITIONAL MEMBERS ASSIGNED TO SEA DUTY.

(a) EXPANSION OF ELIGIBLE MEMBERS.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out ''E–7'' and inserting in lieu thereof ''E–6''; and

(2) in the second sentence, by striking out ''E–6'' and inserting in lieu thereof ''E–5''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 1996.

SEC. 604. ESTABLISHMENT OF MINIMUM AMOUNTS OF VARIABLE HOUSING ALLOWANCE FOR HIGH HOUSING COST AREAS AND ADDITIONAL LIMITATION ON REDUCTION OF ALLOWANCE FOR CERTAIN MEMBERS.

(a) MINIMUM AMOUNTS OF VHA.—Subsection (c) of section 403a of title 37, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is equal to the greater of the following:

''(A) An amount equal to the difference between—

''(i) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade and with the same dependency status as that member; and

''(ii) 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.

''(B) An amount determined by the Secretary of Defense as the minimum necessary to meet the cost of adequate housing in that area, as determined by the Secretary, for all residents in that area with an appropriate income level selected by the Secretary.''.

(b) LIMITATION ON REDUCTION IN VHA.—Paragraph (3) of such subsection is amended by adding at the end the following new sentence: ''However, on and after January 1, 1996, the monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area may not be reduced so long as the member retains uninterrupted eligibility to receive a variable housing allowance within that area and the member's certified housing costs are not reduced, as indicated by certifications provided by the member under subsection (b)(4).''.

(c) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: ''In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional variable housing allowance necessary as a result of paragraph (1)(B) and the requirements of the second sentence of paragraph (3).''

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section is further amended—

(1) in paragraph (3), as amended by subsection (b), by striking out ''this subsection'' and inserting in lieu thereof ''paragraph (1)(A) or minimum levels of variable housing allowances under paragraph (1)(B)''; and

(2) in paragraph (5), by inserting ''or minimum levels of variable housing allowances'' after ''costs of housing''.

(e) DELAYED IMPLEMENTATION OF MINIMUM AMOUNTS OF VHA.—Subsection (c)(1)(B) of section 403a of title 37, United States Code, as added by subsection (a), shall be used to determine the monthly amount of a variable housing allowance under such section for members of the uniformed services only for months beginning after June 30, 1996.

(f) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

SEC. 605. CLARIFICATION OF LIMITATION ON RECEIPT OF FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended by inserting before the period at the end of the first sentence the following: ''unless such entitlement is based on paragraph (1)(B)''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1998''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of such title are each amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1998''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking out ''October 1, 1996' and inserting in lieu thereof ''October 1, 1998''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''October 1, 1998''.

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

''§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

''(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

''(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

''(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

''(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

''(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

''(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after September 30, 1998.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

''302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.''.

(b) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code is amended by striking out ''302, 302a, 302b, 302c, 302d, 302e,'' each place it appears and inserting in lieu thereof ''302 through 302g,''.

(c) CONFORMING REPEAL.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note) is repealed.

(2) The repeal of section 613 of the National Defense Authorization Act, Fiscal Year 1989, by paragraph (1) shall not affect the validity or terms of any agreement entered into under such section before the date of the enactment of this Act.

SEC. 615. CHANGE IN ELIGIBILITY REQUIREMENTS FOR CONTINUOUS MONTHLY AVIATION INCENTIVE PAY.

(a) LOWER INCENTIVE PAY GATE.—Section 301a(a)(4) of title 37, United States Code, is amended by striking out ''9'' in the first sentence and inserting in lieu thereof ''8''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 616. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREWMEMBERS OF SHIPS DESIGNATED AS TENDERS.

(a) CONTINUOUS ENTITLEMENT.—Section 305a(d)(1)(A) of title 37, United States Code, is amended—

(1) by striking out ''or'' after ''under way'' and inserting in lieu thereof a comma; and

(2) by inserting before the semicolon at the end the following: '', or while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1995.

SEC. 617. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: ''In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. AUTHORIZATION OF RETURN TO UNITED STATES OF FORMERLY DEPENDENT CHILDREN OF MEMBERS.

(a) RETURN AT GOVERNMENT EXPENSE.—Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out ''who became 21 years of age'' and inserting in lieu thereof ''who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member''; and

(2) by inserting ''still'' after ''shall''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

SEC. 622. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out ''or'' at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof ''; or''; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

''(5) the member's dependents actually make an authorized move in connection with the member's directed order to move as a result of the closure or realignment of a military installation.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the sentence following subsection (a)(4)—

(A) by striking out ''clause (3) or (4)(B)'' and inserting in lieu thereof ''paragraph (3) or (4)(B)''; and

(B) by striking out ''clause (1)'' and inserting in lieu thereof ''paragraph (1) or (5)'';

(2) in subsection (b)—

(A) by striking out ''subsection (a)(3) or (a)(4)(B)'' and inserting in lieu thereof ''paragraph (3) or (4)(B) of subsection (a)''; and

(B) by striking out ''subsection (a)(1)'' and inserting in lieu thereof ''paragraph (1) or (5) of subsection (a)''.

Subtitle D—Other Matters

SEC. 631. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amended by striking out ''section 406(l) of title 37'' and inserting in lieu thereof ''section 406(k) of title 37''.

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Subsection (a) of section 1008 of title 37, United States Code, is amended to read as follows:

''(a) Not later than March 31 of each year, the President shall submit to Congress such recommendations (if any) as the President considers appropriate for adjustments in the rates of pay and allowances authorized by this title for members of the uniformed services.''.

SEC. 632. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 633. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1996.

(a) IN GENERAL.—The fiscal year 1996 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 1996.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term ''fiscal year 1996 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, 1995.

(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 1996 that is enacted before March 1, 1996) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1996 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1996 to the Department of Defense Military Retirement Fund the sum of $403,000,000 to offset increased outlays to be made from that fund during fiscal year 1996 by reason of the provisions of subsection (a).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

''(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

''(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;''.

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVISTS.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out ''or'' at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence; or''.

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out ''or'' at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.''.

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out ''or'' at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.''.

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out ''or'' at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.''.

SEC. 703. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE.

(a) MEMBERS OF EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out ''this section'' and inserting in lieu thereof ''subsection (b)''; and

(2) by adding at the end the following new subsection:

''(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

''(A) An annual medical screening.

''(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

''(C) An annual dental screening.

''(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

''(2) The services provided under this subsection shall be provided at no cost to the member.''.

(b) VOLUNTARY DEMONSTRATION PROGRAM TO IMPROVE DENTAL READINESS OF SELECTED RESERVE.—(1) For members of the Selected Reserve who are not covered by subsection (a), the Secretary of Defense shall conduct a demonstration program to offer such members affordable dental care for the purpose of ensuring that such members meet the dental standards required for deployment in the event of mobilization. The Secretary shall determine the geographical scope of the demonstration program and the number of members of the Selected Reserve who will be invited to participate in the program. However, participation in the demonstration program shall be offered to the members of at least one ground combat maneuver unit of the Selected Reserve of the Army scheduled for deployment within 90 days after mobilization.

(2) The Secretary may model the dental demonstration program after the dependents' dental program authorized under section 1076a of title 10, United States Code, except that participants in the demonstration program shall be responsible for all costs incurred to provide dental care under the program. The Secretary shall provide for allotment or deduction from the military pay of participants as a means to pay any premiums required under the demonstration program.

(3) The authority to carry out the dental demonstration program under this subsection shall expire on September 30, 1997.

(c) EVALUATION OF DEMONSTRATION PROGRAM.—Not later than March 1, 1997, the Secretary shall submit to Congress a report evaluating the success of the dental demonstration program conducted under subsection (b) in improving the dental readiness of the Selected Reserve. The Secretary shall submit a revised report under this subsection not later than 30 days after the expiration of the demonstration program.

(d) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

Subtitle B—TRICARE Program

SEC. 711. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out ''However, the Secretary may'' and inserting in lieu thereof ''Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall''.

SEC. 712. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE.

Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a monthly or quarterly basis, any enrollment fee required for such participation.''.

SEC. 713. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note) is amended—

(1) by striking out ''each managed health care initiative that includes the option'' and inserting in lieu thereof ''the TRICARE program''; and

(2) by striking out ''covered beneficiaries who enroll in the option'' and inserting in lieu thereof ''members of the uniformed services and covered beneficiaries who participate in the TRICARE program''.

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:

''(d) DEFINITIONS.—For purposes of this section:

''(1) The term 'covered beneficiary' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

''(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.''.

SEC. 714. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program.

(b) TRICARE PROGRAM DEFINED.—For purposes of this section, the term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

(c) REPORT ON IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the professional educational program implemented pursuant to this section.

SEC. 715. EVALUATION AND REPORT ON TRICARE EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services and identify noncatchment areas in which the HMO option of the TRICARE program will be available. The Secretary shall use a federally funded research and development center to conduct the evaluation required by this section.

(b) ANNUAL REPORT.—Not later than March 1 of each year, the center conducting the evaluation under subsection (a) shall submit to Congress a report describing the results of the evaluation during the preceding year.

(c) TRICARE PROGRAM DEFINED.—For purposes of this section, the term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES AND LIMITATION ON NUMBER OF PARTICIPANTS IN USTF MANAGED CARE PLANS.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

''(f) LIMITATION ON EXPENDITURES AND PARTICIPANTS.—(1) The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such year.

''(2) During fiscal year 1996, the number of covered beneficiaries under chapter 55 of title 10, United States Code (including covered beneficiaries described in section 1086(d)(1) of such title), who are enrolled in managed care plans offered by facilities described in subsection (a) and designated under subsection (c) may not exceed the number of such covered beneficiaries so enrolled as of September 30, 1995.''.

SEC. 722. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out ''A participation agreement'' and inserting in lieu thereof ''Except as provided in paragraph (4), a participation agreement'';

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.''.

SEC. 723. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

''(5) PLAN FOR INTEGRATING FACILITIES.—(A) Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan under which Uniformed Services Treatment Facilities, on or before September 30, 1997, shall be included in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

''(B) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

''(C) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).''.

SEC. 724. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only upon the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

''(A) an amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during a 12-month base period; or

''(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).''.

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.''.

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

''(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the administering Secretaries determine to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts greater than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To transition from the payment methods in effect before the date of the enactment of this

paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent from the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

''(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to those limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).''.

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out ''paragraph (1)'' and inserting in lieu thereof ''paragraph (1)(A)''.

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. EXPANSION OF EXISTING RESTRICTION ON USE OF DEFENSE FUNDS FOR ABORTIONS.

(a) INCLUSION OF DEFENSE FACILITIES.—Section 1093 of title 10, United States Code, is amended by inserting after ''Department of Defense'' the following: '', and medical treatment facilities or other facilities of the Department of Defense,''.

*(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by inserting ''**or facilities**'' after ''**funds**''.*

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1093. Restriction on use of funds or facilities for abortions.''.

SEC. 733. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations to collect information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

''(2) The collection of information under regulations issued under paragraph (1) shall be conducted in the same manner as provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of social security account numbers for all covered beneficiaries.

''(3) The Secretary of Defense may disclosure relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

''(4) The Secretary of Defense may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

''(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title.''.

SEC. 734. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out ''Military Health Care Account'' and inserting in lieu thereof ''Defense Health Program Account''; and

(B) by striking out ''the Civilian Health and Medical Program of the Uniformed Services'' and inserting in lieu thereof ''medical and health care programs of the Department of Defense''; and

(2) in subsection (b)—

(A) by striking out ''entering into a contract'' and inserting in lieu thereof ''conducting programs and activities under this chapter, including contracts entered into''; and

(B) by inserting a comma after ''title''.

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.—Subsection (a)(2) of such section is amended to read as follows:

''(2) Three percent of the funds appropriated annually for the operation and maintenance of the programs and activities authorized by this chapter shall remain available for obligation until the end of the fiscal year following the fiscal year for which the funds were appropriated. This paragraph shall not apply for a fiscal year to the extent that a provision of law specifically refers to this paragraph and specifies that this paragraph shall not apply for that fiscal year.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1100. Defense Health Program Account''.

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1100. Defense Health Program Account.''.

SEC. 735. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND DENTISTS'' after ''PHYSICIANS'';

(2) in paragraph (1)(A), by inserting ''or dental school'' after ''medical school'';

(3) in paragraphs (1)(B) and (2)(B), by inserting ''or dental officer'' after ''medical officer''; and

(4) in paragraph (1)(C), by striking out ''physicians in a medical specialty'' and inserting in lieu thereof ''physicians or dentists in a medical or dental specialty''.

SEC. 736. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENTS REGARDING MILITARY HEALTH CARE.

Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out subsection (d).

Subtitle E—Other Matters

SEC. 741. TERMINATION OF PROGRAM TO TRAIN AND UTILIZE MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Immediately after the date of the enactment of this Act, the Secretary of Defense shall terminate the demonstration pilot program for training and utilizing military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897). None of the funds appropriated to the Department of Defense for a fiscal year after fiscal year 1995 may be used to train psychologists to be able to prescribe psychotropic medications.

(b) EFFECT ON AUTHORITY TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.—Psychologists who participated in the demonstration pilot training program regarding the prescription of psychotropic medications shall not be authorized to prescribe such medications despite the completion of training under the program.

SEC. 742. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 743. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. The administering Secretaries shall consult with the Secretary of Health and Human Services and the Health Care Financing Administration regarding a method to promptly identify persons requiring notice under this subsection.''.

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through the use of civilian hospitals. Pursuant to an agreement between the Secretary and one or more public or nonprofit hospitals, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement. As consideration for the services provided by military medical personnel under the agreement, the agreement shall require the hospitals

to provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. STUDY REGARDING EXPANDED MENTAL HEALTH SERVICES FOR CERTAIN COVERED BENEFICIARIES.

(a) STUDY REQUIRED.—In connection with the mental health services already available for covered beneficiaries under chapter 55 of title 10, United States Code, who are children and require residential treatment, the Secretary of Defense shall conduct a study regarding the feasibility of expanding such services to include a program of individualized continued care following completion of the residential treatment to compliment the residential treatment and prevent recidivism.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 747. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDING.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process are approaching their closing dates.

(2) Additional military installations are being selected for closure in the 1995 round of the base closure process.

(3) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of affected installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits to covered beneficiaries adversely affected by the closure of military installations.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. REPEALS OF CERTAIN PROCUREMENT PROVISIONS.

(a) POST-EMPLOYMENT RESTRICTIONS.—Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code, are repealed.

(b) LIMITATION ON EXPENDITURE OF APPROPRIATIONS.—Section 2207 of such title is repealed.

(c) CERTAIN DELEGATION AUTHORITY.—Section 2356 of such title is repealed.

(d) SPARE PARTS CONTROL.—Section 2383 of such title is repealed.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by striking out the item relating to section 2207.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2356.

(3) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2383, 2397, 2397a, 2397b, and 2397c.

SEC. 802. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting ''and indirect'' after ''recoup the direct''.

SEC. 803. TESTING OF DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2366 to title 10, United States Code, is amended—

(1) by striking out ''survivability'' each place it appears (including in the section heading) and inserting in lieu thereof ''vulnerability''; and

(2) in subsection (b)—

(A) by striking out ''Survivability'' and inserting in lieu thereof ''Vulnerability''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) Testing should begin at the component, subsystem, and subassembly level, culminating with tests of the complete system configured for combat.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

''2366. Major systems and munitions programs: vulnerability testing and lethality testing required before full-scale production.''.

SEC. 804. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out ''milestone O, milestone I, and milestone II'' and inserting in lieu thereof ''acquisition program''; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

''(2) The term 'acquisition program decisions' has the meaning prescribed by the Secretary of Defense in regulations.''.

SEC. 805. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

''(3) VESSEL COMPONENTS.—(A) The following components of vessels:

''(i) Air circuit breakers.

''(ii) Vessel propellers with a diameter of six feet or more, if the propellers incorporate only castings poured and finished in the United States.

''(iii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

''(B) The following components of vessels, to the extent they are unique to marine applications: ship and marine cable assemblies, hose assemblies, hydraulics and pumps for steering, gyrocompasses, marine autopilots, electronic navigation chart systems, attitude and heading reference units, power supplies, and steering controls.''.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 2000''.

(c) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''This section''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings).''.

SEC. 806. REVISIONS TO PROCUREMENT NOTICE PROVISIONS.

Section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is amended—

(1) in subparagraph (B) of paragraph (1)—

(A) by striking out ''subsection (f)—'' and all that follows through the end of the subparagraph and inserting in lieu thereof ''subsection (b); and''; and

(B) by inserting after ''property or services'' the following: ''for a price expected to exceed $10,000 but not to exceed $25,000'';

(2) by striking out paragraph (4); and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 808. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

''§ 2317. Equipment leasing

''The Secretary of Defense shall authorize and encourage the use of leasing in the acquisition of equipment whenever such leasing is practicable and otherwise authorized by law.''.

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

''2317. Equipment leasing.''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth changes in legislation that would be required in order to facilitate the use of leases by the Department of Defense in the acquisition of equipment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. REORGANIZATION OF OFFICE OF THE SECRETARY OF DEFENSE.

(a) REORGANIZATION.—The Secretary of Defense shall carry out in accordance with this section a reorganization of the Office of the Secretary of Defense. The reorganization shall include a substantial streamlining and reduction in size of that office, as provided in this section.

(b) PLAN FOR REORGANIZATION.—The Secretary shall submit to Congress a report setting forth a comprehensive plan by which the Secretary will carry out the reorganization of the Office of the Department of Defense required by this section. The Secretary shall include in the report identification of all provisions of law (or other congressional directives) that preclude or inhibit any proposed reorganization or streamlining of the Office of the Secretary of Defense set forth in the plan. The report shall be submitted when the budget of the President for fiscal year 1997 is submitted to Congress.

(c) CONTENT OF PLAN.—The plan required by subsection (b) shall enable the Secretary to accomplish the following:

(1) Reduce the number of military and civilian personnel assigned to, or employed in, the Office of the Secretary of Defense by 25 percent over a period of four years, as required by subsection (e).

(2) Increase organizational efficiency and civilian control.

(3) Eliminate (or substantially reduce) duplication of functions between the Office of the Secretary of Defense and the military departments.

(4) Eliminate (or substantially reduce) duplication of functions between the Office of the Secretary of Defense and the Joint Chiefs of Staff.

(d) DEVELOPMENT OF PLAN.—In developing the plan required by subsection (b), the Secretary shall—

(1) reassess the appropriate function and mission of the Office of the Secretary of Defense;

(2) reassess whether the current organization of the Office of the Secretary of Defense provides the most efficient and effective organization to support the Secretary in carrying out the Secretary's responsibilities;

(3) examine alternative organizational structures for that office and alternative allocations of functional responsibilities within that office, including—

(A) a reduction in the number of Under Secretaries of Defense;

(B) a reduction in the number of Deputy Assistant Secretaries of Defense and Deputy Under Secretaries of Defense; and

(C) decentralizing functions of the Office of the Secretary of Defense; and

(4) reassess the size, number, and functional allocation of the Defense Agencies and other Department of Defense support organizations.

(e) PERSONNEL REDUCTION.—(1) The number of military and civilian personnel of the Department of Defense who as of October 1, 1998, are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense) may not exceed 75 percent of the number of such personnel as of October 1, 1994.

(2) In carrying out reductions under paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(f) REDUCTION IN NUMBER AND SPECIFICATION OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Section 138 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''eleven'' and inserting in lieu thereof ''nine''; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.''.

(2) Section 5315 of title 5, United States Code, is amended by striking out ''(11)'' after ''Assistant Secretaries of Defense'' and inserting in lieu thereof ''(9)''.

(g) REPEAL OF STATUTORY ESTABLISHMENT OF VARIOUS OSD POSITIONS.—(1)(A) The following sections of chapter 4 of title 10, United States Code, are repealed: sections 133a, 134a, 137, 139, and 142.

(B) The table of sections at the beginning of such chapter is amended by striking out the items relating to the sections specified in paragraph (1).

(2) Section 1056 is amended by striking out subsection (d).

(h) SENIOR STAFF FLOOR FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

(i) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 131(b) is amended—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively.

(2) Section 138(d) is amended by striking out ''the Under Secretaries of Defense, and the Director of Defense Research and Engineering'' and inserting in lieu thereof ''and the Under Secretaries of Defense''.

(3) Section 176(a)(3) is amended—

(A) by striking out ''Assistant Secretary of Defense for Health Affairs'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for health affairs''; and

(B) by striking out ''Chief Medical Director of the Department of Veterans Affairs'' and inserting in lieu thereof ''Under Secretary for Health of the Department of Veterans Affairs''.

(4) Section 1216(d) is amended by striking out ''Assistant Secretary of Defense for Health Affairs'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for health affairs''.

(5) Section 1587(d) is amended by striking out ''Assistant Secretary of Defense for Manpower and Logistics'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for personnel and readiness''.

(6) The text of section 10201 is amended to read as follows:

''The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.''.

(j) CONFORMING AMENDMENTS RELATING TO OPERATIONAL TEST AND EVALUATION AUTHORITY.—Section 2399 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by inserting ''a conventional weapons system that'' after ''means'' in the matter preceding subparagraph (A); and

(ii) in subparagraph (A), by striking out ''a conventional weapons system that''; and

(B) by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall designate an official of the Department of Defense to perform the duties of the position referred to in this section as the 'designated OT&E official'.'';

(2) in subsection (b)—

(A) by striking out ''Director of Operational Test and Evaluation of the Department of Defense'' in paragraph (1) and inserting in lieu thereof ''designated OT&E official''; and

(B) by striking out ''Director'' each place it appears in paragraphs (2) and (3) and inserting in lieu thereof ''designated OT&E official'';

(3) in subsection (c), by striking out ''Director of Operational Test and Evaluation of the Department of Defense'' and inserting in lieu thereof ''designated OT&E official'';

(4) in subsection (e), by striking out ''Director'' each place it appears and inserting in lieu thereof ''designated OT&E official'';

(5) by striking out subsection (g); and

(6) by redesignating subsection (h) as subsection (g).

(k) OTHER CONFORMING AMENDMENT.—Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out ''the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict'' and inserting in lieu thereof ''the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict''.

SEC. 902. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).

(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:

(A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense by 25 percent over a period of four years, as required by subsection (d).

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense

Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) Effective as of October 1, 1998, the total number of defense acquisition personnel may not exceed 75 percent of the total number of defense acquisition personnel as of October 1, 1994.

(2) In carrying out paragraph (1), the Secretary of Defense shall exempt personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions for the Department of Defense.

(3) In carrying out paragraph (1), the Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 30,000.

(4) For purposes of this section, the term ''defense acquisition personnel'' means military and civilian personnel of the Department of Defense assigned to, or employed in, acquisition organizations of the Department of Defense.

(e) ACQUISITION ORGANIZATION DEFINED.—For purposes of this section, acquisition organizations of the Department of Defense are those organizations specified in Department of Defense Instruction Numbered 5000.58, dated January 14, 1992.

SEC. 903. PLAN FOR INCORPORATION OF DEPARTMENT OF ENERGY NATIONAL SECURITY FUNCTIONS IN DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report setting forth the Secretary's plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy. The plan submitted shall be one which could be implemented if the Department of Energy is abolished and the national security programs of that department are transferred to the Department of Defense and consolidated with programs of the Department of Defense.

(b) MATTERS TO BE INCLUDED.—The plan submitted in the report under subsection (a) shall include the following:

(1) A detailed plan for the integration into the Department of Defense of the offices and laboratories of the Department of Energy which could be anticipated to be transferred to the Department of Defense as part of such a transfer of functions.

(2) An assessment of the personnel end-strength reductions estimated to be achieved as a result of such a transfer of functions.

(3) An assessment of costs, or savings, associated with the various transfer of function options.

(4) An identification of all applicable provisions of law that may inhibit or preclude such a transfer of functions.

(c) PRESERVATION OF INTEGRITY OF DOE NATIONAL SECURITY PROGRAMS.—In developing the plan under subsection (a), the Secretary shall make every effort to ensure that the mission and functioning of the national security programs of the Department of Energy are not unduly affected adversely during the transfer of those functions to the Department of Defense and the consolidation of those functions into activities of the Department.

(d) SUBMISSION OF REPORT.—The report required under subsection (a) shall be submitted not later than February 1, 1996.

SEC. 904. CHANGE IN TITLES OF CERTAIN MARINE CORPS GENERAL OFFICER BILLETS RESULTING FROM REORGANIZATION OF THE HEADQUARTERS, MARINE CORPS.

(a) HEADQUARTERS, MARINE CORPS, FUNCTION; COMPOSITION.—Subsection (b) of section 5041 of title 10, United States Code, is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

''(2) The Vice Commandant of the Marine Corps.

''(3) The Director of the Marine Corps Staff.

''(4) The Deputy Commandants of the Marine Corps.

''(5) The Assistant Commandants of the Marine Corps.''.

(b) VICE COMMANDANT.—(1) Section 5044 of such title is amended by striking out ''Assistant Commandant'' each place it appears and inserting in lieu thereof ''Vice Commandant''.

(2) The heading of such section is amended to read as follows:

''§ 5044. Vice Commandant of the Marine Corps''.

(c) DIRECTOR OF THE MARINE CORPS STAFF; DEPUTY AND ASSISTANT COMMANDANTS.—Section 5045 of such title is amended to read as follows:

''§ 5045. Director of the Marine Corps Staff; Deputy and Assistant Commandants

''(a) There are in the Headquarters, Marine Corps, the following:

''(1) A Director of the Marine Corps Staff.

''(2) Not more than five Deputy Commandants of the Marine Corps.

''(3) Not more than three Assistant Commandants of the Marine Corps.

''(b) The officers specified in subsection (a) shall be detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.''.

(d) CLERICAL AMENDMENT.—The items relating to sections 5044 and 5045 in the table of sections at the beginning of chapter 506 of such title are amended to read as follows:

''5044. Vice Commandant of the Marine Corps.

''5045. Director of the Marine Corps Staff; Deputy and Assistant Commandants.''.

SEC. 905. INCLUSION OF INFORMATION RESOURCES MANAGEMENT COLLEGE IN THE NATIONAL DEFENSE UNIVERSITY.

(a) TECHNICAL AMENDMENT AND ADDITION OF INFORMATION RESOURCES MANAGEMENT COLLEGE TO THE DEFINITION OF THE NATIONAL DEFENSE UNIVERSITY.—Section 1595(d)(2) of title 10, United States Code, is amended by striking out ''the Institute for National Strategic Study,'' and inserting in lieu thereof ''the Institute for National Strategic Studies, the Information Resources Management College,''.

(b) CONFORMING AMENDMENT.—Section 2162(d)(2) of such title is amended by inserting ''the Institute for National Strategic Studies, the Information Resources Management College,'' after ''the Armed Forces Staff College,''.

SEC. 906. EMPLOYMENT OF CIVILIANS AT THE ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

Section 1595 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(4) The Asia-Pacific Center for Security Studies.''; and

(2) by adding at the end the following new subsection:

''(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.''.

SEC. 907. CONTINUED OPERATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CLOSURE PROHIBITED.—In light of the important role of the Uniformed Services University of the Health Sciences in providing trained health care providers for the uniformed services, Congress reaffirms the requirement contained in section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2829) that the Uniformed Services University of the Health Sciences may not be closed.

(b) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1997 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on National Security of the House of Representatives to accompany the bill H.R. 1530 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) REVISION OF FUNDING MECHANISM.—(1) Chapter 3 of title 10, United States Code, is amended by striking out section 127a and inserting in lieu thereof the following:

"§ 127a. Operations for which funds are not provided in advance: funding mechanisms

''(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation of the Department of Defense—

''(A) that involves the deployment (other than for a training exercise) of elements of the armed forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

''(B) that involves humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

''(2) Whenever any operation described in paragraph (1) is commenced, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

''(3) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

''(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund (or a successor fund), such unit of the armed forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

''(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

''(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may, subject to the provisions of appropriations Acts, transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

''(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

''(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation from any of the following accounts:

''(A) Environmental Restoration, Defense.

''(B) Cooperative Threat Reduction programs.

''(C) Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs.

''(D) Operations and Maintenance, Defense-Wide (but only from funds available for administration and service-wide activities).

''(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

''(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

''(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

''(d) FINANCIAL PLAN.—(1) Within 30 days after the beginning of an operation described in subsection (a), the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation. The plan shall specify in detail how the Secretary proposes to restore balances in the Defense Business Operations Fund (or a successor fund) to the levels that would have been anticipated but for the provisions of subsection (b). The Secretary may not include in such a plan a means to restore such balances that is prohibited by paragraph (2) or (4).

''(2) The Secretary may not restore (or propose in a plan under paragraph (1) to restore) balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

''(3) If the Secretary of Defense transfers funds under subsection (c), the Secretary shall submit to Congress, within 30 days of such transfer, a plan for the restoration of the balance in the each account from which the transfer was made to the level that would have been the case but for the transfer.

''(4) The Secretary may not restore (or propose in a plan under paragraph (1) or (3) to restore) balances in any the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an appropriation made for operation and maintenance that are available within that appropriation for an account (known as a budget activity 1 account) that is specified as being for operating forces.

''(e) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever there is an operation described in subsection (a), the President shall submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year, to be designated as an emergency supplemental appropriations, in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section.

''(2) A request under paragraph (1) shall be submitted not later than the earlier of (A) the time at which incremental expenses for the operation exceed $10,000,000, or (B) 90 days after the date on which the operation begins. The request shall be submitted as a separate request from any other legislative proposal.

''(f) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation).

''(g) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

''(h) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"§ 127b. Budgeting for ongoing operations

''(a) REQUIREMENT FOR INCLUSION IN BUDGET.—In the case of an operation of the Department of Defense described in subsection (c), the President shall include with the budget submitted to Congress pursuant to section 1105 of title 31 for the next fiscal year a specific request for enactment of legislation to provide for the provision of funds for such operation for that fiscal year in a manner that will result in there not being a lower amount of funds available to the Department of Defense for that fiscal year than would be the case if that operation were not carried out during that year. Such a request shall include one or more of the following:

''(1) A request for enactment of appropriation of funds for the incremental costs for that operation that are expected to be incurred by the Department of Defense during the fiscal year for which the budget is submitted, with such funds to be provided in, and charged to, a budget function other than the national defense budget function (function 050).

''(2) A request for enactment of appropriation of funds for the incremental costs for that operation that are expected to be incurred by the Department of Defense during the fiscal year for which the budget is submitted, with such designations or waivers as may be necessary to ensure that (if enacted) such appropriations are not counted against the total amount of funds for the Department of Defense, or for the national defense budget function, for purpose of any statutory limitation or restriction.

''(3) A request for enactment of rescissions.

''(b) LIMITATION.—In the case of any operation to which the requirement of subsection (a) applies, no funds may be obligated or expended for that operation after the beginning of the fiscal year for which the budget is submitted if the requirement in subsection (a) is not complied with.

''(c) COVERED OPERATIONS.—This section applies with respect to any operation of the Department of Defense involving the use of the Armed Forces that—

''(1) is ongoing in the first quarter of a fiscal year;

''(2) is not expected to end during the current fiscal year;

''(3) for which appropriations were not specifically provided in advance for the current fiscal year.

''(d) WAIVER AUTHORITY.—The President may waive the provisions of this section for any fiscal year—

''(1) during which there is in effect a declaration of war; or

''(2) during which authority is in effect pursuant to section 12302 of this title to order units and members of the Ready Reserve to active duty without the consent of the persons concerned.''.

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 127a and inserting in lieu thereof the following:

''127a. Operations for which funds are not provided in advance: funding mechanisms.

''127b. Budgeting for ongoing operations.''.

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on October 1, 1995, and shall apply to any operation of the Department of Defense, whether begun before, on, or after such date. In the case of any operation begun before such date, any reference in such section to the date of the beginning of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) The Department of Defense.

''(3) The Coast Guard (when not operating as a service in the Navy).''.

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out ''With the approval of the Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department'' and inserting in lieu thereof ''Subject to paragraph (3), a disbursing official of the Department of Defense''; and

(ii) by adding at the end the following new paragraph:

''(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department.''; and

(B) in subsection (b)(1)—

(i) by striking out ''any military department'' and inserting in lieu thereof ''the Department of Defense''; and

(ii) by striking out ''2d month'' and inserting in lieu thereof ''second month''.

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—(1) Section 3325(b) of title 31, United States Code, is amended to read as follows:

''(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, 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) may authorize, in writing, members of the armed forces under their jurisdiction to certify vouchers.''.

(2) Section 3528(d) of title 31, United States Code, is repealed.

(c) RELIEF OF ACCOUNTABLE OFFICIALS AND AGENTS FROM LIABILITY.—Section 3527(b)(1) of title 31, United States Code, is amended—

(1) by striking out ''armed forces'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''Department of Defense or the Coast Guard''; and

(2) in subparagraph (A), by striking out ''appropriate Secretary of the military department of the Department of Defense'' and inserting in lieu thereof ''Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy)''.

(d) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended by striking out ''Secretary concerned'' both places it appears and inserting in lieu thereof ''Secretary of Defense''.

(2)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out ''disbursements of public moneys or'' and ''the money was paid or''; and

(ii) in the second sentence, by striking out ''disbursement or''.

(B)(i) The heading of such section is amended to read as follows:

''§ 7863. Disposal of public stores by order of commanding officer''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

''7863. Disposal of public stores by order of commanding officer.''.

SEC. 1005. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1995 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term ''fiscal year 1995 defense appropriations'' means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term ''fiscal year 1995 defense authorizations'' means amounts authorized to be appropriated for the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

SEC. 1006. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act is hereby authorized.

SEC. 1007. PROHIBITION OF INCREMENTAL FUNDING OF PROCUREMENT ITEMS.

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) No funds may be appropriated, or authorized to be appropriated, for any fiscal year for a purpose named in paragraph (1), (3), (4), or (5) of subsection (a) using incremental funding.

''(2) In the budget submitted by the President for any fiscal year, the President may not request appropriations, or authorization of appropriations, on the basis of incremental funding for a purpose specified in paragraph (1).

''(3) In this subsection, the term 'incremental funding' means the provision of funds for a fiscal year for a procurement in less than the full amount required for procurement of a complete and usable product, with the expectation (or plan) for additional funding to be made for subsequent fiscal years to complete the procurement of a complete and usable product.

''(4) This subsection does not apply with respect to funding classified as advance procurement funding.''.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled ''Mobility Requirements Study Bottom-Up Review Update'', submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997.

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1022. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7315. Phased maintenance contracts: vessels covered

''In any case in which the Secretary of the Navy enters into a contract for the phased maintenance of a class of vessels or vessels of an identified type, the Secretary shall ensure that—

''(1) any vessel that is covered by the contract when it is entered into remains covered by the contract, regardless of operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy; and

''(2) any vessel of a class or type covered by the contract that is delivered to the Navy while the contract is in effect is covered by the contract.''.

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

''7315. Phased maintenance contracts: vessels covered.''.

(b) EFFECTIVE DATE.—Section 7315 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1023. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting ''or Guam'' after ''the United States'' the second place it appears.

SEC. 1024. NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph

Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

SEC. 1025. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

Subtitle C—Other Matters

SEC. 1031. TERMINATION AND MODIFICATION OF AUTHORITIES REGARDING NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION PROGRAMS.

(a) CONGRESSIONAL DEFENSE POLICY.—Section 2501 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out paragraph (5); and

(2) in subsection (b)—

(A) by striking out ''DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION'' in the subsection heading and inserting in lieu thereof ''TECHNOLOGY DEVELOPMENT FOR NATIONAL SECURITY'';

(B) by striking out '', during a period of reduction in defense expenditures,'' in the matter preceding paragraph (1);

(C) by striking out ''of reinvestment, diversification, and conversion of defense resources'' in the matter preceding paragraph (1); and

(D) in paragraph (5), by striking out ''defense economic reinvestment'' and inserting in lieu thereof ''economic investment''.

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(c) of such title is amended—

(1) in paragraph (1)(B), by striking out '', during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives'' and inserting in lieu thereof ''the objectives'';

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) MODIFICATION OF DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS PROGRAM.—(1) Subsection (a) of section 2511 of such title is amended—

(A) by striking out ''PARTNERSHIPS'' in the subsection heading and inserting in lieu thereof ''PROGRAM'';

(B) in the first sentence, by striking out '', by providing for the establishment'' and all that follows through ''encourage and provide'' and inserting in lieu thereof ''by encouraging and providing'';

(C) in the second sentence, by striking out ''in order to establish the partnerships'' and inserting in lieu thereof ''in furtherance of the program''; and

(D) by adding at the end the following new sentence: ''The Secretary shall identify projects to be conducted as part of the program.''.

(2) Such section is further amended by striking out subsections (b), (c), and (d) and inserting in lieu thereof the following new subsection:

''(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary may make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.''.

(3) Such section is further amended—

(A) by redesignating subsections (e), (f), and (g), as subsections (c), (d), and (e), respectively;

(B) in subsection (c), as so redesignated, by striking out ''establishment of partnerships'' and inserting in lieu thereof ''conduct of the program''; and

(C) in subsection (d), as so redesignated—

(i) by striking out ''proposed partnerships for establishment under this section'' in the matter preceding paragraph (1) and inserting in lieu thereof ''projects under the program'';

(ii) in paragraphs (1) and (2), by striking out ''program proposed to be conducted by the partnership'' both places it appears and inserting in lieu thereof ''proposed project'';

(iii) in paragraph (3), by striking out ''partnership's'' and inserting in lieu thereof ''proposed project's''; and

(iv) in paragraphs (4) through (7), by striking out ''partnership'' each place it appears and inserting in lieu thereof ''project''.

(d) REPEAL OF COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS PROGRAM.—Section 2512 of such title is repealed.

(e) REPEAL OF REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513 of such title is repealed.

(f) MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516(b) of such title is amended—

(1) by inserting ''and'' at the end of paragraph (2);

(2) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

(g) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out ''referred to in section 2511(b) of this title'';

(2) in subsection (d)—

(A) by striking out ''(1)'' before ''The Secretary shall''; and

(B) by striking out paragraph (2); and

(3) in subsection (f), by striking out ''section 2511(f)'' and inserting in lieu thereof ''section 2511(d)''.

(h) REPEAL OF NAVY REINVESTMENT PROGRAM.—Section 2520 of such title is repealed.

(i) REPEAL OF NATIONAL DEFENSE MANUFACTURING TECHNOLOGY PROGRAM.—Section 2521 of such title is repealed.

(j) REPEAL OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS PROGRAM.—Section 2522 of such title is repealed.

(k) REPEAL OF MANUFACTURING EXTENSION PROGRAM.—Section 2523 of such title is repealed.

(l) REPEAL OF DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524 of such title is repealed.

(m) CLERICAL AMENDMENTS.—(1) The heading of section 2511 of such title is amended to read as follows:

''§ 2511. Defense dual-use critical technology program''.

(2) The table of sections at the beginning of subchapter III of chapter 148 of such title is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

''2511. Defense dual-use critical technology program.''; and

(B) by striking out the items relating to sections 2512, 2513, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

SEC. 1032. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of sections at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting ''or'' at the end of paragraph (1);

(B) by striking out ''; or'' at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesignating subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of each of sections 173(b) and 174(b) of such title is amended to read as follows: ''Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.''.

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out ''is entitled to not more than $5 a day and''.

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVITIES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) MANAGEMENT TRAINING PROGRAM IN JAPANESE LANGUAGE AND CULTURE.—(1) Section 2198 of such title is repealed.

(2) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2198.

(i) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (a)''.

(j) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended by striking out subsection (c).

(k) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(l) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—(1) Subsection (a) of section 409 of Public Law 91–121 (50 U.S.C. 1511) is repealed.

(2) Subsection (b) of such section (50 U.S.C. 1512) is amended—

(A) by inserting ''and'' at the end of paragraph (2);

(B) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(3) Subsection (c) of such section (50 U.S.C. 1513) is amended by striking out the second sentence of paragraph (1).

(m) PROVISION GIVING PERMANENT STATUS TO EXECUTIVE ORDER RELATING TO NAVAL NUCLEAR PROPULSION PROGRAM.—Section 1634 of the Department of Defense Authorization, 1985 (Public Law 98–525; 98 Stat. 2649; 42 U.S.C. 7158 note), is repealed.

(n) ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(o) OBSOLETE AUTHORITY REGARDING ANNISTON ARMY DEPOT, ALABAMA.—Section 352 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1539) is repealed.

(p) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(q) LIMITATION ON AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

(r) REQUIREMENT RELATING TO ATHLETIC DIRECTOR OF NAVAL ACADEMY.—Section 556(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) (including the section of title 10, United States Code, added by that section effective January 1, 1996, and the table of sections item added by that section) is repealed.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1102. FISCAL YEAR 1996 AUTHORIZATION.

Of the amount authorized in section 301 for Cooperative Threat Reduction programs, not more than the following amounts shall be available for the purposes specified:

(1) $50,000,000 for elimination of Russian strategic offensive weapons.

(2) $20,000,000 for elimination of Ukraine strategic nuclear weapons.

(3) $15,000,000 for elimination of Kazakhstan strategic nuclear weapons.

(4) $5,000,000 for elimination of Belarus strategic nuclear weapons.

(5) $6,000,000 for design of a storage facility for Russian fissile material.

(6) $42,500,000 for weapons security in Russia.

(7) $35,000,000 for nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan.

(8) $10,000,000 for activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan.

(9) $16,500,000 for activities designated as Other Assessments/Support.

SEC. 1103. REPEAL OF DEMILITARIZATION ENTERPRISE FUND AUTHORITY.

Section 1204 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5953) is repealed.

SEC. 1104. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1105. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPONS DESTRUCTION.

Section 211(b) of Public Law 102–228 (105 Stat. 1694) is amended by striking out ''committed to'' in the matter preceding paragraph (1).

SEC. 1106. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1101 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

SEC. 1107. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1201. LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER UNITED NATIONS COMMAND OR CONTROL.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''§ 405. Placement of United States forces under United Nations command or control: limitation

''(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the Armed Forces that after the date of the enactment of this section is placed under United Nations command or control, as defined in subsection (f).

''(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the Armed Forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

''(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the Armed Forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

''(c) ADDITIONAL EXCEPTIONS.—

''(1) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

''(2) EXCEPTION FOR NATO OPERATIONS.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

''(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

''(1) Certification by the President that—

''(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

''(B) the commander of any unit of the Armed Forces proposed for placement under United Nations command or control will at all times retain the right—

''(i) to report independently to superior United States military authorities; and

''(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

''(C) any element of the Armed Forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

''(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

''(2) A report setting forth the following:

''(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

''(B) The mission of the United States forces involved.

''(C) The expected size and composition of the United States forces involved.

''(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

''(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

''(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

''(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

''(H) The timetable for complete withdrawal of the United States forces involved.

''(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

''(f) UNITED NATIONS COMMAND OR CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations command or control if—

''(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

''(2) the senior military commander of the United Nations force or operation—

''(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

''(B) is a United States military officer serving on active duty but—

''(i) that element of the armed forces is under the command or operational control of a subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

''(ii) that senior military commander does not have the authority—

''(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

''(II) to establish rules of engagement for United States forces involved; and

''(III) to establish criteria governing the operational employment of United States forces involved.

''(g) INTERPRETATION.—Nothing in this section may be construed—

''(1) as authority for the President to use any element of the armed forces in any operation;

''(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national; or

''(3) as an unconstitutional infringement on the authority of the President as commander-in-chief.''.

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

''405. Placement of United States forces under United Nations command or control: limitation.''.

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 405(d)(1) of title 10, United States Code, as added by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 1202. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 1201, the following new section:

''§ 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(1) for the costs of a United Nations peacekeeping activity; or

''(2) for any United States arrearage to the United Nations.

''(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 405, as added by section 1201, the following new item:

''406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.''.

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

Subtitle B—Humanitarian Assistance Programs

SEC. 1211. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

SEC. 1212. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

''(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

''(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

''(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

''(A) The total amount of funds obligated for humanitarian relief under this section.

''(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

''(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.'';

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out ''the Committees on'' and all that follows through ''House of Representatives of the'' and inserting in lieu thereof ''the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the'';

(5) by redesignating subsection (g) as subsection (e); and

(6) by adding at the end the following new subsection:

''(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

''(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

''(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.''.

SEC. 1213. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out ''means—'' and inserting in lieu thereof ''means:'';

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

''(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance

with respect to the detection and clearance of landmines.''.

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

''(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

''(B) provides such assistance as part of a military operation that does not involve the armed forces.''.

(c) REPEAL.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.

Subtitle C—Other Matters

SEC. 1221. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1831) is amended by striking out ''by remote control or'' .

SEC. 1222. EXTENSION AND AMENDMENT OF COUNTERPROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out ''during fiscal years 1994 and 1995'';

(2) in subsection (e)(1), by striking out ''fiscal years 1994 and 1995'' and inserting in lieu thereof ''a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect''; and

(3) by adding at the end the following new subsection:

''(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.''.

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out ''the On-Site Inspection Agency'' and inserting in lieu thereof ''the Department of Defense''.

(2) Subsection (c)(3) of such section is amended by striking out ''will be counted'' and all that follows and inserting in lieu thereof ''will be counted as discretionary spending in the national defense budget function (function 050).''.

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out ''for fiscal year 1994'' the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof ''for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year.''; and

(B) by striking out ''referred to in this paragraph''; and

(2) in paragraph (3)—

(A) by striking out ''may not exceed'' and all that follows through ''1995''; and

(B) by inserting before the period at the end the following: '', may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996''.

SEC. 1223. PROHIBITION ON USE OF FUNDS FOR ACTIVITIES ASSOCIATED WITH THE UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

Funds appropriated to the Department of Defense for fiscal year 1996 may not be obligated or expended for any activity associated with the United States-People's Republic of China Joint Defense Conversion Commission.

SEC. 1224. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

''Sec.
''2540. Establishment of loan guarantee program.
''2540a. Transferability.
''2540b. Limitations.
''2540c. Fees charged and collected.
''2540d. Definitions.

''§ 2540. Establishment of loan guarantee program

''(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

''(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

''(1) A member nation of the North Atlantic Treaty Organization (NATO).

''(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

''(3) A country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of March 31, 1995.

''(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATION ACTS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

''§ 2540a. Transferability

''A guarantee issued under this subchapter shall be fully and freely transferable.

''§ 2540b. Limitations

''(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

''(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

''(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

''§ 2540c. Fees charged and collected

''(a) IN GENERAL.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

''(b) AMOUNT.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under this section with respect to a loan guarantee shall be fixed in an amount sufficient to meet potential liabilities of the United States under the loan guarantee.

''(c) PAYMENT TERMS.—The fee for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

''§ 2540d. Definitions

''In this subchapter:

''(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

''(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).''.

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

''VI. Defense Export Loan Guarantees .. 2540''.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

SEC. 1225. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

''(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).''.

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out ''credited under subsection (b) to an appropriation account of the Department of Defense'' and inserting in lieu thereof ''placed in an account established under subsection (b)''.

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out ''a report to the congressional defense committees'' and inserting in lieu thereof ''to the congressional committees specified in subsection (g) a report''; and

(2) by adding at the end the following new subsection:

''(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

''(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

SEC. 1226. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350k. Relocation within host nation of elements of armed forces overseas

''(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

''(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

''(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

''(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

''(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

''(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

''(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

''(6) All other clearly identifiable expenses directly related to relocation.

''(c) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

''(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

''(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

''(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

''(d) ANNUAL REPORT TO CONGRESS.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

''(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

''(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.''.

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350k. Relocation within host nation of elements of armed forces overseas.''.

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995, and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1227. SENSE OF CONGRESS ON ABM TREATY VIOLATIONS.

(a) FINDINGS.—The Congress finds the following:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that was judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar was certified by the Reagan Administration and previous sessions of Congress as an unequivocal violation by the Soviet Union of the Anti-Ballistic Missile Treaty.

(6) Retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition that its location would be a clear violation of the ABM Treaty.

(7) General Votintsev has publicly stated that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests; and

(2) the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1996''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$5,900,000
	Redstone Arsenal	$5,000,000
Arizona	Fort Huachuca	$18,550,000
California	Fort Irwin	$25,500,000
	Presidio of San Francisco	$3,000,000
Colorado	Fort Carson	$30,850,000
District of Columbia	Fort McNair	$13,500,000
Georgia	Fort Benning	$37,900,000
	Fort Gordon	$5,750,000
	Fort Stewart	$8,400,000
Hawaii	Schofield Barracks	$15,000,000
Kentucky	Fort Knox	$5,600,000
Missouri	Fort Leonard Wood	$3,900,000
New Jersey	Picatinny Arsenal	$5,500,000
New Mexico	White Sands Missile Range	$2,050,000
New York	Fort Drum	$11,450,000
	United States Military Academy	$8,300,000
	Watervliet Arsenal	$680,000
North Carolina	Fort Bragg	$29,700,000
Oklahoma	Fort Sill	$14,300,000
South Carolina	Naval Weapons Station, Charleston	$25,700,000
	Fort Jackson	$32,000,000
Texas	Fort Hood	$32,500,000
	Fort Bliss	$56,900,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Eustis	$16,400,000
	Fort Myer	$17,000,000
Washington	Fort Lewis	$32,100,000
CONUS Classified	Classified Location	$1,900,000
	Total:	$472,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$4,150,000
	Camp Hovey	$13,500,000
	Camp Pelham	$5,600,000
	Camp Stanley	$6,800,000
	Yongsan	$1,450,000
Overseas Classified	Classified Location	$48,000,000
	Total:	$79,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Alabama	Redstone Arsenal	118 units	$12,000,000
Kentucky	Fort Knox	262 units	$19,000,000
New York	United States Military Academy, West Point	119 units	$16,500,000
Virginia	Fort Lee	135 units	$19,500,000
Washington	Fort Lewis	84 units	$10,800,000
		Total:	$77,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $46,600,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,167,190,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $472,330,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $79,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,778,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $126,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,333,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$2,490,000
	Marine Corps Base, Camp Pendleton	$27,584,000
	Nav Com Control & Ocean Sur Cen RDT&E Div, San Diego	$3,170,000
	Naval Air Station, Lemoore	$7,600,000
	Naval Air Station, North Island	$99,150,000
	Naval Air Warfare Center Weapons Division, China Lake	$3,700,000
	Naval Air Warfare Center Weapons Division, Point Mugu	$1,300,000
	Naval Construction Batallion Center, Port Hueneme	$16,700,000
	Naval Station, San Diego	$19,960,000
Florida	Naval School Explosive Ordinance Disposal, Eglin Air Force Base	$16,150,000
	Naval Technical Training Center, Corry Station, Pensacola	$2,565,000
Georgia	Strategic Weapons Facility, Atlantic, Kings Bay	$2,450,000
	Marine Corps Logistics Base, Albany	$1,300,000
Hawaii	Intelligence Center Pacific, Pearl Harbor	$2,200,000
	Naval Com & Telecoms Area MASTSTA EASTPAC, Honolulu	$1,980,000
	Naval Submarine Base, Pearl Harbor	$22,500,000
Illinois	Naval Training Center, Great Lakes	$12,440,000
Indiana	Crane Naval Surface Warfare Center	$3,300,000
Maryland	Naval Academy, Annapolis	$3,600,000
	Various Maryland Locations	$1,200,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$1,700,000
North Carolina	Marine Corps Air Station, Cherry Point	$11,430,000
	Marine Corps Air Station, New River	$14,650,000
	Marine Corps Base, Camp LeJeune	$59,300,000
Pennsylvania	Philadelphia Naval Shipyard	$6,000,000
South Carolina	Marine Corps Air Station, Beaufort	$15,000,000
Texas	Naval Air Station, Corpus Christi	$4,400,000
	Naval Air Station, Kingsville	$2,710,000
	Naval Station, Ingleside	$2,640,000
Virginia	Fleet and Industrial Supply Center, Williamsburg	$8,390,000
	Marine Corps Combat Development Command, Quantico	$3,500,000
	Naval Hospital, Portsmouth	$9,500,000
	Naval Station, Norfolk	$28,580,000
	Naval Weapons Station, Yorktown	$1,300,000
Washington	Naval Undersea Warfare Center Division, Keyport	$5,300,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Puget Sound Naval Shipyard, Bremerton	$19,870,000
	Total:	$445,609,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Com & Telecoms Area MASTSTA WESTPAC	$2,250,000
	Navy Public Works Center, Guam	$16,180,000
Italy	Naval Air Station, Sigonella	$12,170,000
	Naval Support Activity, Naples	$24,950,000
Puerto Rico.	Naval Security Group Activity, Sabana Seca	$2,200,000
	Naval Station, Roosevelt Roads	$11,500,000
	Total	$69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Base, Camp Pendleton	205 units	$30,080,000
	Marine Corps Base, Camp Pendleton	Community Center	$1,438,000
	Marine Corps Base, Camp Pendleton	Housing Office	$707,000
	Naval Air Station, Lemoore	240 units	$34,900,000
	Pacific Missile Test Center, Point Mugu	Housing Office	$1,020,000
	Public Works Center, San Diego	346 units	$49,310,000
Hawaii	Naval Complex, Oahu	252 units	$48,400,000
Maryland	Naval Air Test Center, Patuxent River	Warehouse	$890,000
	US Naval Academy, Annapolis	Housing Office	$800,000
North Carolina	Marine Corps Air Station, Cherry Point	Community Center	$1,003,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	Housing Office	$300,000
Puerto Rico	Naval Station, Roosevelt Roads	Housing Office	$710,000
Virginia	Naval Surface Warfare Center, Dahlgren	Housing Office	$520,000
	Public Works Center, Norfolk	320 units	$42,500,000
	Public Works Center, Norfolk	Housing Office	$1,390,000
		Total:	$230,752,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $292,931,000.

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 $2,164,861,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $445,609,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,184,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $531,289,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,045,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

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	$3,700,000
Alaska	Eielson Air Force Base	$3,850,000
	Elmendorf Air Force Base	$9,100,000
	Tin City Long Range RADAR Site	$2,500,000
Arizona	Davis-Monthan Air Force Base	$4,800,000
	Luke Air Force Base	$5,200,000
Arkansas	Little Rock Air Force Base	$2,500,000
California	Beale Air Force Base	$7,500,000
	Edwards Air Force Base	$33,800,000
	Travis Air Force Base	$26,700,000
	Vandenberg Air Force Base	$6,000,000
Colorado	Buckley Air National Guard Base	$5,500,000
	Peterson Air Force Base	$4,390,000
	US Air Force Academy	$12,874,000
Delaware	Dover Air Force Base	$5,500,000
District of Columbia	Bolling Air Force Base	$12,100,000
Florida	Cape Canaveral Air Force Station	$1,600,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Eglin Air Force Base	$13,500,000
	Tyndall Air Force Base	$1,200,000
Georgia	Moody Air Force Base	$19,190,000
	Robins Air Force Base	$6,900,000
Hawaii	Hickam Air Force Base	$10,700,000
Idaho	Mountain Home Air Force Base	$18,650,000
Illinois	Scott Air Force Base	$12,700,000
Kansas	McConnell Air Force Base	$15,950,000
Louisiana	Barksdale Air Force Base	$2,500,000
Maryland	Andrews Air Force Base	$12,886,000
Mississippi	Columbus Air Force Base	$1,150,000
	Keesler Air Force Base	$14,800,000
Missouri	Whiteman Air Force Base	$24,600,000
Nevada	Nellis Air Force Base	$10,500,000
New Jersey	McGuire Air Force Base	$21,500,000
New Mexico	Cannon Air Force Base	$13,420,000
	Kirtland Air Force Base	$9,156,000
North Carolina	Pope Air Force Base	$8,250,000
	Seymour Johnson Air Force Base	$7,530,000
North Dakota	Grand Forks Air Force Base	$14,800,000
	Minot Air Force Base	$1,550,000
Ohio	Wright Patterson Air Force Base	$4,100,000
Oklahoma	Altus Air Force Base	$5,200,000
	Tinker Air Force Base	$5,100,000
South Carolina	Charleston Air Force Base	$12,500,000
	Shaw Air Force Base	$1,300,000
Tennessee	Arnold Air Force Base	$5,000,000
Texas	Dyess Air Force Base	$5,400,000
	Goodfellow Air Force Base	$1,000,000
	Kelly Air Force Base	$3,244,000
	Laughlin Air Force Base	$1,400,000
	Randolph Air Force Base	$3,100,000
	Reese Air Force Base	$1,200,000
	Sheppard Air Force Base	$1,500,000
Virginia	Langley Air Force Base	$1,000,000
Washington	Fairchild Air Force Base	$15,700,000
	McChord Air Force Base	$9,900,000
Wyoming	F.E. Warren Air Force Base	$13,000,000
CONUS Classified	Classified Location	$700,000
	Total:	$479,390,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$8,380,000
	Vogelweh Annex	2,600,000
Greece	Araxos Radio Relay Site	1,950,000
Italy	Aviano Air Base	2,350,000
	Ghedi Radio Relay Site	1,450,000
Turkey	Ankara Air Station	7,000,000
	Incirlik Air Base	4,500,000
United Kingdom	Lakenheath Royal Air Force Base	1,820,000
	Mildenhall Royal Air Force Base	2,250,000
Overseas Classified	Classified Location	17,100,000
	Total:	$49,400,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
Alaska	Elmendorf Air Force Base	Housing Office/Maintenance Facility	$3,000,000
Arizona	Davis-Monthan Air Force Base	80 units	9,498,000
Arkansas	Little Rock Air Force Base	Replace 1 General Officer Quarters	210,000
California	Beale Air Force Base	Family Housing Office	842,000
	Edwards Air Force Base	127 units	20,750,000
	Vandenberg Air Force Base	Family Housing Office	900,000
	Vandenberg Air Force Base	143 units	20,200,000
Colorado	Peterson Air Force Base	Family Housing Office	570,000
District of Columbia	Bolling Air Force Base	32 units	4,100,000
Florida	Eglin Air Force Base	Family Housing Office	500,000
	Eglin Auxiliary Field 9	Family Housing Office	880,000
	MacDill Air Force Base	Family Housing Office	646,000
	Patrick Air Force Base	70 units	7,947,000
	Tyndall Air Force Base	82 units	9,800,000
Georgia	Moody Air Force Base	1 Officer & 1 General Officer Quarter	513,000
Guam	Andersen Air Force Base	Housing Maintenance Facility	1,700,000
Idaho	Mountain Home Air Force Base	Housing Management Facility	844,000
Kansas	McConnell Air Force Base	39 units	5,193,000
Louisiana	Barksdale Air Force Base	62 units	10,299,000
Massachusetts	Hanscom Air Force Base	32 units	4,900,000
Mississippi	Keesler Air Force Base	98 units	9,300,000
Missouri	Whiteman Air Force Base	72 units	9,948,000
Nevada	Nellis Air Force Base	143 Units	22,357,000
New Mexico	Holloman Air Force Base	1 General Officer Quarters	225,000

Air Force: Family Housing—Continued

State/Country	Installation	Purpose	Amount
	Kirtland Air Force Base	105 units	11,000,000
North Carolina	Pope Air Force Base	104 units	9,984,000
	Seymour Johnson Air Force Base	1 General Officer Quarters	204,000
South Carolina	Shaw Air Force Base	Housing Maintenance Facility	715,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	580,000
	Lackland Air Force Base	67 units	6,200,000
	Sheppard Air Force Base	Management Office	500,000
	Sheppard Air Force Base	Housing Maintenance Facility	600,000
Turkey	Incirlik Air Base	150 units	10,146,000
Washington	McChord Air Force Base	50 units	9,504,000
		Total:	$194,555,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,727,557,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $479,390,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,021,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $294,503,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $846,213,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) RETENTION OF INTEREST.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) RETENTION OF INTEREST.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.''.

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: ''The number of units constructed using the transferred funds (and interest accrued on these funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base, Illinois, in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).''.

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

''(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a) and the interest accrued on these funds shall be deposited in the general fund of the Treasury of the United States.''.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency/State	Installation or location	Amount
Ballistic Missile Defense Organization Texas		
Texas	Fort Bliss	$13,600,000
Defense Finance & Accounting Service Ohio		
Ohio	Columbus Center	$72,403,000
Defense Intelligence Agency		
District of Columbia	Bolling Air Force Base	$1,743,000
Defense Logistics Agency Alabama		
Alabama	Defense Distribution Anniston	$3,550,000
California	Defense Distribution Stockton	$15,000,000
	DFSC, Point Mugu	$750,000
Delaware	DFSC, Dover Air Force Base	$15,554,000
Florida	DFSC, Eglin Air Force Base	$2,400,000
Louisiana	DFSC, Barksdale Air Force Base	$13,100,000
New Jersey	DFSC, McGuire Air Force Base	$12,000,000
Pennsylvania	Def Distribution New Cumberland—DDSP	$4,600,000
Virginia	Defense Distribution Depot—DDNV	$10,400,0000
Defense Mapping Agency Missouri		
Missouri	Defense Mapping Agency Aerospace Center..	$40,300,000
Defense Medical Facility Office Arizona		
Arizona	Luke Air Force Base	$8,100,000
California	Fort Irwin	$6,900,000
	Marine Corps Base, Camp Pendleton	$1,700,000
	Vandenberg Air Force Base	$5,700,000
Delaware	Dover Air Force Base	$4,400,000
Georgia	Fort Benning	$5,600,000
Louisiana	Barksdale Air Force Base	$4,100,000
Maryland	Bethesda Naval Hospital	$1,300,000
	Walter Reed Army Institute of Research	$1,550,000
Texas	Fort Hood	$5,500,000
	Lackland Air Force Base	$6,100,000
	Reese Air Force Base	$1,000,000
Virginia	Northwest Naval Security Group Activity	$4,300,000
National Security Agency		
Maryland	Fort Meade	$18,733,000
Office of the Secretary of Defense Inside the United States		

Defense Agencies: Inside the United States—Continued

Agency/State	Installation or location	Amount
Inside the United States	Classified location	$11,500,000
Department of Defense Dependents Schools Alabama		
Alabama	Maxwell Air Force Base	$5,479,000
Georgia	Fort Benning	$1,116,000
South Carolina	Fort Jackson	$576,000
Special Operations Command		
California	Naval Air Station, Miramar	$5,200,000
Florida	Duke Field	$2,400,000
	Eglin Auxiliary Field 9	$14,150,000
Louisiana	Naval Support Activity, New Orleans	$730,000
North Carolina	Fort Bragg	$23,800,000
Pennsylvania	Olmstead Field, Harrisburg IAP	$1,643,000
Virginia	Dam Neck	$6,100,000
	Naval Amphibious Base, Little Creek	$4,500,000
	Total:	$357,577,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency/Country	Installation Name	Amount
Defense Logistics Agency Puerto Rico		
Puerto Rico	Defense Fuel Support Point, Roosevelt Roads	$6,200,000
Spain	DFSC Rota	$7,400,000
Defense Medical Facility Office Italy		
Italy	Naval Support Activity, Naples	$5,000,000
Department of Defense Dependents Schools		
Germany	Ramstein Air Force Base	$19,205,000
Italy	Naval Air Station, Sigonella	$7,595,000
National Security Agency		
United Kingdom	Menwith Hill Station	$677,000
Special Operations Command Guam		
Guam	Naval Station, Guam	$8,800,000
	Total:	$54,877,000

SEC. 2402. FAMILY HOUSING PRIVATE INVESTMENT.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may enter into agreements to construct, acquire, and improve family housing units (including land acquisition) at or near military installations, for the purpose of encouraging private investments, in the amount of $22,000,000. Amounts appropriated pursuant to such section may be transferred from the Department of Defense Family Housing Improvement Fund established under section 2873 of title 10, United States Code, to the family housing accounts of the military departments for the purpose of encouraging private investments.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,692,463,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $322,574,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $47,900,000.

(4) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), $40,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), $55,000,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United State Code, $68,837,000.

(11) For energy conservation projects authorized by section 2404, $50,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,897,892,000.

(13) For military family housing functions:

(A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out ''$3,000,000'' in the amount column and inserting in lieu thereof ''$115,000,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$12,000,000'' in the amount column and inserting in lieu thereof ''$186,000,000''.

SEC. 2407. LIMITATION ON EXPENDITURES FOR CONSTRUCTION PROJECT AT UMATILLA ARMY DEPOT, OREGON.

None of the funds appropriated to the Department of Defense for fiscal year 1996 for the construction of a chemical munitions incinerator facility at Umatilla Army Depot may be obligated or expended before March 1, 1996.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 2501, in the amount of $161,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $72,537,000; and

(B) for the Army Reserve, $42,963,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,655,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $118,267,000; and

(B) for the Air Force Reserve, $31,502,000.

SEC. 2602. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

Amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000
Hawaii	Schofield Barracks	Additions and Alterations Sewage Treatment Plant	$17,500,000
Virginia	Fort Pickett	Sewage Treatment Plant	$5,800,000
		Family Housing (26 Units)	$2,300,000

Navy: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Treatment Plant	$19,740,000
Maryland	Patuxent River Naval Warfare Center	Advanced Systems Integration Facility	$60,990,000
Mississippi	Meridian Naval Air Station	Child Development Center	$1,100,000
Virginia	Dam Neck Fleet Combat Training Center	Land Acquisition	$4,500,000

Air Force: Extension of 1993 Project Authorization

State or country	Installation or location	Project	Amount
District of Columbia	Bolling Air Force Base	Base Engineer Complex	$1,300,000
North Carolina	Pope Air Force Base	Munitions Storage Complex	$4,300,000
Virginia	Langley Air Force Base	Civil Engineer Complex	$5,300,000
Guam	Andersen Air Force Base	Solid Waste Complex	$10,000,000
Portugal	Lajes Field	Water Wells	$865,000
		Fire Training Facility	$1,300,000

Army Reserve: Extension of 1993 Project Authorizations

State	Location	Project	Amount
West Virginia	Bluefield	Additions and Alterations Reserve Center	$1,921,000
	Clarksburg	Additions and Alterations AMSA	$1,156,000
	Grantville	Reserve Center/OMS	$2,785,000
	Jane Lew	Reserve Center	$1,566,000
	Lewisburg	Reserve Center/OMS	$1,631,000
	Weirton	Reserve Center/OMS	$3,481,000

Army National Guard: Extension of 1993 Project Authorizations

State	Location	Project	Amount
New Jersey	Fort Dix	Additions and Alterations Armory	$4,750,000
Oregon	La Grande	OMS	$995,000
		Armory Addition	$3,049,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
		Ammunition Demilitarization Utilities	$7,500,000

Army Reserve: Extension of 1992 Project Authorization

State	Location	Project	Amount
Tennessee	Jackson	Joint Training Facility	$1,537,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. ALTERNATIVE MEANS OF ACQUIRING AND IMPROVING MILITARY FAMILY HOUSING AND SUPPORTING FACILITIES FOR THE ARMED FORCES.

(a) FINDINGS AND PURPOSE.—(1) Congress finds the following:

(A) Adequate military family housing is essential to the retention of well-trained and professional members of the Armed Forces.

(B) Current military family housing is in many circumstances substandard, inadequately maintained, or obsolete. Of the more than 375,000 military families living on military installations, two-thirds of such families reside in unsuitable quarters.

(C) Traditional military construction techniques are frequently lengthy and more expensive than commercial methods. At current appropriation levels, modernization of military family housing located on military installations could require more than 30 years to accomplish.

(D) A combination of private housing capital and commercial construction techniques could help to alleviate the shortage of suitable military family housing in a far more timely and cost effective manner.

(2) It is the purpose of this section to obtain new and improved military family housing and ancillary supporting facilities for the Armed Forces using private capital and expertise.

(b) ALTERNATIVE PROVISION OF HOUSING AND FACILITIES.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—ALTERNATIVE PROVISION OF MILITARY FAMILY HOUSING

''Sec.
''2871. Definitions.
''2872. General limitations and authorities.
''2873. Department of Defense Family Housing Improvement Fund.
''2875. Housing finance and acquisition authorities.
''2876. Expiration of authority.

''§ 2871. Definitions

''In this subchapter:

''(1) The term 'construction' means the construction of additional units of military family housing and ancillary supporting facilities or the replacement or renovation of existing units or ancillary supporting facilities.

''(2) The term 'ancillary supporting facilities' means facilities related to military family housing, such as day care centers, community centers, housing offices, maintenance complexes, tot lots, and parks. Such term does not include commercial facilities that could not otherwise be constructed using funds appropriated to the Department of Defense.

''(3) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

''(4) The term 'Fund' means the Department of Defense Family Housing Improvement Fund established under section 2873(a) of this title.

''§ 2872. General limitations and authorities

''(a) USE OF AUTHORITIES.—The Secretary concerned may use the authorities provided by this subchapter, singly or in conjunction with other authorities provided under this chapter, to help meet the military family housing needs of members of the armed forces and the dependents of such members at military installations at which there is a shortage of suitable housing for members and their dependents.

''(b) TERM.—Subject to section 2873(d)(2) of this title, a contract entered into under this subchapter may be for such term as the Secretary concerned considers to be in the best interests of the United States.

''(c) PHASED OCCUPANCY.—A contract under this subchapter may provide for phased occupancy of completed family housing units under one or more interim leases during the period of the construction or renovation of the housing units. In no case shall any such interim lease extend beyond the construction or renovation period.

''(d) UNIT SIZE AND TYPE.—Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter, except that room and floor area size of such housing units should generally be comparable to private sector housing available in the same locality. When acquiring existing family housing in lieu of construction under section 2824 of this title, the Secretary concerned may vary the number of types of units to be acquired as long as the total number of units is substantially the same as authorized by law.

''(e) LOCATION.—The Secretary concerned may use the authorities provided under this subchapter to acquire or construct military family housing units and ancillary supporting facilities in the United States, the Commonwealth of Puerto Rico, and in any territory or possession of the United States.

''(f) NOTIFICATION REQUIRED FOR CONTRACTS.—The Secretary concerned may not enter into a contract under this subchapter until after the end of the 21-day period beginning on the date the Secretary concerned submits to the appropriate committees of Congress written notice of the nature and terms of the contract.

''(g) ASSIGNMENTS.—The Secretary concerned may assign members of the armed forces to any military family housing obtained using the authorities provided in this subchapter in accordance with section 403(b) of title 37.

''(h) ALLOTMENTS.—The Secretary concerned may require a member of the armed forces to pay rent by allotment as a condition of occupying military family housing obtained using the authorities provided in this subchapter.

''(i) SUPPORTING FACILITIES.—Any contract entered into under this subchapter may include provisions for the construction or acquisition of ancillary supporting facilities.

''(j) AUTHORITY TO LEASE OR SELL LAND, HOUSING, AND SUPPORTING FACILITIES.—(1) The Secretary concerned may lease or sell land, housing, and ancillary supporting facilities under the jurisdiction of the Secretary for the purpose of providing additional military family housing or improving existing military family housing under this subchapter, except that the authority to lease or sell real property under this subchapter shall not extend to property located at a military installation approved for closure.

''(2) A sale or lease under this subsection may be made for such consideration and upon such terms and conditions as the Secretary concerned shall determine to be consistent with the purposes of this subchapter and the public interest. The acreage and legal description of any property leased or conveyed under this subsection shall be determined by a survey satisfactory to the Secretary concerned.

''(3) Section 2667 of this title, the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), and section 321 of the Act of June 30, 1932 (47 Stat. 412) shall not apply to leases and sales under this subsection.

''(4) As part or all of the consideration for the sale or lease of property under this subsection, the Secretary concerned shall require an ancillary agreement under which the person receiving the property agrees to give priority to military members and their dependents in the leasing of existing or new housing units under the control or provided by the person. Such agreements may provide for the payment by the Secretary concerned of security or damage deposits.

''§ 2873. Department of Defense Family Housing Improvement Fund

''(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Family Housing Improvement Fund, which shall be administered by the Secretary of Defense as a single account. Amounts in the Fund shall be available without fiscal year limitation.

''(b) DEPOSITS.—There shall be deposited into the Fund the following:

''(1) Amounts authorized for and appropriated into the Fund.

''(2) Subject to subsection (c), any amounts that the Secretary of Defense may transfer to the Fund from amounts appropriated to the Department of Defense for construction of military family housing.

''(3) Proceeds received from the conveyance or lease of real property under section 2872(j) of this title, income from operations conducted under this subchapter, including refunds of deposits, and any return of capital or return on investments entered into under this subchapter.

''(c) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) may be made

only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

''(d) USE OF FUNDS.—(1) In such total amount as is provided in advance in appropriation Acts, the Secretary of Defense may use amounts in the Fund for alternative means of financing military family housing and ancillary supporting facilities as authorized in this subchapter.

''(2) The Secretary may not enter into a contract under this subchapter unless the Fund contains sufficient amounts, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

''(3) The total value in budget authority of all contracts and investments undertaken using the authorities provided in the subchapter shall not exceed $1,000,000,000.

''(e) LOANS AND LOAN GUARANTEES.—Loans and loan guarantees may be entered into under this subchapter only to the extent that appropriations of budget authority to cover their costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts.

''(f) ANNUAL REPORT.—The Secretary of Defense shall submit to the appropriate committees of Congress an annual report detailing the expenditures from and deposits into the Fund during the preceding year and the utilization and effectiveness of the authorities provided by this subchapter. The Secretary shall submit the report at the same time that the President submits the budget to Congress under section 1105 of title 31.

''§ 2875. Housing finance and acquisition authorities

''(a) GUARANTEES.—(1) The Secretary concerned may enter into contracts that provide for guarantees, insurance, or other contingent payments to owners, mortgagors, or assignees of housing units and ancillary supporting facilities that are made available for use by members of the armed forces.

''(2) Contingencies under which payments may be made under such a contract include the following:

''(A) A failure to pay interest or principal on mortgages, generally or as a result of a base closure or realignment, a reduction in force, an extended deployment of assigned forces, or similar contingencies.

''(B) A failure to achieve specified occupancy levels of, or rental income from, housing units covered by a contract.

''(3) Such contracts may be on such terms and conditions as the Secretary concerned considers necessary or desirable to induce the provision of housing and ancillary supporting facilities, whether by acquisition or construction, for use by members of the armed forces, and to protect the financial interests of the United States.

''(b) LEASES.—The Secretary concerned may enter into a contract for the lease of housing units to be acquired or constructed on or near a military installation. Such a contract may provide for the owner of the property to operate and maintain the facilities.

''(c) DIFFERENTIAL PAYMENTS.—In entering into contracts under this subchapter, the Secretary concerned may make a differential payment in addition to rental payments made by individual members.

''(d) INVESTMENTS.—(1) The Secretary concerned may make investments in nongovernmental entities involved in the acquisition or construction of housing and ancillary supporting facilities on or near a military installation for such consideration and upon such terms and conditions as the Secretary concerned determines to be consistent with the purposes of this subchapter and the public interest.

''(2) Such investments may take the form of limited partnership interests, stock, debt instruments, or a combination thereof.

''(3) The investment made by the Secretary concerned in an acquisition or construction project under this subsection, whether the investment is in the form of cash, land or buildings under section 2872(j) of this title, or other form, may not exceed 35 percent of the capital costs of the acquisition or construction project.

''(e) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned may also enter into collateral incentive agreements in connection with investments made under subsection (d) to ensure that a suitable preference will be afforded members of the armed forces to lease or purchase, at affordable rates, a reasonable number of the housing units covered by the investment contract.

''§ 2876. Expiration of authority

''The authority of the Secretaries concerned to enter into contracts and partnerships and to make investments under this subchapter shall expire on September 30, 2000.''.

(2) The table of subchapters at the beginning of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to subchapter III the following new item:

IV. Alternative Provision of Military Family Housing ..... 2871.

SEC. 2802. INCLUSION OF OTHER ARMED FORCES IN NAVY PROGRAM OF LIMITED PARTNERSHIPS WITH PRIVATE DEVELOPERS FOR MILITARY HOUSING.

(a) EXPANDED AUTHORITY FOR HOUSING PARTNERSHIPS.—(1) Subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801, is amended by inserting after section 2873 the following new section:

''§ 2874. Limited partnerships with private developers of housing

''(a) LIMITED PARTNERSHIPS.—In order to meet the housing requirements of members of the armed forces, and the dependents of such members, at a military installation described in section 2872(a) of this title, the Secretary concerned may enter into a limited partnership with one or more private developers to encourage the construction of housing and ancillary supporting facilities within commuting distance of the installation. Section 2875(d) of this title shall apply with respect to the investments the Secretary concerned may make toward development costs under a limited partnership.

''(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

''(1) a suitable preference will be afforded members of the armed forces in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

''(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

''(c) SELECTION OF INVESTMENT OPPORTUNITIES.—(1) The Secretary concerned shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, to enter into limited partnerships under subsection (a).

''(2) When a decision is made by the Secretary concerned to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary concerned. The Secretary concerned may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

''(d) HOUSING INVESTMENT BOARDS.—(1) Each Secretary concerned shall establish a housing investment board, which shall have the duties—

''(A) of advising the Secretary concerned regarding those proposed limited partnerships under subsection (a), if any, that are financially and otherwise sound investments for meeting the objectives of this section;

''(B) of administering amounts in the Account established under section 2873 of this title that are made available to the Secretary concerned to carry out this section; and

''(C) of performing such other tasks as the Secretary concerned determines to be necessary and appropriate to assist the Secretary to carry out the duties of the Secretary under this section.

''(2) A housing investment board shall be composed of seven members appointed for a two-year term by the Secretary concerned. Among such members, the Secretary concerned may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing. The Secretary concerned shall designate one of the members as chairperson.

''(3) Members of a housing investment board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the board or otherwise serving at the request of the Secretary concerned, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the housing investment boards.

''(5) The housing investment boards shall terminate on September 30, 2000.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2873 the following new item:

''2874. Limited partnerships with private developers of housing.''.

(b) PROCEEDS FROM PARTICIPATION IN PARTNERSHIPS.—Section 2873(b) of title 10, United States Code, as added by section 2801, is amended by adding at the end the following new paragraph:

''(4) Proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under section 2874(a) of this title.''.

(c) CONFORMING REPEAL.—(1) Section 2837 of title 10, United States Code, is repealed. The repeal of such section shall not be construed to affect the validity or terms of any limited partnership or collateral incentive agreement entered into by the Secretary of the Navy under such section before the date of the enactment of this Act. Amounts in the Navy Housing Investment Account shall be transferred to the Department of Defense Family Housing Improvement Fund established under section 2873 of such title, as added by section 2801.

(2) The table of sections at the beginning of subchapter II of chapter 169 of title 10, United States Code, is amended by striking out the item relating to section 2837.

SEC. 2803. SPECIAL UNSPECIFIED MINOR CONSTRUCTION THRESHOLDS FOR PROJECTS TO CORRECT LIFE, HEALTH, AND SAFETY DEFICIENCIES AND CLARIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

(a) SPECIAL THRESHOLDS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: ''However, if the

military construction project is intended solely to correct a life, health, or safety deficiency, a minor military construction project may have an approved cost equal to or less than $3,000,000.''; and

(2) in subsection (c)(1), by striking out ''not more than $300,000.'' and inserting in lieu thereof the following: ''not more than—

''(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a life, health, or safety deficiency; or

''(B) $300,000, in the case of other unspecified military construction projects.''.

(b) DESCRIPTION OF MINOR CONSTRUCTION.—Subsection (a)(1) of such section is further amended by striking out ''(1) that is for a single undertaking at a military installation, and (2)''.

SEC. 2804. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

''§ 2782. Damage to real property: disposition of amounts recovered

''Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

''2782. Damage to real property: disposition of amounts recovered.''.

SEC. 2805. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''300 units'' in the first sentence and inserting in lieu thereof ''450 units''; and

(B) by striking out ''220 such units'' in the second sentence and inserting in lieu thereof ''350 such units''; and

(2) in paragraph (2), by striking out ''300 units'' and inserting in lieu thereof ''450 units''.

SEC. 2806. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Military Housing Assistance Act of 1995''.

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

''§ 3708. Authority to buy down interest rates: pilot program

''(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (2), (3), (6), or (10) of section 3710(a).

''(b) An individual is an eligible veteran for the purposes of this section if—

''(1) the individual is a veteran, as defined in section 3701(b)(4) of this title, or is on active Guard and Reserve duty, as defined by section 101(d) of title 10;

''(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

''(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

''(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

''(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

''(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

''(1) provide for a buy down period of not more than three years in duration;

''(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

''(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

''(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

''(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

''(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

''(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.''.

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

''3708. Authority to buy down interest rates: pilot program.''.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagees under section 3708 of title 38, United States Code.

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than six months after September 30, 1998, the Secretary shall submit a report to Congress regarding the effectiveness in providing housing to members of the Armed Forces and their dependents through the provisions of this subsection and section 3708 of title 38, United States Code.

(4) EARMARK.—Of the amount provided in section 2405(a)(13)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle B—Base Closure and Realignment

SEC. 2811. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 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 subsection:

''(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

''(2) A transfer of real property or facilities may be made under paragraph (1) only if—

''(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

''(B) the recipient of the property or facilities agrees to pay to the Secretary the difference between the fair market values if the fair market value of the housing units is lower than the fair market value of the property or facilities to be transferred.

''(3) Notwithstanding section 207(a)(7), the Secretary shall deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

''(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

''(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.''.

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

''(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may

not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

''(2) A transfer of real property or facilities may be made under paragraph (1) only if—

''(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

''(B) the recipient of the property or facilities agrees to pay to the Secretary the difference between the fair market values if the fair market value of the housing units is lower than the fair market value of the property or facilities to be transferred.

''(3) Notwithstanding section 2906(a)(2), the Secretary shall deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

''(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

''(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.''.

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2812. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting ''or (5)'' after ''paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the relevant account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) or section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(b) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—(1) Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)—

(i) by striking out ''and'' at the end of subparagraph (B);

(ii) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(D) proceeds from leases of property under section 2667(f) of title 10, United States Code, at a military installation to be closed or realigned under this title.''; and

(B) in paragraph (7), by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''.

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended—

(A) in subparagraph (C), by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''; and

(B) in subparagraph (D), by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''.

SEC. 2813. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) CLOSURES UNDER 1988 ACT.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

''(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such an agreement is in the best interests of the Department of Defense.''.

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

''(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such an agreement is in the best interests of the Department of Defense.''.

Subtitle C—Land Conveyances Generally

SEC. 2821. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under subsection (a) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Secretary of Veterans Affairs.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2822. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SUMTER, SOUTH CAROLINA.

(a) LAND ACQUISITION.—By means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) LAND EXCHANGE AUTHORIZED.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the Air Force parcel to be conveyed does not exceed the fair market value of the parcel to be acquired.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed pursuant to subsections (a) and (b). Such determinations shall be final.

(d) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(f) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

SEC. 2823. TRANSFER OF CERTAIN REAL PROPERTY AT NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK, FOR USE AS NATIONAL CEMETERY.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), the Secretary of the Navy may transfer, without reimbursement, to the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) SURVEYS.—The cost of any surveys necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

SEC. 2824. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the

''City''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary under such terms and conditions as are determined to be fair and equitable to both parties.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army an amount equal to the portion of such funds corresponding to the fair market value of the two Fort Ord Golf Courses conveyed under subsection (a), as established under subsection (b).

(2) The Secretary shall deposit the balance of the funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to West Florida Developers, Inc. (in this section referred to as ''WFD''), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 135 acres at Naval Air Station, Pensacola, Florida.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), WFD shall agree to restrict the use of all lands located within the Air Installation Compatible Use Zones of Naval Air Station Pensacola and owned by WFD at the time of the conveyance under subsection (a) in such manner as specified by the Secretary. The lands subject to such restriction shall total at least 300 acres.

(2) If the fair market value of the property conveyed under subsection (a) is more than the fair market value of the restriction on usage under paragraph (1), WFD shall pay to the United States an amount equal to the difference between the fair market values.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property to be conveyed under subsection (a) and the fair market value of the restriction on usage under subsection (b)(1). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by WFD.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, SEBRING, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that the County—

(1) directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility; and

(2) enter into an agreement with the Secretary to reconvey the property to the United States if the Secretary determines that the conveyed property is necessary to accomplish the military mission of the Avon Park Air Force Range.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31 acres, together with improvements thereon, located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with services at the portion of Parks Reserve Forces Training Area retained by the Army—

(A) to relocate the main gate of the retained Army Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street;

(B) to fence and landscape the southern boundary of the retained Army Training Area installation located northerly of Dublin Boulevard;

(C) to fence and landscape the eastern boundary of the retained Army Training Area from Dublin Boulevard to Gleason Drive;

(D) to resurface roadways within the retained Army Training Area;

(E) to provide such other services in connection with the retained Army Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate; and

(F) to provide for and fund any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Training Area. The preparation costs of such specifications shall be borne by the County.

(3) The value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised value of the real property to be conveyed under subsection (a)(1). The appraisal of the value of the property shall be subject to Government review and approval.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(d) TIME FOR TRANSFER OF TITLE.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 6.5 acres, together with any improvements thereon, located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant in McGregor, Texas. After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses within the Department of the Navy, the Secretary may include in the conveyance remaining facilities, equipment, and fixtures if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2831. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsection (b), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation in the State of Massachusetts that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge. The transfer shall be made as soon as possible after the date on which the property is determined to be excess to the needs of the Department of Defense.

(b) LAND CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by surveys that are mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of such surveys shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by surveys that are mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectman of the Town. The cost of such surveys shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer and conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) SALE TO PRIVATE PERSON AUTHORIZED.—(1) The Secretary of the Air Force may sell to a private person all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Anchorage, Alaska, and identified in land lease W–95–507–ENG–58.

(2) The Secretary may select as purchaser of the real property such private person as the Secretary, in the sole exercise of the Secretary's discretion, considers appropriate. The conveyance shall be subject to the condition that the purchaser agree to provide appropriate maintenance for the apartment complex located on the property to be conveyed and used by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by an appraisal satisfactory to the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W–95–507–ENG–58, with an expiration date of June 13, 2024.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the amount received from the purchaser under subsection (b) in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 585(h)(2)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(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. 2833. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337), is further amended by adding at the end the following new paragraphs:

''(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under such paragraph, the Secretary may convey, without consideration, the property described in such paragraph to the City of Oakland, California, the Port of Oakland, California, or the City of Alameda, California, under such terms and conditions as the Secretary considers appropriate.

''(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property.''.

Subtitle D—Land Conveyances Involving Utilities

SEC. 2841. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately two acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) RELATED EASEMENTS.—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) CONDITIONS ON CONVEYANCE.—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

(1) That the County accept the resource recovery facility in its existing condition at the time of conveyance.

(2) That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.

(3) That the County comply with all applicable environmental laws and regulations relating to the resource recovery facility, including any permit or license requirements.

(4) That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.

(d) CONDITION ON EXPANSION.—The conveyance of the resource recovery facility under subsection (a) shall also be subject to the condition that the County may not expand the resource recovery facility without prior approval by the Secretary.

(e) ENVIRONMENTAL COMPLIANCE.—The County shall be responsible for owning, operating, and upgrading the resource recovery facility in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(f) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the ''City''), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the conveyed facilities.

(c) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City accept the water and wastewater treatment plants and distribution and collection systems in their existing condition at the time of conveyance.

(2) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(3) That the City comply with all applicable environmental laws and regulations regarding the real property conveyed under subsection (a), including any permit or license requirements.

(4) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(d) CONDITION ON EXPANSION.—The conveyance under subsection (a) shall also be subject to the condition that the City may not expand the water and wastewater treatment plants and distribution and collection systems without prior approval by the Secretary.

(e) ENVIRONMENTAL COMPLIANCE.—The City shall be responsible for owning, operating, and upgrading the water and wastewater treatment plants and distribution and collection systems in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF ELECTRICAL DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the ''Company''), all right, title, and interest of the United States in and to the electrical distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electrical distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electrical distribution lines, including poles, switches, reclosers, transformers, regulators, switchgears, and service lines. The conveyance includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electrical services at Fort Irwin. The conveyance shall not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electrical distribution system conveyed under subsection (a).

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company accept the electrical distribution system in its existing condition at the time of conveyance.

(2) That the Company provide electrical service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Company comply with all applicable environmental laws and regulations regarding the electrical distribution system, including any permit or license requirements.

(4) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electrical distribution system.

(e) CONDITION ON EXPANSION.—The conveyance under subsection (a) shall also be subject to the condition that the Company may not expand the electrical distribution system without prior approval by the Secretary.

(f) ENVIRONMENTAL COMPLIANCE.—The Company shall be responsible for owning, operating, and upgrading the electrical distribution system in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(g) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. EXPANSION OF AUTHORITY TO SELL ELECTRICITY.

(a) INCLUSION OF ADDITIONAL ENERGY PRODUCTION FACILITIES.—Subsection (a) of section 2483 of title 10, United States Code, is amended by striking out ''alternate energy and cogeneration type production facilities'' in the first sentence and inserting in lieu thereof ''energy production facilities''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2483. Special sale authority regarding electricity''.

(2) The table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out the item relating to section 2483 and inserting in lieu thereof the following new item:

''2483. Special sale authority regarding electricity.''.

SEC. 2852. AUTHORITY FOR MISSISSIPPI STATE PORT AUTHORITY TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the ''Port Authority''), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the ''Center'').

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. PROHIBITION ON JOINT CIVIL AVIATION USE OF NAVAL AIR STATION MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that would provide for or permit civil aircraft to regularly use Naval Air Station Miramar, California.

SEC. 2854. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report describing—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to affirmatively respond to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $3,610,914,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,189,708,000 for fiscal year 1996, to be allocated as follows:

(A) For operation and maintenance, $1,098,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $96,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $27,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $37,400,000 to be allocated as follows:

Project 96–D–111, national ignition facility, TBD, $37,400,000.

(3) For technology transfer, $25,000,000.

(4) For Marshall Islands, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,142,083,000, to be allocated as follows:

(1) For operation and maintenance, $2,028,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit HVAC and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex-21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $118,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $25,000,000, for savings resulting from procurement reform; and

(2) $86,344,000, for use in prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,406,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 90–D–103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) ENVIRONMENTAL RESTORATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,575,973,000.

(c) WASTE MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,351,596,000, to be allocated as follows:

(1) For operation and maintenance, $2,168,994,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $182,602,000, to be allocated as follows:

Project 96–D–406, K-Basin operations program, Richland, Washington, $26,000,000.

Project 96–D–407, mixed waste low level waste treatment projects, Rocky Flats, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service for the Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $9,400,000.

Project 94–D–411, solid waste operations complex project, Richland, Washington, $5,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $2,704,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Environmental Technology Site, Golden, Colorado, $3,900,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–183, multi-function waste remediation facility, Richland, Washington, $31,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $390,510,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $10,158,000.

(f) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,514,504,000 to be allocated as follows:

(1) For operation and maintenance, $1,427,108,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $87,396,000, to be allocated as follows:

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, Idaho National Engineering Laboratory electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–462, health physics instrument laboratory, Idaho National Engineering Laboratory, Idaho, $1,126,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $3,500,000.

Project 96–D–471, CFC HVAC/chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River site, Aiken, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River site, Aiken, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, Idaho National Engineering Laboratory medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 93–D–172, Idaho National Engineering Laboratory electrical upgrade, Idaho National Engineering Laboratory, Idaho, $124,000.

Project 92–D–123, plant fire/security alarm system replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, Idaho National Engineering Laboratory fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(g) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $31,251,000, to be allocated as follows:

(1) For operation and maintenance, $16,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials management and emergency response training center, Richland, Washington, $15,000,000.

(h) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $77,022,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) $651,942,000, for use of prior year balances; and

(2) $37,000,000 for Savannah River Pension Refund.

SEC. 3103. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in the amount of $350,000 assessed against the Rocky Flats site, Colorado, under such Act.

SEC. 3104. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,328,841,000, to be allocated as follows:

(1) For verification and control technology, $353,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $163,500,000.

(B) For arms control, $147,364,000.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $25,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $15,050,000.

(6) For worker and community transition assistance, $75,000,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $659,168,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $23,000,000, to be allocated as follows:

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount that may be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by the sum of $13,000,000, for use of prior year balances.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $198,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000, or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design services (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3104, 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 to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121 of this title, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(b) PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.—

(1) ANNUAL REQUIREMENT.—(A) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program described in subsection (a), the Secretary of Energy shall submit to the congressional committees specified in subparagraph (B) a report on that proposed obligation for that program for that fiscal year.

(B) The congressional committees referred to in subparagraph (A) are the following:

(i) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(ii) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(2) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy plans to obligate funds;

(B) the amount of the proposed obligation; and

(C) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy plans to obligate such funds.

SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds appropriated pursuant to this title for the National Ignition Facility may be obligated until—

(1) the Secretary of Energy concludes that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and

(2) the Secretary of Energy notifies the congressional defense committees of that conclusion.

SEC. 3133. TRITIUM PRODUCTION.

(a) NEW TRITIUM PRODUCTION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1996 for new tritium production activities shall be available only for the following purposes and in the following amounts:

(1) For implementation of multipurpose water reactor technology, $60,000,000, of which—

(A) $14,000,000 shall be made available to private industry to begin implementation of the privatized multipurpose reactor program plan submitted to the Department of Energy on March 31, 1994; and

(B) $20,000,000 shall be made available to the Idaho National Engineering Laboratory for the test and development of both the Light Water Reactor Tritium Target Program and Mixed Oxide Fuels.

(2) For research and development of accelerator technology, $40,000,000.

(b) FISSILE MATERIALS CONTROL AND DISPOSITION.—Funds authorized to be appropriated for fiscal year 1996 for fissile materials storage and disposition activities shall be available only for completing the evaluation and beginning the implementation of the plutonium storage and disposition option, including the multipurpose advanced light water reactor, in the amount of $70,000,000, of which—

(1) $5,000,000 shall be made available to the Idaho National Engineering Laboratory for evaluation of plutonium conversion to oxide fuel material in the multipurpose advanced light water reactor; and

(2) sufficient funds shall be made available for a complete consideration of the multipurpose advanced light water reactor in the Department of Energy programmatic environmental impact statement.

(c) ACCELERATOR RESEARCH AND DEVELOPMENT.—(1) Subject to paragraph (2), funds authorized in subsection (a)(2) shall be used to continue research and development of the accelerator technologies in defense areas, including its potential use as a backup technology to the advanced light-water reactor technology for tritium production.

(2) Funds authorized in subsection (a)(2) may be expended only after the Secretary begins implementation of the program described in subsection (a)(1)(A).

Subtitle D—Other Matters

SEC. 3141. REPORT ON FOREIGN TRITIUM PURCHASES.

Not later than February 1, 1996, the President shall submit to Congress a report on the feasibility of, the cost of, and the political, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

SEC. 3142. STUDY ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the cost of, and the programmatic and other issues associated with, sustaining an ability to conduct an underground nuclear test in 6, 18, and 36 months from the date on which the President determines that such a test is necessary to ensure the national security of the United States.

SEC. 3143. MASTER PLAN ON WARHEADS IN THE ENDURING STOCKPILE.

(a) MASTER PLAN.—Not later than March 15, 1996, the President shall submit to Congress a master plan that describes in detail how the Government plans to demonstrate, by 2002—

(1) the capability to refabricate and certify warheads in the enduring stockpile; and

(2) the capability to design, fabricate, and certify new warheads.

(b) FORM OF PLAN.—The plan should be submitted in classified and unclassified forms.

SEC. 3144. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) PROHIBITION ON INSPECTIONS.—The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until—

(1) the Secretary certifies to Congress that no restricted data or classified information will be revealed during such inspection; and

(2) a period of 30 days has passed since the date on which such certification was made.

(b) RESTRICTED DATA DEFINED.—In this section, the term ''restricted data'' has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996 $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.)

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. FISCAL YEAR 1996 AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. PREFERENCE FOR DOMESTIC UPGRADERS IN DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) PREFERENCE FOR DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term ''domestic ferroalloy upgrader'' means a company or other business entity that, as determined by the President—

(1) is engaged in (or is capable of engaging in) operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) NATIONAL DEFENSE STOCKPILE DEFINED.—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. 3303. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR DOMESTIC UPGRADING.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) shall only be sold for domestic remelting in a submerged arc ferromanganese furnace.

(c) NATIONAL DEFENSE STOCKPILE DEFINED.—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. 3304. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

(a) TRANSFER OF TITANIUM.—During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—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—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $101,028,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3403. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1 (ELK HILLS).

(a) SALE OF ELK HILLS UNIT REQUIRED.—Chapter 641 of title 10, United States Code, is amended by inserting after section 7421 the following new section:

''§ 7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills)

''(a) SALE REQUIRED.—(1) Notwithstanding any other provision of this chapter, the Secretary shall sell all right, title, and interest of the United States in and to lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912. Within one year after the effective date, the Secretary shall enter into one or more contracts for the sale of all of the interest of the United States in the reserve.

''(2) In this section:

''(A) The term 'reserve' means Naval Petroleum Reserve Numbered 1.

''(B) The term 'unit plan contract' means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

''(C) The term 'effective date' means the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

''(b) EQUITY FINALIZATION.—(1) Not later than five months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

''(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in the Naval Petroleum Reserve Numbered 1 in accordance with such recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

''(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, such dispute shall be resolved in the manner provided in the unit plan contract within five months after the effective date. Such resolution shall be considered final for all purposes under this section.

''(c) TIMING AND ADMINISTRATION OF SALE.—(1) Not later than two months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the fair market value of the interest of the United States in Naval Petroleum Reserve Numbered 1. In making their assessments, the independent experts shall consider (among other factors) all equipment and facilities to be included in the sale, the net present value of the reserve, and the net present value of the anticipated revenue stream that the Secretary determines the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold. The independent experts shall complete their assessments within five months after the effective date. In setting the minimum acceptable price for the reserve, the Secretary shall consider the average of the five assessments or, if more advantageous to the Government, the average of three assessments after excluding the high and low assessments.

''(2) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section.

''(3) Not later than five months after the effective date, the sales administrator selected under paragraph (2) shall complete a draft contract for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the invitation for bids and describe the terms and provisions of the sale of the interest of the United States in the reserve. The draft contract shall identify all equipment and facilities to be included in the sale. The draft contract, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(4) Not later than six months after the effective date, the Secretary shall publish an invitation for bids for the purchase of the reserve.

''(5) Not later than nine months after the effective date, the Secretary shall accept the highest responsible offer for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that meets or exceeds the minimum acceptable price determined under paragraph (1).

''(d) FUTURE LIABILITIES.—The United States shall hold harmless and fully indemnify the purchaser of the interest of the United States in Naval Petroleum Reserve Numbered 1 from and against any claim or liability as a result of ownership in the reserve by the United States.

''(e) TREATMENT OF STATE OF CALIFORNIA CLAIM.—(1) All claims against the United States by the State of California or the Teachers' Retirement Fund of the State of California with respect to land within the Naval Petroleum Reserve Numbered 1 or production or proceeds of sale from the reserve shall be resolved only as follows:

''(A) A payment from funds provided for this purpose in advance in appropriation Acts.

''(B) A grant of nonrevenue generating land in lieu of such a payment pursuant to sections 2275 and 2276 of the Revised Statutes of the United States (43 U.S.C. 851 and 852).

''(C) Any other means that would not be inconsistent with the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.).

''(D) Any combination of subparagraphs (A), (B), and (C).

''(2) The value of any payment, grant, or means (or combination thereof) under paragraph (1) may not exceed an amount equal to seven percent of the proceeds from the sale of the reserve, after deducting the costs incurred to conduct the sale.

''(f) PRODUCTION ALLOCATION FOR SALE.—(1) As part of the contract for purchase of Naval Petroleum Reserve Numbered 1, the purchaser of the interest of the United States in the reserve shall agree to make up to 25 percent of the purchaser's share of annual petroleum production from the purchased lands available for sale to small refiners, which do not have their own adequate sources of supply of petroleum, for processing or use only in their own refineries. None of the reserved production sold to small refiners may be resold in kind. The purchaser of the reserve may reduce the quantity of petroleum reserved under this subsection in the event of an insufficient number of qualified bids. The seller of this petroleum production has the right to refuse bids that are less than the prevailing market price of comparable oil.

''(2) The purchaser of the reserve shall also agree to ensure that the terms of every sale of the purchaser's share of annual petroleum production from the purchased lands shall be so structured as to give full and equal opportunity for the acquisition of petroleum by all interested persons, including major and independent oil producers and refiners alike.

''(g) MAINTAINING ELK HILLS UNIT PRODUCTION.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract. The definition of maximum efficient rate in section 7420(6) of this title shall not apply to the reserve.

''(h) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of such production shall not exceed the anticipated closing date for the sale of the reserve.

''(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–ACO1–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under subsection (c).

''(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve under subsection (c).

''(i) EFFECT ON ANTITRUST LAWS.—Nothing in this section shall be construed to alter the application of the antitrust laws of the United States to the purchaser of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under this section upon the completion of the sale.

''(j) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this section shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

''(k) CONGRESSIONAL NOTIFICATION.—Section 7431 of this title shall not apply to the sale of Naval Petroleum Reserve Numbered 1 under this section. However, the Secretary may not enter into a contract for the sale of the reserve until the end of the 31-day period beginning on the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives of the proposed sale.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7421 the following new item:

''7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).''.

SEC. 3404. STUDY REGARDING FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which of the following options regarding the naval petroleum reserves represents the most cost-effective option for the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency.

(3) Lease of the naval petroleum reserves.

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the benefits to be derived by the United States from the sale of the naval petroleum reserves shall include an assessment and estimate, in a manner consistent with commercial practices, of the fair market value of the interest of the United States in the naval petroleum reserves. An examination of the benefits to be derived by the United States from the lease of the naval petroleum reserves shall consider full exploration, development, and production of petroleum products in the naval petroleum reserves, with a royalty payment to the United States.

(d) REPORT REGARDING STUDY.—Not later than December 31, 1995, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers necessary to implement the most cost-effective option identified in the study.

(e) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term ''naval petroleum reserves'' has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1996''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which not more than—

(1) $11,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $5,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) $30,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles built in the United States (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama). A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Amendments Act of 1995''.

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

''ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF THE COMMISSION

''SEC. 1101. (a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the 'Commission') is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

''(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it deems necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.''.

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking so much as precedes subsection (b) and inserting the following:

''SUPERVISORY BOARD

''SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring

to the Commission's affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense.''.

SEC. 3524. INTERNATIONAL ADVISORS.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by adding at the end the following new subsection:

''(d)(1) In order to enhance the prestige of the Commission in the world shipping community and allow for the exchange of varied perspectives between the Board and distinguished international guests in the important deliberations of the Commission, the Government of the United States and the Republic of Panama may each invite to attend meetings of the Board, as a designated international advisor to the Board, one individual chosen for the independent perspective that individual can bring to the Commission's affairs, and who—

''(A) is not a citizen of Panama;

''(B) does not represent any user or customer of the Panama Canal, or any particular interest group or nation; and

''(C) does not have any financial interest which could constitute an actual or apparent conflict with regard to the relationship of the individual with the Board of the Commission.

''(2) Such designated international advisors may be compensated by the Commission in the same manner and under the same circumstances as apply under subsection (b) with regard to members of the Board. Such designated international advisors shall have no vote on matters pending before the Board.''.

SEC. 3525. GENERAL AND SPECIFIC POWERS OF COMMISSION.

The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:

''GENERAL POWERS OF THE COMMISSION

''SEC. 1102a. (a) The Commission, subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code, popularly known as the Government Corporation Control Act—

''(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

''(2) may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law;

''(3) may sue and be sued in its corporate name, except that—

''(A) its amenability to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

''(B) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and section 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

''(C) it is exempt from the payment of interest on claims and judgments;

''(4) may enter into contracts, leases, agreements, or other transactions; and

''(5) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, and may incur, allow, and pay them, subject to pertinent provisions of law generally applicable to Government corporations.

''(b) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

''SPECIFIC POWERS OF COMMISSION

''SEC. 1102b. (a) Subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code, popularly known as the Government Corporation Control Act, the Commission may—

''(1) manage, operate, and maintain the Panama Canal;

''(2) construct or acquire, establish, maintain, and operate docks, wharves, piers, shoreline facilities, shops, yards, marine railways, salvage and towing facilities, fuel-handling facilities, motor transportation facilities, power systems, water systems, a telephone system, construction facilities, living quarters and other buildings, warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith, recreational facilities, and other activities, facilities, and appurtenances necessary and appropriate for the accomplishment of the purposes of this Act;

''(3) use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government; and

''(4) take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.''.

SEC. 3526. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—

(1) in subsection (c)(1) by striking ''and subject to paragraph (2)'';

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (e) to read as follows:

''(e) In accordance with section 9104 of title 31, United States Code, the Congress shall review the annual budget of the Commission.''.

SEC. 3527. AUDITS.

Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—

(1) by striking the heading for the section and inserting the following:

''AUDITS'';

(2) in subsection (a) by striking ''Financial transactions'' and inserting ''Subject to subsection (d), financial transactions'';

(3) in subsection (b) in the first sentence by striking ''The Comptroller General'' and inserting ''Subject to subsection (d), the Comptroller General''; and

(4) by adding at the end the following new subsections:

''(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

''(e) In addition to auditing the financial statements of the Commission, the independent auditor shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.''.

SEC. 3528. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

''PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

''SEC. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

''(1) the rules for the measurement of vessels for the Panama Canal; and

''(2) the tolls that shall be levied for use of the Panama Canal.''.

SEC. 3529. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a) in the first sentence by striking ''1601(a)'' and inserting ''1601'';

(2) by amending subsection (c) to read as follows:

''(c) After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall, however, publish notice of such change in the Federal Register not less than 30 days before the effective date of the change.''; and

(3) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3530. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645) in the last sentence by striking ''appropriation'' and inserting ''fund'';

(2) in section 1303 (22 U.S.C. 3713) by striking ''The authority of this section may not be used for administrative expenses.'';

(3) in section 1321(d) (22 U.S.C. 3731(d)) in the second sentence by striking ''appropriations or'';

(4) in section 1401(c) (22 U.S.C. 3761(c)) by striking ''appropriated for or'';

(5) in section 1415 (22 U.S.C. 3775) by striking ''appropriated or''; and

(6) in section 1416 (22 U.S.C. 3776) in the third sentence by striking ''appropriated or''.

SEC. 3531. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(P) the Panama Canal Commission.''.

The CHAIRMAN. No amendments to the Committee amendment in the nature of a substitute, as modified, are in order except amendments printed in House Report 104–136, amendments en bloc described in section 3 of House Resolution 164, and amendments described in section 4 of the resolution.

Except as specified in section 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 the Chairman and Ranking Minority Member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of amendments printed in subpart B of part 1 of the report shall begin with an additional period of general debate confined to the subject of cooperative threat reduction with the former Soviet Union. That period of debate shall not exceed 30 minutes, equally divided and controlled by the Chairman and Ranking Minority Member.

Consideration of amendments printed in subpart D of part 1 of the report shall begin with an additional period of general debate which shall be confined to the subject of ballistic missile defense. That period of debate shall not exceed 60 minutes, equally divided and controlled by the Chairman and Ranking Minority Member.

It shall be in order at any time for the Chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part 2 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, 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.

It shall be in order for the gentleman from Pennsylvania [Mr. CLINGER], with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS], to offer amendment No. 1 printed in subpart C of part 1 of the report in a modified form that is germane to the form printed in the report.

After disposition of all other amendments, it shall be in order at any time for the chairman of the Committee on National Security or his designee to offer an amendment not printed in the report to reconcile spending levels reflected in the bill with the corresponding level reflected in a conference report to accompany a concurrent resolution on the budget for fiscal year 1996.

That amendment shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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 immeditely 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 or a designee announces from the floor a request to that effect.

The request to consider amendments Nos. 1 and 2 printed in subpart B of part 1 of House Report 104–136 prior to amendment No. 1 in subpart A of part 1 was made at the beginning of general debate.

Therefore, it is now in order to debate the subject matter of cooperative threat reduction with the former Soviet Union. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will each be recognized for 15 minutes. The Chair will then recognize the gentleman from California [Mr. DORNAN] to offer amendment No. 1 in subpart B of part 1.

The chair now recognizes the gentleman from South Carolina.

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

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

Mr. SPENCE. Mr. Chairman, the National Security Committee was driven by two objectives in its review of the Cooperative Threat Reduction (or ''Nunn-Lugar'') program. First, the committee sought to promote and fully fund the core objectives and activities of the program—the accelerated dismantlement and destruction of strategic forces of the former Soviet Union and the nonproliferation of weapons of mass destruction.

The committee-reported bill approved the budget request for these types of projects, with two exceptions. First, the Committee denied funds for construction of a multi-billion dollar chemical weapons destruction facility and a fissile material storage facility, because, as noted in a recent General Accounting Office [GAO] report, these projects are ill-defined and involve outstanding issues that ought to be resolved prior to the obligation of scarce defense dollars and perhaps more fundamentally, the taxpayers' money.

And second, the Committee did not fund the $40 million requested by the Administration to support defense conversion in Russia and elsewhere. Even if conversion in Russia is feasible, which is a debateable proposition, such activities more appropriately fall into the category of either foreign aid or economic assistance and should not be the funding responsibility of the Defense Department.

Furthermore, the GAO report raised concerns that Nunn-Lugar conversion activities may be hindering privatization in the former Soviet Union by subsidizing state-run military enterprises. If so, this result would be in direct contradiction to the defense Department's assertions that Nunn-Lugar defense conversion activities have enhanced Russia's prospects for longer-term economic reform.

The Committee's second objective was to enhance Congressional oversight of DoD's progress in carrying out these projects. H.R. 1530 calls for an annual accounting of U.S. Nunn-Lugar aid delivered to the former Soviet Union, and requires prior notification of the obligation of such funds. Certainly it is not unreasonable to expect to know where and how these funds, once approved, will be spent.

In all, I believe the Committee's recommended authorization of $200 million for Cooperative Threat Reduction accomplishes the twin objectives of aggressively promoting ''core'' dismantlement activities and simultaneously improving Congressional oversight of Nunn-Lugar programs.

However, the Committee has serious concerns about certain-on-going Russian activities that would seem to be inconsistent with an improved political relationship. Mr. Dornan plans to offer an amendment that would prohibit obligation of Nunn-Lugar funds, not cut them, until the President certifies that the Russian offensive biological weapons program has been terminated. I support the Dornan amendment as an important expression of concern about on-going Russian programs involving weapons of mass destruction. I urge a strong ''yes'' vote.

By contrast, the Hamilton amendment would substantially weaken the standards that proposed recipient countries must meet in order to be eligible to receive Nunn-Lugar assistance. H.R. 1530 sought to tighten those standards to ensure that Russia and other recipient countries are meeting certain minimum eligibility standards, such as complying with arms control agreements and respecting the rights of minorities. Therefore, I urge a ''no'' vote on the Hamilton amendment.

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

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise today to urge my colleagues to continue to support the Nunn-Lugar program that is helping to dismantle Russian nuclear weapons.

While I have had concerns about how some of the funds were spent in this program, I believe that the National Security Committee bill has more properly constrained the program to those areas most directly connected to dismantling weapons. Money would not be spent on programs that I believe are extraneous to the central mission of Nunn-Lugar—which is to destroy and end the threat of Russian nuclear weapons.

This amendment that we will consider that would prevent this program from going forward is not in the best interest of our national security. Secretary Perry has made this program one of his highest priorities—precisely because it literally removes the threat posed by these Russian nuclear weapons. The Nunn-Lugar program are a small price to pay to protect the U.S. and our NATO allies from the threat posed by these weapons of mass destruction.

We should not cut off our nose to spite our face. Let the President continue to help the Russians live up to their pledge to end their biological and chemical weapons programs.

I urge my colleagues to support the committee position on Nunn-Lugar and to reject any killer amendment that will stop us from dismantling Russian nuclear weapons.

Mr. SPENCE. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr.

WELDON], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. WELDON] for giving me some time.

Mr. Chairman, this is a very ticklish subject and a very ticklish issue that requires a lot of balance. This is the money that we send to the Soviet Union and the aid we send to the Soviet Union for the purpose that rises in this Congress of helping the Soviet Union to dismantle and basically move the loaded guns that they have aimed at America's cities and America's military installations away from the target, and ultimately to unload those guns and take the bullets apart; that is, do away with the intercontinental ballistic missiles aimed at the United States and dismantle those missiles.

Now, this is tough and it requires a lot of balancing, and I think it requires some very close scrutiny. The reason it requires close scrutiny in balancing is because the Soviet Union, at the same time that they are dismantling a number of their weapons as a result of their arms accord with us, with the United States, they are also pursuing modernization programs for new nuclear weapons. The last thing the United States wants to be involved in doing is inadvertently giving money to the Soviet Union not to get rid of the old stuff, but to build new stuff, new weapons aimed at the United States.

We know at least in theory, that for every dollar you give the Soviet Union, if they have a requirement under their treaties to dismantle a certain number of weapons, which they in fact have under the arms control treaties negotiated over the last 10 years, and they do not have to use that dollar in dismantling the weapons, those dollars, which are very dear and scarce in the Soviet Union, can then be turned toward modernizing and building new weapons.

Because of that, the committee thought it was prudent to cut about $171 million out of the President's request. I think we have done the right thing, and I think the message to the administration is you had better give us more oversight or we are going to cut more next year.

Mr. DELLUMS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the robust operation of the Nunn-Lugar program that dismantles Russian nuclear weapons and in strong opposition to the Dornan amendment. That amendment, in this gentleman's opinion, is a killer amendment to the Nunn-Lugar Program. It would provide that no Nunn-Lugar funds could be obligated or expended for programs or activities with Russia unless and until the United States President certifies that Russia has terminated its offensive biological weapons program. The administration strongly opposes the amendment, and I believe so should this House.

Proponents argue that the Russians may be continuing to implement their offensive biological weapons programs. This will compel the Russians to abandon this work. Proponents argue that if they do not abandon this work, they should not be engaged in the cooperative threat reduction program.

The cooperative threat reduction program is a central element of U.S. national security policy, Mr. Chairman. The effort to secure the destruction of Russian nuclear warheads should not be halted because of a more exotic and much less threat posed by a biological weapons program, much less the possibility of such a program. This would be very much a case of cutting off our nose to spite our face.

The point here is very obvious: The dismantling of nuclear weapons is an imperative unto itself, and it should not be coupled with biological weapons which should also be cut. President Yeltsin has pledged to end the program and is taking steps to do so. Because of the uncertainties of his success in achieving that goal immediately, the President would not be able to issue a certification that the Russians indeed have terminated the program, despite the fact they are at least in the process of terminating the program. The Dornan amendment is an additional element that will kill the program of dismantling nuclear weapons because of the President's inability to certify that the Russian Government's efforts are immediately successfully.

The original certification language in the Nunn-Lugar program was bipartisan in nature. It recognized how complex the enterprise would be, and its importance warranted a degree of flexibility in the certification process. The committee bill already further constrains that process. We do not need to kill the program under the guise of improvement. I urge a no vote on the Dornan amendment.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN], the distinguished chairman of the Subcommittee on Military Personnel.

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

Mr. DORNAN. Mr. Chairman, I will return, of course, to discuss this in greater department when my own amendment comes up after general debate here, but I did want to point out that in addition to a 45 minute briefing on the rescue of Captain Scott O'Grady, and wait until America finds out what a close run thing that was, according to my sources, who are the key people that directed the rescue, but before the last time I spoke on this floor, I spent an hour upstairs in the Permanent Select Committee on Intelligence's secret cleared rooms getting a briefing from intelligence community people on the Soviets' serious efforts in chemical warfare.

New report just out a week ago, available to all Members: Their work on biological warfare, super plagues, using the Marburg and Ebola viruses, anthrax, smallpox, bubonic plague, active programs. Any Member can have a team of intelligence community people come to their office, without sweeping their office, and get a secret briefing on this. A lot of Members have been here 10 or 20 years and are not aware of that. I learned that when I was a freshman, before I was in the Permanent Select Committee on Intelligence.

Get briefed. I am not engaging in one-upmanship here, saying you must trust me and those of us on the Permanent Select Committee on Intelligence. Here is a book, non-secret, open to any American, the Chemical and Biological Warfare Threat. It is a comprehensive, powerfully written body of work here. I only have three copies, first come first served. I would love to give them to somebody if I though they would study it over the next hour and it would change their vote.

Look at this article that is going to be on the back of the pass-out that I will circulate around. I have hundreds of them over here. This is 21 days ago on a GAO report, March 18: Russia uses Pentagon funds in constructing nuclear weapons with our money. They have only spent $177 million out of a billion and a quarter. The State Department is going to add 90 million to this.

This is real money. This is real money we are talking about here. This is money carved out of modernization weapons programs under Mr. HUNTER, research and development under Mr. WELDON, installations under Mr. HEFLEY, personnel raises that are not there this year under my chairmanship of the Subcommittee on Military Personnel, and under readiness, under Mr. BATEMAN, money that we could use to keep our men and women battle ready.

This is serious money we are talking about here, and these things should be certified before your tax dollars are spent in what remains of the Evil Empire. Deception, and more deception.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT].

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

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

Mr. Chairman, I oppose the Dornan amendment because the Dornan amendment would in effect wipe out what is a very good program, a bipartisan program, Nunn-Lugar. I would be

the first to admit that Nunn-Lugar can be improved, but this amendment before us just goes too far. It throws out every baby with the bath water.

Nunn-Lugar has three major objectives: First, to destroy weapons of mass destruction, nuclear, chemical, biological, that belong to the Soviet Union; second, to prevent the proliferation of the components of these weapons, nuclear materials and missile guidance devices after they have been dismantled and before they are destroyed; and, three, to prevent the diversion of scientists and engineers who made these weapons to other countries where they could make them again and use them against us.

Nobody can dispute those objectives. Nobody can claim that those are not worthy objectives. And this must be made clear, Nunn-Lugar is not a handout for the benefit of Russia, Belarus or Kazakhstan. This is a program which is in our best interests as well as theirs. Has it worked? That is a key question.

I have a report card from the Pentagon, and this is how they would grade it. First of all, Nunn-Lugar has helped remove more than 2,800 warheads from missiles in the former Soviet Union, 2,800 warheads have been removed from missiles in the former Soviet Union. About 1,800 of these warheads were on missiles in the Ukraine, Belarus and Kazakhstan. All of the Kazakhstan warheads have been removed and returned to Russia. Ukrainian and Belarusian warheads will be returned by the end of next summer. That is significant process: 2,800 warheads, 1,800 of these have been removed.

Nunn-Lugar has also helped destroy 630 strategic launchers and bombers, deactivated another 1,000 bombers in the Ukraine and Kazakhstan, all of this in our interests.

Third, Nunn-Lugar partly funded the transportation of 600 kilograms of highly enriched uranium, enough to make at least 20 weapons, from Kazakhstan to safe storage in this country at Oak Ridge, TN.

Fourth, Nunn-Lugar is constructing a plutonium storage facility in Tomsk, Siberia. That has been one of the earliest objectives of it. From the outset we said we want to not only dismantle these weapons and remove them from the silos, we want to get them under tight control where they can be accounted for in a facility built specifically for that purpose.

□ 1815

It has taken some time to get off the ground. A facility built to store plutonium components, the pits, that comes out of warheads, critically important components that we do not want to escape the Soviet Union. That facility is finally under way in Tomsk, Siberia. For goodness sake, we do not want to stop that.

Fifth, Nunn-Lugar has helped employ 8,200 weapons scientists and engineers in civilian research projects. Instead of going somewhere else, bending their talents to the use of some other country which might have policies that are intense and hostile to us, instead of using them to build weapons against us in the former Soviet Union, 8,200 weapons scientists are employed in civilian research at a very favorable exchange rate for our money.

Personally, I would give Nunn-Lugar, based on that report card, a solid B plus. Maybe because it was slow to get out of the starting blocks, a little bit slow to pick up speed, momentum, we would give it a solid B, but no less than that. And on certain important tests, it has literally aced out. It has achieved its intended purposes.

For example, it has denuclearized Kazakhstan, and Ukraine and Belarus will be denuclearized. There will be no weapons, nuclear weapons in those three countries by the end of next summer, which is an extraordinary achievement by any yardstick. If we do not stop this program, three of the four nuclear weapons states of the former Soviet Union will have no nuclear weapons by the end of next summer. Do we want to stop that kind of progress?

This program may not grade well on chemical and biological weapons. I understand and share the frustration of the gentleman from California [Mr. DORNAN] in that respect. I do not blame him there in the least. The former Soviet Union is not doing nearly enough. But his amendment, if I can continue the metaphor, would expel, if you will, the whole Nunn-Lugar program for poor grades in this particular area on biological and chemical weapons, and this is shortsighted for the reasons just mentioned.

Why slow down the efforts to get nuclear warheads out of Ukraine and Belarus because of the sins of Russia? Why stop what is a fundamentally extraordinary program in those two countries because of disagreement with Russia on chemical and biological weapons? Second, why stop dismantling nuclear weapons in Russia because progress on other weapons is not all yet that it can be?

I have here some photographs that I would invite everyone to take note of, photographic evidence of what is taking place. It just gives a little graphic emphasis.

Here is a missile, an SS–19 being removed from a silo with Nunn-Lugar money. Here is a bomber being cut up with a chain saw, the equivalent of it, Nunn-Lugar money. Here is another. And here is Secretary Perry standing with a Russian officer looking at a silo where a weapon has been removed, about to be dismantled and destroyed.

Let us not stop this program because of our disagreement with the Russians over their chemical and biological program. Let us vote against this Dornan amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas, [Mr. TIAHRT], one of the coauthors of an amendment that will be coming up in a few moments.

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

Mr. TIAHRT. Mr. Chairman, I think what Nunn-Lugar does is an admirable idea. I approach it with cautious support.

We do want to make sure that we have a safe environment, that we have a safe world, that we have a reduction in the threat over in Russia. But we also have an obligation to the American people, even though we have an admirable goal, we have to make sure that we get a dollar's worth of threat reduction for a dollar's worth of tax.

We have this article that the gentleman from California [Mr. DORNAN] referred to that mentioned, it was in the Washington Times, it mentions that the Pentagon funds possibly are going for the construction of new nukes. There was a GAO audit that it was based on. I have that audit, GAO audit, here with me. That is why I am a little cautious because we are spending money, $200 million, to make sure that our world is more safe. And they do need our help. But are they taking this money and are they doing away with their environmental waste or are they doing away with actual weapons of mass destruction?

Is there something going to help clean up their environment, or are we actually cutting up weapons as we just saw in the pictures before?

I am a coauthor of the Dornan-Tiahrt amendment because I think we need to have some verification. Are they in fact doing what they say they are? Right now, according to the GAO, we cannot go in and audit them. We do not know if we are getting a dollar's worth of threat reduction for a dollar's worth of tax. Can you imagine how mad, how angry U.S. taxpayers are going to be, sitting at their kitchen table if, in fact, the Russian government is creating weapons of mass destruction instead of reducing them with this money that we are sending them. We need a commonsense approach to this, and that is why I am cosponsoring the Dornan-Tiahrt amendment so that we can go in and verify that we are in fact reducing this threat.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON].

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

I speak in opposition to the Dornan amendment. I am well aware, of course, that it is well-intentioned, but I do believe it harms U.S. national security.

I think we have to be very clear about the impact of the Dornan amendment. It ends the Nunn-Lugar program to destroy Russian missiles and silos. All of us agree that the Russians could give us better performance and information about the biological weapons program. But the Dornan amendment will stop U.S. support for nuclear weapons destruction and the fissile material safety programs in Russia. We should

not let the best outcome, which is perfect information from the Russians on all weapon programs, shut down a very good program. And Nunn-Lugar is a very good program.

It has helped remove 2,825 warheads from missiles, removed 1,785 warheads from Ukraine, Belarus and Kazakhstan, removed 70 missiles from launchers, returned 75 missiles to Russia, deactivated 1,000 strategic bombers, destroyed 630 missiles, denuclearized Kazakhstan, and it will denuclearize Ukraine and Belarus by mid-1996. So Nunn-Lugar reduces the threat to the United States. It provides cheap and effective missile defense. It helps the United States monitor Russian intentions and capabilities, and it is very cheap, costing less than 1/10ths of 1 percent of the defense budget.

So Nunn-Lugar keeps us engaged in working with the Russians in support of U.S. national security goals, and I believe that the Dornan amendment stops a program that helps dismantle Russian nuclear missiles and warheads.

The Dornan amendment, in my judgment, harms U.S. national security. I urge a no vote on it.

Mr. WELDON of Pennsylvania. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania, [Mr. WELDON] has 4½ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 4 minutes remaining.

Mr. WELDON of Pennsylvania. I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I rise to support the Dornan amendment as I would support virtually any amendment that stops or slows the flow of United States tax dollars to Russia. The defense authorization bill that we are currently considering allows the expenditure of $6 million to continue the design of a facility for storage of fissile material in Russia. Let me translate that to English for the American taxpayer. We are authorizing funds to design a storage facility for parts, components of nuclear warheads that are going to be stored in Russia on a long-term basis.

To me it makes no sense whatsoever that we should take tax dollars from America and spend it in Russia to design a storage facility to house fissile materials or components for future nuclear warheads. I strongly support the Dornan amendment because it will slow the flow of United States tax dollars to Russia.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise in support of the Cooperative Threat Reduction Program. This bi-partisan inspired initiative has leveraged our defense spending by reducing a variety of threats that eminate from the States of the former Soviet Union. Throughout the cold war the United States expended a great deal of resources to confront the Soviet Union in central Europe, and across the world. We now have the unique opportunity to work with our former adversary to reduce the threat posed by weapons created during this period.

The United States in cooperation with the government's of Russia, the Ukraine, Kazakstan, and Belarus have already made progress in moving to a more secure future through arms reductions and the safeguarding of nuclear materials.

This program is a pragmatic response to developments in Russia. It allows the United States to work with the Russians in areas of mutual benefit, while hedging against any reversal in the reforms now underway.

The mere pledge of this funding was a motivating factoring in the Ukraine's decision to return their nuclear weapons to Russia for safeguarding and destruction. In a similar vain, funds have been used to provide equipment and training necessary for the destruction of strategic nuclear delivery vehicles and facilities. A prime example of the result of this program has been the destruction of Russian Bear bombers.

The treat of the dispersal of nuclear materials is at the top of most everyones list of concerns. We know of several arrests in Europe that have allegedly involved the attempted sale of nuclear materials from the former Soviet Union. Currently, materials control, accountability and physical protection practices in Russia are rudimentary at best. The Cooperative Threat Reduction Program includes efforts to rectify this situation.

There is plenty of work left to be done. This program is in the forefront of our post-cold-war defense strategy and should receive the support of each of my colleagues.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WELDON], is recognized for 3½ minutes.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, let us recap this debate. First of all, this is not about ending the Nunn-Lugar program.

Second of all, let me explain from my perspective, as someone who for the past 20 years has focused on Soviet-American issues, who currently cochairs two caucuses in this Congress working to enhance business opportunities in the area of energy and oil and gas as well as the environmental issues, working with Nikoli Vorontsov, a member of Russian Duma on environmental concern and working with the gentleman from Texas, [Mr. LAUGHLIN], and Members of this Congress on helping projects like the Sakhalin project, a $10 billion investment of western money in Siberia, we are not about ending help in the case of the Russians dismantling their nuclear weapons.

In fact, I have been personally involved in supporting two specific programs, $10 million of money being used in Murmansk to help the Russians put together a process to dispose of their spent nuclear fuel and their nuclear waste. A terrible problem that we are working with them on. It is working, and our investment I think is a wise one.

A second project is helping to convert the Baltic shipyard where the Kirov class of ships were built into an environmental mediation center.

Mr. Chairman, what this amendment does is it says that, before we put one more dime of money in, the Russians should meet us halfway. We are talking, Mr. Chairman, about biological weapons. It seems to me in the past 9 years I have heard Member after Member on the other side of the aisle say we have got to stop the proliferation of biological weapons. And certainly if we are putting money in, we should be doing that.

That is what this amendment does. Now, one of our colleagues on the other side, from South Carolina, said that we have done so many positive things, and he said that we have removed warheads. But what he did not say is that we have destroyed warheads. Because my colleague knows full well that we do not have one ounce of documentation that even one warhead has been destroyed, not one ounce of documentation, because the Russians will not allow us to observe the destruction of any warheads.

So, Mr. Chairman, let us be realistic about what is going on. Sure, there have been positive strides made, and sure we should continue the effort of dismantling launchers and other support material in line with the photographs we saw here.

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However, let us not put a cloud over the eyes of the American people. We are saying that we will continue to fund the Russians in their effort to dismantle their nuclear arsenal. We will continue to help clean up Ukraine and Uzbekistan, Kazakhstan, Belarus, ''but we will do it when you certify to us that you were not building biological weapons that threaten the security of peace-loving people around the world.''

Also, we are fencing the money, which means the President can certify to us that that in fact is no longer taking place. Mr. Chairman, I think the average taxpayer back in our districts would support this kind of amendment. I, as one, who supports business ventures in Russia, who speaks the language and travels over there frequently, want to see us continue to support a stabilized Russia. However, we have to do it with our eyes open. I think the Dornan-Tiahrt amendment allows us to do that. I would encourage our colleagues, when the amendment comes up, to vote ''aye.''

Mr. SPRATT. Mr. Chairman, could the Chair advise me how much time remains on our side?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, this amendment begins with a legitimate grievance, as the gentleman has just stated. We are not satisfied with all the Russians are doing and should be doing to end and get rid of their chemical and biological weapons program.

However, having begun with that premise, it moves to the wrong conclusion. It, in effect, says we should punish ourselves and the Russians at the same time. Why is that? Because if we stop the Nunn-Lugar program, due to the fact that we are dissatisfied with their progress in stopping their chemical-biological program, then we will stop ourselves from achieving a highly significant goal, the removal of all nuclear weapons from Kazakhstan and Belarus by next summer.

I think the gentleman who just spoke, the gentleman from Pennsylvania [Mr. WELDON], my good friend, would agree that is a worthy objective. That is an objective that serves our national security interests. Why do we want to cut off our noses to spite our face? Can we actually say that the weapons are being dismantled, that the warheads are being dismantled? We will take a step closer to being satisfied of that fact.

Once we have completed the facility in Tomsk that we have finally begun to fund, finally broken ground upon, using Nunn-Lugar money, and if we stop the money now, we put that facility, which is a critical component, towards certification and verification in jeopardy. I simply say, in trying to punish the Russians, we are punishing the Kazakhstanis, we are functioning the Belarusans, and we are punishing ourselves, and that does not make sense.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in subpart B of part 1 of the report.

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. 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 DORNAN:

At the end of title XI (page 383, after line 9), insert the following new section:

SEC. 1108. LIMITATION ON COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO OFFENSIVE BIOLOGICAL WEAPONS PROGRAM IN RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for programs or activities with Russia unless and until the President submits to Congress a certification in writing that Russia has terminated its offensive biological weapons program.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DORNAN] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPRATT], will be recognized for 5 minutes for the minority.

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

Mr. DORNAN. Mr. Chairman, I rise to defend the Dornan-Tiahrt amendment. I will be working one of the doors, as we say in the colloquial expression around here, with my confederates on all 3, 4, 5 doors, to pass this out during the vote. Here is the essence of my ''Dear Colleague.'' This is from excellent reporting by reporter Bill Gertz just a few weeks ago in the Washington Times. It was also heavily covered around the world.

A defector who is now public, Vladimir Pasechnik, on Soviet active offensive biological weapons programs, says this: ''Russia continues to invest in biological weapons.'' I said earlier what they are, the Marburg Ebola virus, the plain Ebola virus, bubonic plague, anthrax. During the worst days of the evil empire, there were some open press stories of putting it maybe into ICBMs, aerosoled, to be used as city-killers.

In 1993, according to this scientist, he revealed that the Soviet Union and Russia had violated the 1972 biological weapons convention, and by the way, after 20 years they admitted that they violated all of that for 20 years, thanks to an honest statement on the part of President Yeltsin. That convention outlawed the development or production of bacteriological weapons by continuing to produce them.

''Pasechnik had recently served in an organization known as biopreparat, with about 400 other scientists working on genetic engineering of germ weaponry. He claimed Russia had developed a super plague that would kill half the population of a city in a week,'' as in the beginning of Hot Zone, which I have confirmed from scientists is accurate, turned into the bestseller ''Outbreak,'', slowly painfully retching up all of your innards.

Former CIA Director Robert Gates testified in 1993 that the agency believes the Russian military is continuing to work clandestinely on illegal biological weapons without the knowledge of Russian civilian leaders.

Mr. Chairman, I want to reserve the rest of my time to let some of my other colleagues, starting with the gentleman from Kansas [Mr. TIAHRT], speak. We are not ending the program, Lugar-Nunn. We are not taking away funds. We are fencing the money, a word learned in this Chamber during the Nicaraguan debate, where the good guys won, we are fencing it to get certification that this utter diabolical madness is coming to an end.

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

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. DORNAN] to condition the expenditure of funds for the Nunn-Lugar program.

Mr. Chairman, it is one thing to reduce offensive chemical and biological weapons in the Russian arsenal. I agree with the gentleman from California that we need to do that, and would be pleased to work with him on that goal.

However, it seems to me to be the height of folly to condition the progress of another successful program that protects American citizens from Russian missiles on our ability to achieve the goal the gentleman sets forth.

To cut off your nose to spite your face is the phrase my friend and colleague, the gentleman from South Carolina [Mr. SPRATT] has just used. He is right. As he also described earlier, Nunn-Lugar has reduced the threat of Russian missiles, missiles formerly targeted at the United States and our Western allies.

We need to remember that the greatest beneficiary of the Nunn-Lugar program is the United States, not Russia, but the United States. To halt progress, by means of this amendment, on reducing the threat represented by the remaining missiles and warheads is to put our citizens, American citizens, at risk.

Mr. Chairman, both Nunn-Lugar and the gentleman from California [Mr. DORNAN], the author of this amendment, set laudable goals. However, to condition one of the other is to risk both, to risk reducing the nuclear threat and to risk overcoming the threat of chemical and biological weapons. Reject the Dornan amendment.

Mr. DORNAN. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. TIAHRT], the cosponsor of the amendment.

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

Mr. TIAHRT. Mr. Chairman, I rise in support of the Dornan-Tiahrt amendment for very obvious reasons. I am really surprised that Members would oppose such an amendment. What we are doing is verifying that Russia is getting rid of their biological weapons. We just want verification. We just want to know that when we spend a dollar's worth of tax, that we get a dollar's worth of threat reduction.

I do not see how they could betray the U.S. taxpayers and oppose this, because what we are doing is verifying that their hard-earned money is going to reduce the threat, to make a safer world for them, and if we do not do that, then we are just wasting this money. It could have been wasted, according to the GAO report. I think it is time we put some common sense into Nunn-Lugar.

Mr. Chairman, I rise today in strong support of the Dornan-Tiahrt amendment to the Cooperative Threat Reduction Program.

The Cooperative Threat Reduction Program, or CTR, is funded through the Pentagon in an

attempt to help finance the dismantling of the former Soviet Union's nuclear arsenal. However a recent General Accounting Office report [GAO] shows that this money is being used to fund the work of Russian scientists who are spending at least part of their time developing new and more menacing Russian missiles and nuclear and chemical arms.

After reading the GAO report and recent press accounts, I requested that the House National Security Committee hold oversight hearings on the Cooperative Threat Reduction Program, also known as the Nunn-Lugar program. We must be absolutely sure that this money is being used properly, and I look forward to these hearings.

I strongly urge my colleagues to support this amendment, the Dornan-Tiahrt amendment, which requires the President to certify that the Russian offensive biological weapons program has been terminated.

The CTR was cut drastically in the National Security Committee. $171 million was cut from a $371 million administration request. Our amendment does not cut CTR funding below the Committee recommendation of $200 million, it just makes a simple request which we think addresses a world-wide humanitarian concern.

This amendment puts a restriction on any additional CTR money going to the former Soviet Union, unless Russia terminates her offensive biological weapons program. It's a simple and fair request. Actually, it doesn't matter how fair it is. Russia should end its biological weapons program now, and we should use the CTR money in a way that makes this happen.

The GAO report included many potential problems with the CTR program.

Moscow is refusing to permit audits of U.S. funds paid under the program.

The purpose of the program, to reduce the threat of nuclear weapons proliferation, and improve control over nuclear materials, is not being realized.

In fact the report says that CTR money might even be going to enhance Russian nuclear and chemical arms capabilities.

The National Defense Authorization Act as reported out by committee made a responsible cut in the administration's request for the Cooperative Threat Reduction Program, and I support that reduction, and applaud the chairman's work. This amendment simply ensures that Russia's offensive biological weapons program will be terminated.

Some might argue, like the administration does, that CTR money only goes to dismantle the former Soviet Union's nuclear arsenal. If that is true, they should have no problem with this amendment. It's time for Russia to terminate this program in good faith, and for the President to certify its termination, in order to ensure that CTR funds are used for their intended purpose; to control weapons of mass destruction, not proliferate them.

Mr. DORNAN. Mr. Chairman, I yield 30 seconds to the fighting freshman, the gentleman from Jonesville, WI, Mr. MARK NEUMANN.

Mr. NEUMANN. Mr. Chairman, I have a big concern that the American taxpayers would not want to spend their money in Russia for this purpose, period. However, if we do decide to spend United States taxpayer money in Russia for this purpose, at the very least we want verification that the money is being spent in a manner that we expect it to be spent, and accomplish the purpose that we are expecting to be accomplished.

At this point in time, the United States has no guarantee and no verification that it is getting the job done that we are spending the money on. I rise in support of this amendment, so we can at least receive verification as to what is happening.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. DORNAN. Am I allowed, as the author of this great amendment, to go last, Mr. Chairman?

The CHAIRMAN. No, the gentleman from South Carolina [Mr. SPRATT] has the right to close.

Mr. DORNAN. That is all right, Mr. Chairman, because I am going to close with 60 percent of the five chairmen under the gentleman from South Carolina [Mr. SPENCE] who is also for this bill.

Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON], chairman of the Subcommittee on Military Research and Development of the Committee on National Security.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, in summary, I would say once again, we are talking about a General Accounting Office report in assessing how successful this program has been. I am not one standing here saying we should do away with the program. To the contrary, I have been supportive of elements of Nunn-Lugar, and have spoken in favor of it.

What we are saying to the taxpayers is that ''If we are going to send more of your dollars into Russia, we certainly do not want any of that money to be used to build more biological weapons that can be used against us or our troops.''

Mr. Chairman, who could oppose that?

Mr. Chairman, I include for the RECORD a document which is an update on reducing the threat from the Former Soviet Union, and an article by Bill Gertz.

The document and article referred to are as follows:

SUMMARY OF GAO'S RESPONSES TO DEPARTMENT OF DEFENSE COMMENTS IN OUR RECENT REPORT, WEAPONS OF MASS DESTRUCTION: REDUCING THE THREAT FROM THE FORMER SOVIET UNION; AN UPDATE (GAO/NSIAD–95–165)

Point 1. The Department of Defense objected to our finding that the material impact of the CTR program has been limited to date. DOD stated that we overlooked the program's political impact and leverage in insuring that former Soviet states undertake weapons elimination programs and in obtaining agreements from Belarus, Kazakhstan, and Ukraine to become non-nuclear states.

Response. We believe that the Department's comments stem from a misunderstanding of the purpose of our report. Our report focused on the material impact of CTR projects over the past year in addressing the threats posed by former Soviet weapons of mass destruction and on the prospects for such effects in the future.

Point 2. DOD stated that we had underestimated the role of the material assistance provided and stated examples to support its comment. Specifically, DOD asserted that we failed to acknowledge the benefits of delivered CTR assistance including support equipment to Ukraine and armored protective blankets to Russia. DOD further stated that Russia is ''today'' using U.S.-supplied guillotine shears to cut up heavy bombers.

Response. We stated in our report that without CTR assistance Ukraine could not dismantle its nuclear weapons and that Russian officials told us that Russia has used the armored blankets to protect warheads being withdrawn from Ukraine. The guillotine shears have not yet been used and are not expected to be used until July 1995.

Point 3. DOD stated that numerous tangible reductions in the threat to the United States have been achieved ''through a combination of leverage provided by the CTR program and direct material assistance.'' For example, DOD states that missiles containing 2.825 warheads have been deactivated and that approximately 630 strategic launchers and bombers have been eliminated since the Soviet collapse.

Response. The examples that DOD provides in support of this statement do not distinguish between reductions that may be attributed to political impacts since the Soviet Union's collapse in December 1991 and those that have resulted from the delivery of CTR aid. Although claiming that 2.825 warheads had been deactivated, DOD does not indicate how many of these were deactivated through the direct use of CTR assistance—assistance that only began arriving in mid-1993. DOD claims that 630 strategic launchers and bombers have been eliminated since the Soviet collapse, yet Russia had eliminated more than 400 of these by July 1994—before receiving CTR delivery vehicle elimination assistance.

Point 4. DOD's comments imply that every missile and every warhead deactivated in the former Soviet Union since December 1991 can be attributed to the CTR program.

Response. While making such claims, DOD does not provide a clear accounting as to how and to what extent CTR hardware had been used by the FSU states to eliminate a specific number of systems. Although we asked DOD officials to provide support for the material impact of CTR assistance in dismantling specific numbers of systems, they have not done so. Officials recently informed us that it may be impossible to determine this impact in terms of specific numbers of systems.

Point 5. The Department of Defense objected to our matter for congressional consideration that Congress may wish to consider reducing the CTR program's fiscal year 1996 request for $104 million for support to Russian chemical weapons destruction efforts by about $34 million because of uncertainties regarding the expenditure. DOD also asserted that we were incorrect in stating that the United States and Russia had not yet agreed upon a technology for destroying chemical weapons.

Response. However, as DOD indicates in its comments, Russia has selected a technology that the United States would not have recommended—an unproven technology the United States is now attempting to validate. Unlike the U.S. preferred incineration process, the Russian technology has no record of

performance outside the laboratory, and the Russians have not provided sufficient data to allay U.S. concerns about the technology's technical and cost uncertainties.

Point 6. DOD cites that progress has been made in CTR projects that are improving protection of nuclear material that presents a proliferation risk, including the lab-to-lab program for improving material protection in Russia.

Response. This comment overstates the impact of fiscal year 1995 CTR funds on the lab-to-lab program. This Department of Energy (DOE) program has successfully completed a project to upgrade physical protection of approximately 100 kilograms of highly enriched uranium at the Kurchatov Institute in Moscow. However, the project was completed in February 1995 using DOE funds as fiscal year 1995 CTR funds for the lab-to-lab program were not transferred to DOE until April 1995.

Point 7. DOD points to Project Sapphire (the removal of HEU from Kazakhstan) as a CTR project.

Response. Project Sapphire was not a CTR project. It was an executive branch project funded by the Departments of State, Energy, and Defense. Some CTR funds were used to pay for DOD's portion of the project.

Point 8. DOD claims that the CTR defense conversion program should receive high marks from GAO for accelerating from start-up to 15 active projects in a little more than a year.

Response. Although DOD has accelerated the start-up of 15 projects, we believe that it is too early to judge the success of these projects.

Point 9. DOD claims that its defense conversion efforts reduce the threat from weapons of mass destruction.

Response. We found that most of the defense conversion efforts are converting dormant facilities that produced weapons related items.

Point 10. Although there have been some inconsistencies in references in DOD documents, DOD generally describes the recipients of International Science and Technology Center (ISTC) grants as ''former Soviet'' weapons scientists.

Response. DOD's assertion that the recipients are ''former Soviet'' weapons scientists is incorrect. DOD often—in testimony, budget submissions, and briefing documents—used the terminology ''former'' weapons scientists or scientists formerly involved in a weapons program.

[From the Washington Times]

RUSSIA USES PENTAGON FUNDS IN CONSTRUCTING NEW NUKES

(By Bill Gertz)

Pentagon funds aimed at reducing the threat of nuclear war are instead being used to pay Russian scientists still at work on nuclear and chemical arms, according to a draft report by Congress' General Accounting Office (GAO).

The GAO report also states that Moscow is refusing to permit audits of U.S. funds paid under the so-called Nunn-Lugar threat-reduction program, named after sponsoring Sens. Sam Nunn, Georgia Democrat, and Richard G. Lugar, Indiana Republican.

The report concludes that the U.S. aid program, currently funded at about $1.25 billion, has produced little in the way of reducing the threat of weapons proliferation or improving control over nuclear materials.

Instead, it indicates U.S. funds may be enhancing some Russian nuclear and chemical arms capabilities.

Most funds for converting defense plants to civilian production are being used by Moscow to reactivate dormant weapons facilities, according to the May 18 report.

Activities of the International Science and Technology Center in Moscow, funded with $21 million of Pentagon money, raised the most concerns among the GAO investigators, who studied the program from January to May.

Despite Pentagon claims that only ''former'' nuclear weapons scientists are receiving U.S. money to discourage them from emigrating, ''we found that scientists receiving center funds may continue to be employed by institutes engaged in weapons work,'' the report states.

''Recipients of two center grants at three different institutes told us that they had been involved in nuclear weapons testing and nerve agent research,'' the report stated.

The GAO auditors also discovered that scientists paid by the center are not employed full time and ''may spend part of their time working on Russian weapons of mass destruction,'' the report stated.

Scientists are allowed to work at Russian weapons laboratories while receiving U.S. funds, and in some cases only 10 percent of their time is spent at the center, ''raising the prospect that they could spend the remainder of their time on their institutes' work on weapons of mass destruction,'' the report said.

The GAO study follows a report that Russia is continuing to build newer nuclear arms. Russian Nuclear Energy Minister Viktor Mikhailov said last year that a new generation of nuclear weapons could be developed by the year 2000 unless military nuclear research was stopped.

Moscow also unveiled its new strategic missile in December called the RS–12M ''Topol,'' a follow-on version of the SS–25 mobile ICBM.

U.S. officials told the GAO that the center ''is intended to help prevent proliferation . . . rather than preclude scientists from working on Russian weapons of mass destruction,'' the report stated, noting that the center prohibits the use of its funds for weapons-related work.

Another problem with the center, according to the GAO, is that it is ''creating dual-use items'' with both civilian and military applications. For example, a special commercial camera under development by the center can be used in nuclear testing and could be exported, according to the GAO.

Officials in charge of the center told the GAO they could monitor its projects ''only intermittently'' instead of quarterly, as they would prefer.

Next year the State Department will take over funding the center from the Pentagon and plans to spend $90 million more over the next seven years.

Congress has approved the use of $1.25 billion for the Nunn-Lugar program for fiscal 1992 through 1995. In addition, $735 million has been requested for the next two years.

Republicans in Congress, however, plan to cut the program substantially and limit the funds to weapons dismantling, congressional sources said. The House National Security Committee will complete work on its version of the fiscal 1996 defense authorization bill tomorrow.

Out of about $1.2 billion the Pentagon has notified Congress it will spend in the former Soviet nuclear states, only $177 million has been spent, mostly on weapons being dismantled under the START treaty, the Moscow center and nuclear railcar security, according to the GAO.

Despite agreements that permit audits of how U.S. funds are spent, ''none have been conducted in Russia and Ukraine'' because of government objections there, the report stated. One was conducted in Belarus, it said.

A report to Congress required by law on the according of U.S. aid is four months late. Pentagon officials could not be reached for comment on the GAO report.

Mr. DORNAN. Mr. Speaker, may I inquire of my worthy colleague, the gentleman from South Carolina, [Mr. SPRATT], if he has more than one speaker left?

Mr. SPRATT. I would tell the gentleman I am it, Mr. Chairman.

Mr. DORNAN. Mr. Chairman, this fighter pilot will take over for that paratrooper, the gentleman from California, Mr. DUNCAN HUNTER.

Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, the gentleman from South Carolina [Mr. SPENCE], and all 5 chairmen of the committee support the Dornan-Tiahrt amendment. Mr. Chairman, I will be passing out the GAO report at the doors during the debate. This is consistent with the committee position requiring presidential certification of all the Russian arms control.

We will be back next year to do this on chemical warfare. We just want to make sure that biological weapons programs have been terminated. The good Russian people, the reformers, want this type of tough legislation, and it does not, repeat, not, cut Nunn-Lugar funding below the committee recommendation. The gentleman from Arizona [Mr. STUMP] wants a yes, and so does the gentleman from South Carolina [Mr. SPENCE].

Mr. SPRATT. Mr. Chairman, I would ask, do I have 2 minutes remaining?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining.

Mr. SPRATT. Mr. Chairman, I would like to state once again that the gentleman begins with a premise that I do not contest. I do not know to what extent we give validity to it, but we will stipulate for purposes of this argument that Russia is not doing all they should be doing in terminating, bringing to an end, their CBW, chemical-biological weapons program. No contest there. The issue here is, Mr. Chairman, what do we do about it.

The proposal before us in the Dornan amendment would say ''Let us take the Nunn-Lugar money,'' a program that has been slow to start, but now gathering momentum and showing real results, ''Let us take it and stop it,'' as a punitive measure towards the Russians until we can get certification from the President that they are doing everything they can and should be doing to terminate this program.'' Here is what is wrong with that.

This program, the Nunn-Lugar program, sometimes called the Cooperative Threat Reduction Program, has taken thus far all nuclear weapons out of the State of Kazakhstan, as of the end of April. By the end of next summer, 1996, it will have removed, deactivated and removed, all nuclear weapons out of Ukraine and Belarus. When the FSU, the former Soviet Union, or the Soviet Union dissolved, there suddenly appeared on the world stage 4

new nuclear powers, or 3 nuclear powers, in place of or in addition to the one former Soviet Union. Now we will go back to having just one. 2,800 missiles have been removed so far. 750 have been removed from their launchers.

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We are building a storage facility in Tomsk, Siberia, using the money for the Nunn-Lugar program. It has taken 3 to 4 years to get this building off the ground. We have finally broken ground for it.

What does it provide? An opportunity to properly store plutonium pits, critical components in any nuclear weapon, and once they are stored there, they have strict verification and accountability of those.

Finally, and this is not the least significant by any means, we have used Nunn-Lugar money to create an international science and technology center where former weapons scientists, nuclear scientists, and conventional weapons scientists are able to work in non-military programs. If we stop the money, those scientists will now divert their attention and their efforts in Russia and elsewhere, becoming potential proliferators themselves.

Why would we want to stop all of these things which are in our interest? Why do we want to hurt ourselves, undercut our own national security in order to strike back at the Russians?

Why do we want to punish the Kazakhstani, the Ukrainians, and the Belarussians for something the Russians may be doing wrong with respect to their CBW program?

I share the gentleman's concern about their CBW program, but he is going about the punitive reaction to it in the wrong way.

Vote to keep Nunn-Lugar intact. Vote against the Dornan amendment.

Mr. BEREUTER. Mr. Chairman, this Member cannot understand the reason why my colleagues and good friends, the gentleman from California [Mr. DORNAN] and the gentleman from Kansas [Mr. TIAHRT] would offer an amendment to fiscally fence off the Nunn-Lugar funds which are used to reduce the Russian nuclear weapons threat against the United States. It is in our national interest that these nuclear weapons be reduced. There certainly are reasons for the United States and the world to be concerned about Russian chemical and biological weapons programs and stockpiles, and we must use every productive means to reduce and eliminate them. But linking these American efforts to the Nunn-Lugar program is indeed the absolutely wrong and harmful linkage—harmful to the United States.

Mr. Chairman, adopting the Dornan-Tiahrt amendment is indeed cutting off our nose to spite our face. The motive and concerns of our two colleagues offering the amendment are very appropriate, but their amendment couldn't be more dangerously wrong. There are several other United States funding programs for aiding Russia which could be used as leverage or linkage to show our very legitimate concerns about Russian biological and chemical programs and stockpiles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 180, not voting 10, as follows:

[Roll No. 369]

AYES—244

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

NOES—180

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—10

Baker (CA)
Boucher
Davis
Gephardt
Kleczka
Myrick
White
Williams
Wilson
Yates

□ 1905

Mr. SHAYS changed his vote from ''aye'' to ''no.''

Mr. KING, Mrs. THURMAN, and Mr. CRAMER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair has been made aware that the gentleman from Indiana [Mr. HAMILTON] will not offer his amendment. Therefore, it is now in order to consider amendment No. 1, printed in subpart A of part 1 of the report.

(Ms. FURSE asked and was given permission to speak out of order.)

PERSONAL EXPLANATION

Ms. FURSE. Mr. Chairman, due to personal family matters on Thursday

last, I was unable to cast a vote on rollcall 366. I would like the RECORD to reflect that had I been present I would have voted ''no.''

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. 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. KASICH: Strike out section 141 (page 21, lines 2 through 15) and insert in lieu thereof the following:

SEC. 141. LIMITATION ON AIRCRAFT PROCUREMENT FUNDING.

The amount provided in section 103 for procurement of aircraft for the Air Force is hereby reduced by $553,000,000. None of the amount appropriated pursuant to authorization of appropriations in section 103 may be obligated for procurement of long-lead items for procurement of B–2 aircraft beyond the 20 deployable aircraft and one test aircraft authorized by law before the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will each be recognized for 30 minutes.

The Chair recognizes the gentleman form Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I ask unanimous consent that my time be divided equally with my cosponsor, the gentleman from California [Mr. DELLUMS], and that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from Ohio [Mr. KASICH] will be recognized for 15 minutes.

Mr. SPENCE. Mr. Chairman, I yield for the purposes of debate 15 minutes to the gentleman from Missouri [Mr. SKELTON], and I ask unanimous consent he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. SKELTON] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

Mr. DELLUMS Mr. Chairman, in order to begin this debate, I yield myself 5 minutes.

Mr. Chairman, this is an important debate.

□ 1915

The bill that comes to us contains $553 million to begin a journey that will ultimately cost the taxpayers $31.5 billion.

The question is why, why do we need to put in excess of $500 million in this bill to begin long lead for 2 additional B–2 bombers that ultimately is a program for 20 additional? Question one: Is it because the Pentagon wants it? The answer is ''no.'' The Secretary of Defense, the Chair of the Joint Chiefs of Staff, and an independent study done by the Institute for Defense Analysis and the Role and Mission Commission study all said the following: ''No, we don't need it. No, we don't want it, and, yes, there are alternatives.''

Second question: Do we need this bomber for the purposes of safety? Interesting. The study done by the Institute for Defense Analysis drew the following conclusion: that if we took precision guided munitions, those smart weapons that the American people saw on C–SPAN when we were engaged in the war in the Persian Gulf, that if we expanded that inventory by 200 percent, that we would reduce the aircraft lost in our inventory by 40 percent. They went further and said, ''And if you spend the money to build 20 more B–2's, you reduce the aircraft loss by 8 percent.''

So if it is a question of safety, you do not spend $31.5 billion building a cold war relic, Mr. Chairman, because the precision guided munitions put more munitions on the target at less risk because you are not flying over the target, you are standing off, and at cheaper cost.

I would remind my colleagues that all of them have been debating budget balance and deficit reduction.

The third argument, Mr. Chairman, is this: Is this for national security needs? Remember, colleagues, the B–2 bomber was designed in the context of the cold war. It was designed to do one thing: fly over the Soviet Union and drop nuclear weapons one time and get the hell out.

This is not the cold war. I hope we have moved beyond the insanity of contemplating nuclear war so we want to fix this weapons system up for a conventional approach, but we already have 20 of them.

This is a subsonic plane. You may not see it on radar because it is stealthy, but no one said it was not vulnerable. You can see this weapon in the daytime. It probably only will fly at night.

Secondly, if you fly it, it only has one purpose: to be there for the first few hours, the first couple days. It is not designed to fly around a theater forever. It flies in and gets out after it suppresses air defenses. We have F–117's that also have that capability. We have wild weasel missiles that can also search out and destroy.

Mr. Chairman, we do not need to go down a $31.5 billion road, because the Pentagon does not want it, because it is not there for safety, it is an expensive weapon, it is not necessary for national security.

So why do we have it? Because we are going to generate employment? We can generate thousands of jobs with $31.5 billion. We can enhance the quality of our lives with $31.5 billion.

Why is it that distinguished and learned people have said we do not need to go down this road? The gentleman from Ohio and this gentleman are simply saying, in conclusion, save the American taxpayers the $19.7 billion it costs to buy and equip this plane, the $11.8 billion it costs to operate and maintain this plane.

Let us take the $550 million, take it out of this budget where it is wasteful, unnecessary and dangerous, and place it to reduce the deficit.

For those of you who have been arguing pain and human misery across the panorama of American interest in the country, you ought to be willing to join us on the basis of integrity, on the basis of dignity and on the basis of honest analysis. You do not need this plane, but we certainly do need the money.

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

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

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

Mr. SPENCE. Mr. Chairman, I ask the House if I might apologize for making a personal comment at this time.

But I would not be able to take part in these discussions, indeed I would not be alive if it were not for the fact, as many of your know, I received a double lung transplant a few years ago, and the mother of the young man whose lungs I have is presently in my office visiting with me for the first time, and I just wanted to pay respect to her.

Mr. Chairman, I rise in support of the committee-recommended position on the B–2 stealth bomber and in opposition to the amendment offered by my colleagues, Mr. KASICH and Mr. DELLUMS.

The committee arrived at its position endorsing the option of additional B–2's after receiving testimony from senior military officials regarding U.S. bomber capabilities and long-term plans. First, we were told that the current bomber force structure of approximately 100 aircraft is well below the number required to carry out the national military strategy.

Second, we learned that the Department's plan to ''swing'' bombers between regional conflicts is untested and risky. Frankly, it is unworkable.

And, third, due to the on-going closure of the B–2 production line, we learned that we must act now if we wish to preserve the option to build more B–2's beyond the 20 combat-capable aircraft already approved by the Congress.

Halting production of the B–2 now, after spending billions to develop this revolutionary aircraft, makes neither military nor economic sense. Procuring additional B–2 bombers is admittedly an expensive proposition. Maintaining America's technological cutting-edge superiority is never cheap. However, as seven former Secretaries of Defense stated in their January 4, 1995 letter to

the President, ''The B–2 * * * remains the most cost-effective means of rapidly projecting force over great distances. Its range will enable it to reach any point on earth within hours after launch. * * * Its payload and array of munitions will permit it to destroy numerous time-sensitive targets in a single sortie. And perhaps most importantly, its low-observable characteristics will allow it to reach intended targets without fear of interception.''

The administration's opposition to additional B–2's, which has manifested itself in the recent ''bomber study,'' is inconsistent with real world operational requirements. We ought to heed the advice of seven distinguished and bipartisan Secretaries of Defense and continue low-rate production of the B–2. It is not an inexpensive proposition—but it may cost us more in the long run if we do not seize this opportunity today.

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

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

Mr. Chairman, this body through the years has made many important decisions. It has sent signals throughout the world by its vote.

In 1939, this Chamber voted against a $5 million appropriation for the harbor in Guam. The empire of Japan took that as a signal that we would not defend the Pacific.

What kind of a message would we send if we do not produce and continue producing at least 2 B–2 bombers which are the state-of-the-art weapons systems?

This is a very significant decision. It is one that we must take very seriously and one that we must understand will make a great deal of difference in deterrence and in conflict, heaven forbid, should that come.

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

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the Dellums-Kasich amendment to the defense authorization bill, and I urge my colleagues to support continued funding for the B–2 Stealth bomber.

We live in uncertain times. Although we cannot predict the course of international events, we can ensure that we have, at our disposal, the resources to protect our vital, national security interests.

Recent events in Bosnia provide just one example of our continued need to maintain a flexible, advanced fighting force.

The B–2 Stealth bomber is an integral component of the fighting force of the future—the tactical component of our commitment to military ''readiness.''

But it is more than that.

With the aid of a revolutionary design, the B–2 is ready to strike for freedom at a moments notice, across vast distances, with deadly accuracy.

And, as we bring our troops home from forward bases overseas, we are compelled to consider our ability to initiate military operations from American soil. The B–2's long-range capabilities make this necessity a reality.

From a technical standpoint, the B–2 represents an unparalleled achievement.

In the past, we augmented our fighting forces with an entire battalion of escorts, radar jammers, and suppressors.

''The B–2,'' noted Air Force Chief of Staff General Merrill A. McPeak, ''offers a much more satisfying and elegant solution: avoid detection, and tip the scales back in favor of flexibility and offensive punch.''

In light of our renewed commitment to fiscal responsibility and deficit reduction, some have questioned our ability to continue investing in this program. We are right to re-assess our priorities, and subject the defense budget to the same careful scrutiny we bring to other segments of the federal budget.

But, for the sake of short-term fiscal expediency, we should not sacrifice our long-term national security interests. The B–2 program is the capstone of a $45 billion dollar investment.

If we back track now, we will undercut this nation's advanced technology base and risk tying our hands in the event of future conflict.

The fair-minded Commission on Roles and Missions—assessing the need for continued investment in the B–2 program in a preliminary report—warned against just such a short-sighted approach.

The Report states: ''. . . the B–2 will likely be in service for 40 to 50 years. It is not possible to predict what requirements will exist that far in the future and we are concerned that tomorrow's commanders should not be deprived of adequate numbers of bombers because of a decision made today without the most careful deliberation.''

Finally, Mr. Chairman, I would like to point out that the B–2 represents a way for us to leverage our resources. Just one B–2 bomber, at a cost of $1.1 billion can pack the same punch as a much larger current conventional force—some estimates suggest a force as large as 75 aircraft.

We need to benefit from the investment already made in the B–2. Defeat the Dellums-Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, the House Committee on National Security leadership added $553 million for the long lead procurement of 2 new B–2 bombers, piercing the cap of 20 B–2's in current law. These 2 planes would be purchased at a cost and a rate that is part of a 20-plane proposal which would lead to a total of 40 B–2's.

While there will be, no doubt, a certain amount of debate of how much this investment strategy will cost, the only figure that is truly relevant is how much money this decision is going to cost the U.S. taxpayer. According to conservative U.S. Air Force estimates, 20 more B–2's would cost an additional $19.7 billion, and $11.8 billion in a 20-year operational cost. This adds up to $31.5 billion total.

There is no money planned in anyone's budget to pay for the out-year costs that will be forced by this decision. The only way we will be able to afford the planes will be either by taking a major step backwards in deficit reduction or by squeezing out programs that have been given a higher priority by the military, such as the F–22, destroyers, tilt rotor aircraft and precision guided munitions and so forth.

Witnesses on behalf of the Air Force, both in civilian leadership and members of the uniformed operational ranks, have repeatedly testified that they do not want to purchase any more B–2's.

An independent cost-effectiveness analysis by Air Force bomber programs, conducted by the Institute for Defense Analysis, concluded that money would be better spent on precision guided munitions and conventional mission upgrades of B–1 bombers.

Let me address this issue of this study. Paul Kaminsky, undersecretary of defense for acquisition and technology, said the results of the 6-month-long IDA study do not make the case for buying more B–2's. Instead, they point to a much greater cost effectiveness that can be derived from advanced and accurate weapons to leverage not only the bombers but the rest of our tactical forces.

Computer modeling and simulation has shown doubling the current inventory of precision accurate weapons at a cost of $13 billion would result in a 60 percent decrease in aircraft losses in comparison to 8 percent fewer losses with the B–2.

Clearly, additional investment in precision weapons is exponentially more effective and significantly less costly than B–2's.

These studies show additional B–2's result in a big cost increase for bomber forces and a tiny performance increase. The IDA study was not flawed. It did address a no warning scenario, and the Roles and Missions Commission independently reviewed and agreed with the study.

Mr. Chairman, I strongly advise my colleagues to vote for the Kasich amendment.

□ 1930

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise this evening to discuss with my colleagues the importance of long-range bombers to our Nation's security now and in the future. For 40 years the United States relied on forward deployment, the placement of large forces on bases around the world, outposts, if my

colleagues will, for the defense of freedom.

With the decline in defense spending and the withdrawal of our forces from overseas bases, the United States now must rely on smaller military forces operating principally from North America, in effect a home-based military force.

For example, in the last 6 years alone the United States Air Force has reduced its major overseas bases from 38 to 15, Mr. Chairman, a 61-percent decrease. Let me repeat, a 61 percent decrease. Unfortunately, our global responsibilities have not decreased 61 percent. In fact, our need for global presence is growing. We are the world's one and only superpower in a world full of conflict and uncertainty.

In addition to regional conflicts we know that more and more irresponsible nations are acquiring weapons of mass destruction, a real and significant threat to United States security. Now, as the only superpower, our current strategy calls for American power to be projected abroad rather than based abroad.

Therefore, we simply must be able to project increased conventional power from a smaller number of systems. The only answer is the B–2 stealth bomber, the only way we can quickly and secretly project real power around the globe.

Listen to Air Force General Mike Loh:

> The role of the bomber has been elevated, not diminished, by the end of the Cold War. Nothing else has the range and payload of the bomber or the sense of immediacy able to strike in 10 to 12 hours anywhere in the world.

Remember, the B–2 only requires two pilots and it costs less to operate than any other means of significant power projection such as aircraft carriers or Army divisions.

Mr. Chairman, let us support more B–2s for our Nation's security. Vote against the Kasich amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman:

B–2's or not B–2: Once again, that is the question.
Whether 'tis nobler in the mind to suffer
the slings and arrows of outrageous expense,
Or to take arms against a sea of deficits,
And by opposing end them. To cut; to spend;
No more; and by a cut to say we end
the heartache and a thousand cost overruns
That B–2 is heir to. 'Tis a consummation
Devoutly to be wished. To cut; to spend;
To spend? Perchance add-on! Ay, there's the rub;
For in those 20 add-ons what new costs may come,
when we have shuffled off the cap,
Must give us pause. There's the respect
that makes calamity of continuing.
For would Stealth bear the whips and scorns of time,
the lack of mission, the inevitable delays,
The available alternatives, and the cuts
That must be made for Budget Target's sake.
When we ourselves might today Stealth's termination make
With a bare majority. Who would new tax burdens bear,
to pay its 31 billion dollar pricetag,
when the dread of a corporate welfare program,
A flying Bat-winged bomber whose cost per pound,
Is that of gold, puzzles the mind
And makes us rather keep those bombers that we now have
Than fly to others we want not of?
Thus conscience should make cautious legislators of us all;
And thus the hue of B–2 boosterism
Must be replaced with the sober case of thought,
And this enterprise of great pith and moment,
Be halted now before it further proceeds,
A handsome bomber, yes, but better
No more to be.

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

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

Mr. DORNAN. Mr. Chairman, having flown the B–2 May 1, of course I rise in support of the great spirit aircraft that I myself named.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, this is daunting to follow the gentleman from California [Mr. DORNAN]. I just rise in support of this amendment and simply state this:

I support a strong defense. I have military establishments in my district. I think it is critical; I think it is the reason we created the Federal Government. It is to provide for a common defense amongst several other items as well, but clearly one of the key roles and missions we created for a federal government was to provide for a common defense. We need to do that. But this one does not make sense to me.

First of all, it is when the military itself says, ''We don't need this aircraft, and we can put it, and should put it, for other uses,'' and that is what it seems to me we ought to do.

That is why I am supportive of Mr. KASICH's amendment in that regard. I think this is a wonderful airplane. It just costs too much, and it is not in the priority system of what we need in this country today.

Mr. SKELTON. Mr. Chairman, in all of this paraphrasing of Shakespeare I can only say, ''Me thinkest thou protesteth too much.''

With that, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, it is tough to differ with friends, aspiring playwrights, and the Pentagon, but I am strongly opposed to the amendment offered by Messrs. KASICH and DELLUMS. To my passionate and effective friend, the gentleman from California [Mr. DELLUMS], I say, ''You move me every time you speak.'' But I believe that the Californians I represent believe that the B–2 bomber is the right weapon for the expected war fighting contingencies of the next century.

Mr. Chairman, its utility has already been demonstrated. The number of any aircraft required to deliver an equivalent bomb load is 75 times greater than what a single B–2 can do. Fewer pilots, crew, and aircraft are put at risk with the B–2.

Its stealth capability ensures that it will strike its target. Its superior range and bomb load make it clear that the B–2 is better than a stand-off missile which still needs a platform that can deliver it within range—usually over enemy territory.

Last, it is critical to understand the problems posed by the current mix of our bomber fleet which, by the year 2010, may include B–52H's that are more than 50 years old, and B–1B's that will be 23 years old. The B–2 will bridge the retirement of those aircraft and provide the deterrence necessary in the first few decades of the 21st century.

Any successor bomber to the B–2, and I predict we will want one in several years if this program goes down today, will have to incorporate the stealth technology that is the heart of the B–2. As such, it is critical to protect the industrial and intellectual base which designed and manufactured the processes and materials central to the future stealth breakthroughs.

I have visited the B–2 factory in California, seen the B–2, climbed on its extraordinary wing, sat in the cockpit and met with representatives of literally hundreds of firms that designed and built it. The talented and highly skilled work force for this aircraft talks in great praise of what it has done, and that praise is well-deserved. It would be tragic to lose those individuals and the skills they represent.

Mr. Chairman, the bill's modest level of authorized funding will protect a unique capability that would be difficult to recreate if it were lost as a result of this amendment.

I urge my colleagues to reject the Kasich-Dellums amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. LUTHER].

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

Mr. LUTHER. Mr. Chairman, I rise in support of the Kasich amendment to stop the production of additional B–2 bombers.

As I listened to this debate as a new Member of this body, what comes to my mind is that this is exactly how our country got to the point of being nearly $5 trillion in debt. Every spending program has its merits, and a case can be made for this proposal like any other proposal. But the fact is that we, as a nation, cannot afford this expenditure, and we who serve here have to have the judgment and common sense to make cuts wherever we can in the military budget, along with other

budgets, in order to make certain that we balance the overall Federal budget.

The military spending bill before us contains over $500 million beyond what the administration requested for continued B–2 bomber production, and it repeals the current limits on the number and cost of B–2 bombers. With the budget problems we face, we cannot justify approving funding that our own military experts believe is unnecessary. By eliminating additional B–2's, is Kasich amendment has the potential to make an enormous reduction in the deficit without compromising military readiness or support for our troops.

Mr. Chairman, we can save billions of dollars over the years ahead by maintaining 20 B–2's, but not expanding the production of B–2 bombers. The time has come for us to vote for fiscal responsibility and support the Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to the Dellums amendment.

First, the funding for the B–2 falls well within the spending cap imposed by the Committee on the Budget. It does not break the budget.

Second, the B–2 is a necessity. I have experienced firsthand the dangers of flying into a helpfully defended area, being tracked by radar and shot down. As a matter of fact, I was shot down in Vietnam because our Government, this body, refused to supply us with the right airplanes or munitions. In fact, we did not have munitions most of the time. I flew an airplane that the gun sight was really just a piece of chewing gum that did not move, the gun did not fire, a product of the McNamara era which he has admitted to.

The B–2 gives us an ability to fly a strategic bomber into a defended area undetected by radar without fighter escort. This is a state-of-the-art technology that no other country can match.

Third, those who oppose the B–2 have said we can use old B–52's and B–1 bombers instead of B–2's. As my colleagues know, the cost of flying those old airplanes is $6.4 billion more.

More importantly, relying on the older airplanes through the year 2030, as opponents have planned, is risky. By that time the B–52 will be nearly 70 years old, and, if we apply that same 70-year timeframe, a 1918 World War I biplane would have been a front line plane in Desert Storm.

□ 1945

Support our Nation's Armed Forces. Vote against the Dellums amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I rise in support of the Kasich amendment. A few weeks ago we passed a resolution, an historic resolution, and I stood before you and said we are now going to have a balanced budget by the year 2002. Yet a few short weeks later, on the second major authorization that this Congress takes up, we now stand here to consider a dramatic expansion in an existing weapons procurement program. Indeed, we are standing here on the threshold of authorizing an additional $553 million to pay for a bomber program that has not been in the existing budget.

This budget-busting program has the potential to add over $30 billion to the defense budget. Now, we are going to be dealing over the next 7 years, if we stick with our budget resolution, with a $270 billion defense spending cap, and we are going to have to make some pretty hard choices. I for one have stood forth and made hard choices across the board, and this is a hard choice to make as well. I believe like everyone else we need a strong defense. But if we vote to double the size of the B–2 bomber program today, and this occurs, and we spend an additional $30 billion, we are going to make the process of making choices between the other programs, the F–22, the V–22, the DDG, much, much more difficult.

My friends, we ought to establish our strategic priorities now and not vote for $553 million to keep a line warm while we try to decide what our country is going to do in the future. The Committee on National Security should decide what our long-term strategic objectives should be within the $270 billion fixed budget that we have for defense spending, and then make the tough choices now, and not put the long tail off until next year or the year after.

I rise in strong support of the Kasich amendment, as a strong proponent of defense spending, responsible defense spending, and a balanced budget by the year 2002.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

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

Mr. FROST. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Ohio [Mr. KASICH].

I was disappointed when Congress voted to cap the B–2 bomber program at 20 planes. I did not agree with that decision then, and I'm delighted that the National Security Committee has brought a defense authorization bill to the floor of this House that repeals the cap, and authorizes funds to continue production of this important strategic bomber.

The B–2 is an essential component of our overall national defense capability. In fact, with each passing day, the need for the B–2 increases as our bomber fleet ages.

By 2010, any surviving B–52s will be over 50 years old and will likely be retired. The B–1 fleet will be 23 years old and declining in number due to attrition. It's clear that augmenting the bomber fleet with additional B–2s will be necessary in order to maintain a credible bomber capability.

Some have questioned whether a significant bomber capability is even needed in the post-cold-war era. Yet, this implies that the post-cold war world is somehow a less dangerous world.

The events of the last few years since the wall came down in Berlin and the Soviet empire began crumbling have vividly demonstrated that the world continues to be one where hazards abound. The Persian Gulf War certainly emphasized the point that the U.S. can never let down her guard, and that threats to our security interests may pop up at any time throughout the world.

It's imperative that we maintain all aspects of our military readiness in order to respond to threats. And maintaining readiness requires that we continue to modernize our bomber fleet with the best, most up-to-date equipment we can. The B–2 is a quality aircraft that provides stealthiness, long-range flying capability, and the ability to deliver large payloads, on target.

Mr. Chairman, the B–2 provides our nation with important security. We should, we must, move forward and adopt the position taken in this defense authorization bill. I urge my colleagues to reject the Kasich amendment, and support the B–2 bomber.

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

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

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Chairman, it is with great pleasure I rise in support of this amendment, admiring the arguments put forth by the gentleman from California [Mr. DELLUMS] in support of his amendment.

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

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

Mr. MCKEON. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the Kasich-Dellums amendment to lift the cap on B–

2 bomber production and delete funds in this bill for the B–2. The first responsibility of Congress under the Constitution of the United States is indeed to provide for adequate defense of this Nation.

We are in this position today because some years ago a decision was made to cap production on the B–2 at 20 bombers. That decision was based wholly on the judgment of the then political leaders in the prior Congress that additional production lacked political support in the Congress. It certainly had no, and I emphasize ''no,'' relation to the military needs of this Nation. That is what we have come here today to rectify.

Political decisions made, whether it by vote counters or bean counters, do not hide the fact that today the United States lacks a capable bomber force to protect this country. This decision forced military planners to walk away from the most effective weapon in our arsenal to project force at the most effective cost. This decision does not hide the fact that should we accept the Kasich-Dellums amendment, that if we do, that we could fight the next Desert Storm with a 70-year-old bomber. Does anyone in this House want to run that risk? Does anyone in this House wish to rely on such weapons to protect our troops? Does anyone here want to protect this country with 70-year-old tanks or ships or planes? I do not think so.

We are retiring the F–117's that served us so admirably in Desert Storm. The B–1 was of no use in the last war. Why would anyone think in the next one we will be any more likely to require the service of the B–1? Finally, how much could we rely on the old B–52, the 70-year-old granddaddy of bomber fleet? We cannot.

I urge this House to proceed with the development and procurement of what will be one of the most critical assets we have to take with us into the next century. We have no other weapon that combines the precision of the stealth and the firepower of the B–2.

Mr. Chairman, I urge this body to reject this amendment and make a decision not based on political calculation, but on the necessity for the national security.

Mr. Chairman, earlier this year, seven of our former secretaries of defense carefully crafted and delivered a letter to President Clinton. That letter was in support of continued production of the B–2 stealth bomber.

The letter said:

> We are writing you to express our concern about the impending termination of the B–2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that may arise it the next century, and the central role that the B–2 may play in meeting those challenges.

The letter goes on to discuss the nation's long-range bomber force: 95 B–52's that are all over 30 years old, and 96 B–1's that were procured as an interim bomber until B–2's were available. This, the secretaries said, ''is not enough to meet future requirements, particularly in view of the attrition that would occur in a conflict and the eventual need to retire the B–52's.''

Former secretaries—Melvin Laird, Donald Rumsfeld, Caspar Weinberger, James Schlesinger, Harold Brown, Frank Carlucci, and Dick Cheney—end the letter by saying:

> The logic of continuing low-rate production of the B–2 thus is both fiscal; and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it also will not be the end of the B–2. We urge you to consider the purchase of more such aircraft while the option still exists.

My esteemed colleagues, I concur with this well thought-out letter and the conclusions voiced by these gentlemen.

Please join me in supporting continued production of the B–2 stealth bomber.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, on 10 May, flying a flack suppression mission just south of Hanoi, 35 aircraft went in to strike with cluster bombs to knock out SAM's and AAA's. We lost four F–4 *Phantoms* on that strike. Two of those air crews did not come back. Our B–52's over Hanoi, we lost hundreds of air crew, and what price do we put on that?''

Not one single Member that has fought in combat in the air has supported this amendment because they know the value and the expense of human life. And, yes, there is life at risk. Remember when we hit Qadhafi and we had to rely on Margaret Thatcher to launch out of England? We even had to fly around our allied bases. We would not have to do that.

Remeber when Saddam Hussein in his last foray came across and the President had to deploy three carrier air battle groups? Do you know what that cost was? Billions of dollars. You have the threat of a B–2, you will not need those forces to strike there. It will prevent it, and it will save times.

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

Mr. Chairman, first, I would like to say in response to my distinguished colleague from California, that is precisely the argument that this gentleman is making, an argument that was made in the independent bomber study. Precision guided munitions in the stand-off mode does not allow the plane or the pilot to be vulnerable. That is exactly the point.

The gentleman waxed eloquently in support of the argument that this gentleman makes, and that was eloquently argued by the Institute for Defense Analysis.

If you are talking about saving lives, it is not about building the B–2, it is about expanding the inventory of the precision guided munitions.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. DICKS. Mr. Chairman, first of all, everybody, I believe the Cominsky study was fatally flawed when it said we are going to have 14 days of warning. We did not have 14 days at Pearl Harbor. We did not have 14 days in Korea. We did not have 14 days in Desert Storm and Desert Shield. What we are talking about tonight is real value. The stealth bomber, with smart conventional weapons, can be enormously effective.

Look at this comparison. On that side of the chart we have bombers with unguided munitions versus what we can do with the B–2. And this package over here, 76 air crew at risk, 37 aircraft, could not get the job done, because they were nonstealthy. The F–117's in the gulf war could go into the targets, knock out the most heavily defended targets, and our kids came back alive.

When we are talking about stealth technology, it means with a bomber like the B–2 you can go a third of the way around the world and attack Saddam's division coming in. The Rand study showed that with the B–2 and the centrifuged weapon, three B–2 companies could have knocked out 46 percent of Saddam's mechanized vehicles before they got into Kuwait. Now, that is enormous, revolutionary capability.

The gentleman talks about stand-off weapons, but he does not tell you that those stand-off weapons cost $1.2 million apiece. The weapons on the B–2 JDAM cost $25,000. A precision guided munition, 40 times as expensive. That is why it makes sense to buy the B–2, and now is the time to buy it. The line is open. If we shut the line down and come back to it, it is going to cost $10 billion just to reopen the line. That does not make any sense.

Then you have got the cost of these expensive stand-off weapons. You have got to think about it, who are we sending out there? We are sending our own kids. Wouldn't you rather have the kids in a B–2 or in the F–117 or a stealth aircraft, rather than having them go in with a B–1 or B–52 that is going to get shot down? They are nonstealthy. They cannot penetrate. And that is why it is an ineffective bomber force. Eight secretaries of defense, including Dick Cheney, who made the decision to take it to 20, wrote President Clinton not to shut down this line.

This is the most important defense vote we are going to make. If you want to reorganize priorities in the defense budget, let us do it. Let us get rid of some of these things over here that cannot get the job done, and buy the new weapon with the new technology that can get it done. That is what we are talking about here. We are talking about advanced technology that will save American lives, and actually will save dollars too. Because if we do not do it, we are going to pay a terrible

price in life and in loss of bombers because they are not stealthy.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of the Subcommittee on Military Procurement.

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

Mr. Chairman, I think it is important for use to recognize why we should spend 1 percent of the defense budget each year of B–2's.

Mr. Chairman, we are back where we started. We look at the last week's Time Magazine and we see Scott O'Grady on the front of it. This is why we started this program. Because in Vietnam we lost 2,300 Scott O'Gradys, and we lost them to the most important revolutionary technology development in this century in war fighting, the radar.

□ 2000

That radar, when coupled with surface-to-air missiles, took down thousands of American planes in Vietnam. But we are the Americans. We say we are creative. We are innovative. And we got together, Democrats and Republicans, on the political side, our best scientists throughout this country, and we built an aircraft that could evade the SAM missiles and could be invisible to the radar. And that is what the B–2 is. And because of that, as the gentleman from Washington has said, one B–2 bomber can knock out the same 16 targets that it takes 75 conventional aircraft to knock out.

We have got one question to ask ourselves tonight, in fact, in a couple of minutes you will make a very important vote. Because there are young men and women out there now training to be bomber pilots. You are going to make a decision as to whether or not they are flying a 40-year old aircraft, the B–52, or whether they are flying an aircraft that will protect them. If you say no, for the first time in this century we are telling our young people, we invented a technology that would protect you in wartime but we are not going to give it to you because it is too expensive.

Vote for peace through strength. Vote for an affordable program. Vote for the B–2.

The CHAIRMAN. The Chairman will advise that the gentleman from Ohio [Mr. KASICH] has 9 minutes remaining, the gentleman from California [Mr. DELLUMS] has 5 minutes remaining, the gentleman from Arizona [Mr. STUMP] has 4 minutes remaining, and the gentleman from Missouri [Mr. SKELTON] 3½ minutes remaining.

The order for closing will be, first, the gentleman from California [Mr. DELLUMS], then the gentleman from Missouri [Mr. SKELTON], then the gentleman from Ohio [Mr. KASICH], and the gentleman from Arizona [Mr. STUMP] has the right to close.

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

Mr. Chairman, let us tell the story of the B–2 bomber. First of all, in regard to Scott O'Grady, we would not be flying B–2 bombers over Bosnia now in place of an F–16. That is just flat out never the kind of procedure we would use.

But let me go on and talk about the history, the story of the plane. Five years ago I went to a briefing to try to figure out what the B–2 bomber was all about. It was a tremendously shrouded program, and we did not find out about it until we invested a ton of money. I was in the top secret briefing, and I found out what the purpose of B–2 was. The B–2 was to be used to fly around in the Soviet Union in the middle of a nuclear war looking for things to bomb. Now, you have to hear that. We were going to fly the B–2 into the Soviet Union in the middle of a nuclear war to bomb things. That was the purpose of the B–2.

At the time, I said, first of all, I could not conceive of flying the plane around in the middle of a nuclear war. But, second, I said, if you need to hit targets, hit them with standoff weapons. You are familiar with them. You saw them in the war against Saddam. We did not put our pilots at risk. We stood outside danger, and we used smart weapons to fire in. That is precisely the option that the Pentagon is seeking right now. They do not want to put pilots at risk. They want to have pilots out of danger, using precision guided munitions at much cheaper prices.

So I said, why do we need to have the B–2? And we started this fight. And they went from about 165 of them down to about 130. I was down at about 13 with a bipartisan coalition of Republicans and Democrats. Three years ago, Dick Cheney calls me up. And he says, JOHN, I cannot use 13. I would like to have 20. Frankly, I do not even want the plane. That is what he told me on the telephone. He said, But I want to go to 20, because that will give me a force that I can use and a force that I need, and we can wrap up the program.

And I said, Why do you not wrap it up at 13? He says, Well, I mean, I just think we ought to do 20.

I came back here. I talked to the gentleman from California [Mr. DELLUMS]. He said no; I said yes. We ended up reaching a deal on 20 B–2 bombers.

Now, last Congress, we come back. In the Committee on Armed Services, they say, We need to build more B–2s. I said in the conference committee, Wait a minute, a deal is a deal. Cheney said he wanted 20. Why would we build anymore?

And they said to me, that was then and this is now. And this is a new Congress. So we got this big fight.

So guess what the agreement was? The agreement was to have the Pentagon commission an independent bomber study. The independent bomber study was to assess whether we had enough bombers in order to carry out our mission. That was its purpose, to find out whether we would have the strongest and most efficient national defense.

I opposed the bomber study. Do you know why? Because I thought it was a fait accompli that they would come back and tell us to build more bombers. Mr. DELLUMS said, no, we ought to go with it. We changed the language. And I said, fine, let us do a bomber study, we will see how it will come out.

So we trusted the last group in the Pentagon over the last 2 years to do this bomber study. And that was to define what we should do today. So guess what? We did a bomber study, commissioned independently by a very well-respected group. I have got the study right here.

Do you know what they say? We do not want anymore B–2s. We want to fix the B–1. We think it is a good plane. We want to buy more smart weapons. And we think there is more effective and efficient ways to manage the building and provide for the strongest national defense. The independent bomber study that was commissioned to tell us what to do says, do not buy anymore.

Then I get a letter from the vice chairman of the Joint Chiefs of Staff, Admiral Owens, nobody's lackey. In fact he has been profiled as perhaps the best 21st century thinker. And Admiral Owens came to see me and he said, we do not want anymore B–2s.

So we have got the vice chairman of the Joint Chiefs of Staff who says, We do not want the B–2. Then we find out that the chairman of the Joint Chiefs of Staff, the chief military officer of the services says, I do not want the B–2. I can have more effective use of resources.

And then we heard from people who I consider to be absolutely critical, the CINCs. The CINCs are the commanders in the field. They are the ones that fight the wars. And the CINCs are in unanimous agreement with the bomber study and in unanimous agreement with the chairman of the Joint Chiefs of Staff and the vice chairman of the Joint Chiefs of Staff. And do you know what they say? We do not want anymore B–2s. We have better ways to do it.

Then we had the Secretary of Defense who came to see me and he said, do not put these white elephants in my budget, because if you do, you keep me from buying the things I need such as, the C–17 for transport, the F–22 advanced fighter program, the helicopters, and the issue that everybody has been so worried about, readiness. What he said to me is, do not force me to spend money on a program I do not want. I have better ways to secure national security and have efficiency in the way I do things. Do not handcuff me. And, of course, we have the heavy bomber study that says, we do not need this.

Now, we have seen a chart that talks about what the two B–2s deliver you. Let me show you the chart. What is left off of the chart is the fact that it is not just two B–2s that you have to

do, but you have to have all this support aircraft. And you see all these weapons up here. They are already paid for. The gentleman from Washington [Mr. DICKS] said we should get rid of all these weapons.

First of all, I do not agree with that. Second, we are not going to do it. So if we build the 2 B–2s, we have to provide all the support, including more people, more costs, more air refuelers, and it costs us an additional $2.4 billion.

Now look, this is not my view alone. I did not come up with this idea that we should get rid of it. It is just that I cannot find anybody in a uniform who is at any kind of ranking level in the building that says they want the plane.

Now, I can remember when the Republicans used to criticize the Democrats for buying weapons systems that the Pentagon did not want. And the Pentagon is saying, let us fix the B–1. Let us use precision guided munitions, do the 20 B–2s, and the B–52s are fine in a standoff role. In fact, they are going to be used until about the year 2015. But what we have done is we have added a $38 billion program.

Now, this is the heavy bomber study. Do you know what it says? The planned force can meet the national security requirements of two simultaneous regional conflicts without the B–2, the current force with the 20. Additional quantities of accurate guided munitions are more cost-effective than procuring 20 additional B–2s. It says, let us buy the standoff precision-guided weapons. It will be better for us than buying B–2s. Frankly, it will save us a ton of money. In fact, it will allow us to not have to put other systems at risk.

I am going to tell you in the House that if you are for C–17 and you are for F–22 and you are for helicopters and you are for readiness, at the end of the day when you add this big chunk of money in there, you have got a problem.

Now, finally, the other point is, we are going to be making a lot of hard choices in this House. We have already made a lot of hard choices in this House. And I have got this very high rating in national security, about 100 percent. But I consider myself to be a cheap hawk.

I deeply respect the Members of this House who feel passionately on the other side. That is what debates are all about. But my sense is, when I am faced at looking at the chairman of the Joint Chiefs, the vice chairman of the Joint Chiefs, the commanders in the field, the Secretary of Defense, the independent bomber study, all of which says, do not spend the money, how the heck can I come out here on the floor and vote to spend the money when I have got to balance the budget by 2002 and guarantee that we have a defense that is ready, a defense that is efficient?

And I would maintain that by lobbying this big chunk of money in there, we undercut our ability to do the things, the building blocks of defense that will guarantee the security of our forces.

Support the Kasich-Dellums amendment. Save money, balance the budget. Provide for a strong national defense.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I seldom disagree with the ranking member of the Committee on National Security, the gentleman from California [Mr. DELLUMS], but he said that this is one of the most important votes. And I would like to say that this is the most important vote that is going to be made on not just this budget but the whole budget proposal.

The gentleman from Ohio [Mr. KASICH] has made it very clear, and I am in a good position to talk about this, because Mr. KASICH knows that I told him early on in this process, JOHN, one of the reasons I respect you, and I say this to the whole House, is that you are not only honest and sincere, but you bring forward what you really believe in and you back it up. I said, what is going to happen is, everybody is going to stand up and cheer, which is what has happened, everybody is going to give you the accolades. And then they are going to stiff-arm you. As soon as it comes to spending the bucks to make the money, they are going to come right in and they are going to give it to you. And where they are going to do it is in defense, and they are going to do it right with the B–2 bomber.

I tell you this: If you do not pass the Kasich-Dellums amendment, if you oppose this amendment, you are sticking a knife in the heart of the fiscal budget proposal that Mr. KASICH put forward and that everybody, so many Members, Democrats and Republicans, have applauded. It is one thing to stand up and cheer for the gentleman from Ohio [Mr. KASICH] and tell him, you did the job, buddy. I am going to be there for you, unless, of course, I have to disappear, which is what is happening now.

This is a test of integrity in budgeting. This is a glide path, not to a balanced budget, this is a glide path to balanced budget oblivion. That is what you are heading for. You can put up charts until you choke. And what is going to happen in the end, if Kasich-Dellums fails. That means that you are not going to have a balanced budget. You will be doing ballet with the books is what you are going to do. You are going to have to spend, as Mr. KASICH will tell you and any honest person will tell you, you are going to have to spend 40 percent of your defense outlays in the next budget cycle as it comes up in order to take care of this B–2.

□ 2015

If Members listen to people tonight, they would think there were not any B–2's. We are going to have to have a dozen and a half. We are going to be building B–2's and we are going to be putting people to work into the next century, right now. They said 20 that are coming up. We have not even taken delivery on half a dozen. We still have to get up to the number 20.

It is not $553 million we are voting on. Members know very well that it is $31 billion we are talking about, that we are not going to be able to find in defense. We are going to have to take it out of readiness, we are going to have to take it out of quality of life, out of operations and maintenance.

We have been told over and over again we have to make tough choices, tough choices within every category. We are telling kids they have to make tough choices, elderly people they have to make tough choices. We have to make tough choices in defense, as well.

The gentleman from Washington [Mr. DICKS] says we need to make those tough choices, so everyone is saying that. There is nothing tough about this. If Members do not back the gentleman from Ohio [Mr. KASICH], and Members do not back the gentleman from California [Mr. DELLUMS], they are not backing the basic budget proposal that has been put forward about balancing the budget, and they are giving the gentleman from Ohio, JOHN KASICH, all the accolades, and giving him the shaft on the actual budget.

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

(Mr. LEWIS of California. asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California, Mr. Chairman, I appreciate the work of my Chairman. I very much want to rise in support of the B–2 long lead.

Mr. Chairman, I rise today to draw my colleagues' attention to an important issue which will shortly be decided by this House: namely continue acquisition of the B–2 stealth bomber.

My friends, we are witnessing a revolution in air warfare. The advent of stealth has changed the way we think about this important facet of our Nation's defense. In the 1940's, the introduction of radar saved a beleaguered England from a numerically superior German air onslaught. That single technology gave the Royal Air Force the edge that made all the difference.

We are there again, only this time the need is to foil the radar and protect our aircraft. Stealth is that new technology. The value of this new stealth capability was evident in the gulf war with the F–117. The F–117 production line is already closed. The B–2 bomber takes this technology one major step further.

With its large payload, long range and precision weapons, the B–2 can fly farther, carry more, and destroy targets with greater accuracy than any other aircraft. For example, a force of 32 B–2's, loaded with modern weapons, could have engaged as many targets on the first day of the Persian Gulf war as the 1,263 aircraft that were used. This is an amazing fact.

The B–2 will save lives. It will conserve resources in the long run, and it will create a capability that resides only in support of U.S. military forces.

This body has always followed the philosophy that U.S. soldiers, sailors and airmen must be sent in harm's way fully prepared and equipped for victory. Now is not the time to reverse that philosophy.

As a member of the Intelligence Committee and the Appropriations subcommittee that handles Defense, I could never in good conscience vote to close the only bomber production line in this country, especially one as advanced as the B–2.

Proponents of this amendment state that we can't afford to keep the only bomber production line in this Nation open. Let me assure you, for our sons and daughters, our grandchildren and great-grandchildren, for pilots like Scott O'Grady, we can't afford not to. Vote no on the Dellums-Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS], a member of the committee.

Mr. WATTS of Oklahoma. Mr. Chairman, the chairman and members of the Committee on National Security have clearly set sights on supporting the B–2 in the fiscal year 1996 defense authorization bill. We have worked within the Committee on the Budget's target and come up with a bill that gives this Congress its first opportunity to deliver on the promise of revitalizing our national defense.

A critical part of this bill is its call for long lead funding needed to probably acquire an additional 2 B–2's. The amendment we have before us asks to strike that funding. Mr. Chairman, under normal circumstances I would be more than willing to take the Defense Department's word on a military force structuring decision. In the case of the B–2, there is an overwhelming amount of contradictory evidence.

Originally I planned to base my B–2 decision on the results of the heavy bomber force study, but after seeing assumptions and methodology, something is wrong. Assumptions like 14 days of buildup time, does anyone really believe an aggressor would just sit back, give us 14 days to deploy our fighters, then attack? I do not think so. To wait would be suicide. We know it and they know it.

I believe it was Under Secretary Kaminsky who said that B–1's and B–2's need fighter escorts to do the job. When I heard this, I was baffled. The B–2 is the first fighter weapon of choice that can be counted on in the war we are most likely to fight.

I challenge each of the Members to think about the direction the world is going, the disorder around us. The notion that we are safe or war is less likely should be dismissed. The reality is the enemies' names may have changed, but they are still there.

Mr. Chairman, chemical weapons, nuclear weapons, are available, and we must have the ability to counter that threat. The B–2 and its technology must be acquired while it is within our economic grasp. This is our only chance to harness the B–2's revolutionary capabilities, capabilities that because of who we are and what we stand for, will benefit the entire world.

Proponents of this amendment state that we cannot afford to keep the only bomber production line in this Nation open. Let me assure the Members, we need the B–2. Let us not drop the ball on this one. I urge a no vote on this amendment.

Mr. DELLUMS. Mr. Chairman, would the chair remind this gentleman as to the remaining amount of time?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining. The gentleman from Missouri [Mr. SKELTON] has 3½ minutes remaining. The time of the gentleman from Ohio [Mr. KASICH] has expired, and the gentleman from Arizona [Mr. STUMP] has 2 minutes remaining, and is entitled to close.

Mr. DELLUMS. Mr. Chairman, I yield myself the remaining 2 minutes to close on this side.

Mr. Chairman, I would like to make several quick observations as I have tried to listen to my distinguished colleague. I would say to my friend, the gentleman from Oklahoma, the newspaper says 14 days. It will take 14 years to build the next 20 B–2s.

The second point, the argument from the gentleman from Louisiana regarding these 50-some-year-old weapon systems, we are building 20 B–2s at this point. Work is still out there. We have B–1 bombers that we are equipping. That is one of the stealthiest weapons in the world. We spent $24.5 building the B–1 and nobody has seen it since. It is a weapons system that we cannot deal with.

My next argument is this question of preserving the industrial base, as if in some way we do not build anymore B–2s, the bombers' industrial base will go away. The people that build the B–2 did not build the B–1. The people that built the B–1 did not build the B–52. The people that built the B–52 did not build the B–29 and the B–17. There has been no contractor that built the successive bomber. This is about preserving the industrial base of the B–2 bomber, not the bomber.

Mr. Chairman, we have the aircraft industry out there that would run through this wall to get B–3 contracts. It is not about the industrial base, it is about the B–2. It is a plane that we do not need, nobody wants, except people that will benefit from it. It is not a plane that we need for our national security. It does not speak to the health and safety of our troops. It is a $31.5 billion walk down a road, when we are wreaking havoc on the American people. It is a weapons system we can reject.

I urge Members to support the amendment. I am proud of the gentleman from Ohio [Mr. KASICH] for his eloquence and his articulate presentation that would warrant all of us to oppose this B–2 bomber.

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

Mr. Chairman, my friend and colleague, the gentleman from California [Mr. DELLUMS], says that the only people who want this will be the people who benefit from it. I say to each of the Members that every American benefits from national defense. Every American benefits from the strongest national defense our country can provide. Those who say that they are for a strong national defense, but are against the most sophisticated, highly-technical weapons system that no one else can produce except us, causes me to wonder.

Then my good friend, the gentleman from Ohio [Mr. KASICH], said who is for it. He overlooked the most important airplane pilot, recently retired, but while he was on active duty, General Mike Lowe. He said ''My assessment says we need 30 or 40 more bombers to make things work out about right, so we don't have to stretch the bomber force in 2 major regional contingency scenarios.''

We should think of this with reason. We should not let emotion make this decision. This discussion is based upon a flawed study, and I compliment the gentleman from Oklahoma [Mr. WATTS] who pointed that out. The study, the bomber study, assumes we have a 14-day waiting period, warning period, time in which we can get ready and put our entire 60-some-odd aircraft in the theater.

I will remind Members that Poland was invaded in 1939 without warning. I will remind Members that Pearl Harbor was attacked on December 7, 1941, without warning. South Korea was invaded in June, 1950, without warning. The Berlin wall went up in 1961, without warning. More recently, in Kuwait, Saddam Hussein came into their country without warning.

Mr. Chairman, we have a weapons system that can make air power something necessary, something that can make America extend its defensive systems without warning. The B–2 can be deployed across the globe within hours. Under the cloak of stealth, the B–2 can deter and repel an armored attack better than any other defense system, while putting only 2 American servicemen at risk. I ask my colleagues what our response would have been in Kuwait in absence of time to position our forces?

Mr. Chairman, a bipartisan group of 7 former Defense secretaries, including Harold Brown and Dick Cheney, made the case in a letter to President Clinton in January: ''The B–2 remains the most cost-effective means of rapidly protecting our force over great distances. Its range will enable it to reach any point on the earth within hours after launch while being deployed at only 3 secure bases around the world. Its payload, an array of munitions, will permit it to destroy numerous time-sensitive targets in a single sortie.''

Mr. Chairman, I oppose the Kasich amendment, and I hope people will vote against it.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the

gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. Mr. Chairman, former House Member and conference Chairman Dick Cheney wants a ''no'' vote on this amendment, and so do I. Members are playing into the hands of those that want to gut our defense. Vote ''no.''

Mr. STUMP. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the distingished majority leader, to close debate on this side.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 2 minutes.

Mr. ARMEY. Mr. Chairman, let me preface my remarks by expressing my deep appreciation for the framers of this amendment. I have always found the gentleman from California [Mr. DELLUMS] to be one of the finest and most honorable men in this Chamber, and I continue to do so, and my cap, as always, is off to him.

The gentleman from Ohio, JOHN KASICH, is a ball of energy and a commitment that is always heartfelt and a sincerity that is always obvious. We saw that most recently on the budget, and the gentleman from Ohio, JOHN KASICH, saw us through on the budget.

However, Mr. Chairman, this is not about the budget. This armed services bill conforms to the requirements of the budget we passed just a few short weeks before. This is about the defense of our Nation and the safety and the security of our children for years to come.

I have to tell the Members, I have only one basis by which I would judge any acquisition of any military equipment in this country now and ever, and that is does it keep my children safe in a hostile world. While we ensure the safety of our children and the security of our Nation, can we do so in such a way as to put the minimal number of people at the minimal risk while they have a maximum chance to fulfill a diversity of missions successfully, at a minimal cost.

That is what I have found in the B–2. The B–2 does, for me and for my children's future, and for my Nation, and for my Nation's Treasury, everything I can ask of a weapons system. This is truly, Mr. Chairman, a flying miracle for the future. It is something we ought to be very, very serious about.

We think too many times in terms of the high drama and the glamour of the Stealth, but I would submit, it is the range of the B–2 and it is the diversity of mission capability, bolstered by that stealth, that makes the successes more obvious, more readily apparent, and the safety of the men and women that would man this piece of equipment more secure. That is what we must treasure and find precious here.

Mr. Chairman, finally let me say, yes, cost is important, but we cannot look at the initial acquisition cost of this or any other weapon. One must look at the lifetime deployment cost, and over the lifetime of this weapon, we get a greater diversity of mission, opportunities to be deployed to save this Nation, at a lower cost and with a minimal amount of men and women at risk, and a minimal amount of support to the mission than we can get from anything else available.

□ 2030

We must vote ''no'' on the Kasich-Dellums amendment, irrespective of how much affection we have for both gentleman, how much appreciation for the sincerity of their purpose. We must cast this vote for one purpose and one purpose alone, the safety of our children and the security of people who keep them safe. That is our only basis.

Finally, let me close with this observation. I do not care and I implore Members, do not care where jobs will be found. Jobs will pass; a nation's security must be forever.

I thank the gentlemen who have participated in this debate and allowing me to close.

Mr. EMERSON. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleagues, Mr. KASICH and Mr. DELLUMS, for fear that it will compromise the ability of this Nation to mount an effective bombing strike in the case of war. This amendment threatens our security and stability because it would deprive our armed forces of the necessary tools they need to ensure a quick and sure victory.

The end of the cold war did not mark the end of aggression in the world. Recent events only seem to underscore the necessity for our country to maintain a sense of readiness to defend our interests abroad and to preserve democracy throughout the world. The war in the gulf proved to be an excellent example of the effectiveness and precision of stealth aircraft, and it demonstrated that American technology remains unmatched in the world. To deprive us of this capability now would send a signal to other countries that America is no longer willing to go to war to fight for what we believe in. This amendment in effect will reduce our deterrent throughout the world.

The spread of nuclear weapons has become a source of much speculation and fear. Unless America has the capability to unilaterally strike a terrorist nation that may have a nuclear weapon, we are inviting the proliferation of those weapons. The stealth bomber gives us that capability. Considering the aging fleet that we currently have, the B–2 may soon be the only real long-range bomber in our arsenal. If we choose to close the only bomber production line currently open, the costs to reopen that assembly later on would be high. It makes no sense to close an assembly line producing our only long-range bomber when we know we will eventually have to open it again down the road.

The B–2 is not a high-priced techno-gadget; in fact, one pair of B–2 bombers can actually do the work of 75 other aircraft. Buying more of the stealth bomber makes a lot of economic sense, because it does the job with more bang for the buck!!! In a time of military downsizing, nothing illustrates the idea of a smaller, more efficient military that retains its muscle than this aircraft. It is imperative that we keep it.

More importantly, the B–2 keeps Americans out of harm's way. The recent events in Bosnia must have convinced us that our pilots should be protected as much as possible. Since the B–2 is a long-range bomber, it can be launched from distances far from the threats of the enemy. Also, the stealth capabilities of this bomber ensure that the crew will remain safe. Finally, only two people are required to fly this magnificant aircraft, which minimizes the number of American pilots required to go into combat.

Mr. Speaker, when one looks at the benefits of this aircraft and the military needs of our country, it is an easy decision to support the continued production of the B–2 bomber. I hope that my colleagues on both sides of the aisle will realize that in this point in history, America cannot afford to ignore the need for a strong national defense. The United States must maintain her superiority in weaponry to ensure peace into the 21st century. With that in mind, I stand in firm opposition to the amendment.

Mr. CONYERS. Mr. Chairman, I rise in strong support of the amendment being offered by my distinguished colleagues, Mr. DELLUMS and Mr. KASICH, and I ask permission to revise and extend my remarks. I never cease to be amazed how this Congress has been obsessed with cutting government yet it refuses to confront government's most obvious excesses. The B–2 bomber is a perfect example of this absurd double standard.

The B–2 is a cold war relic designed to fight a now nonexistent Soviet Union. The General Accounting Office conducted a comprehensive study of the B–2 program over 2 years and found that the Soviet air defense threat that the B–2 was supposed to circumvent was never even deployed.

Why are we fighting this ghost of an enemy? Because we can't quit our irrational addiction to military spending. The 20 additional B–2's that are proposed will cost an astounding $31 billion according to the Air Force. I will add, as if it were of little consequence, that the Air Force does not even want this plane. So who does? Perhaps it's the Northrop Grumman Corporation that has told America that it will cost one-third of the Air Force's estimates.

The Chairman of the Joint Chiefs of Staff has said this plane is unnecessary. The Secretary of the Air Force, Sheila Widnall, said last fall ''Every program we have in the budget is a higher priority'' than the B–2. The Department of Defense hasn't asked for them. Two independent studies have concluded that our military needs are better met through other means. So why are we funding it?

Many people think its worth voting for just because it will create jobs. But we all know that $31 billion spent in education, transportation, or construction creates far more jobs, as the Congressional Research Service found in a study it conducted. Not only does nondefense investment create more jobs, it creates better jobs through a lasting investment in our children and for our country. We'll never have a secure Nation until we stop using national security so loosely, and begin talking about real national security that includes real economic security. The GAO concluded in its study that buying more B–2's

would be ''complex, time consuming and extremely costly.'' Well, I maintain that it's not just costly because it's money spent, it's extravagant because that money should be better spent.

I think we're calling this the long-range bomber because it's going to cost an arm and a leg in the long range. Let's leave the ''bat plane'' for the movies, and calculate our investments according to our real economic and military needs.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 219, not voting 12, as follows:

[Roll No. 370]

AYES—203

Abercrombie
Andrews
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bereuter
Bilbray
Blute
Bonior
Brown (OH)
Brownback
Bryant (TN)
Bunn
Burr
Camp
Cardin
Castle
Chabot
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cremeans
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dingell
Doggett
Doyle
Duncan
Durbin
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Flake
Flanagan
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gejdenson
Gibbons
Goodlatte
Goodling
Gordon
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Heineman
Hoekstra
Hutchinson
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennelly
Kildee
Kingston
Klink
Klug
Kolbe
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martini
Mascara
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Morella
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Riggs
Rivers
Roemer
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Torkildsen
Towns
Upton
Velazquez
Vento
Waldholtz
Wamp
Watt (NC)
Waxman
Weldon (PA)
White
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—219

Ackerman
Allard
Armey
Baesler
Baker (CA)
Baker (LA)
Barr
Bartlett
Bateman
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Chambliss
Chapman
Chenoweth
Chrysler
Clinger
Clyburn
Coleman
Collins (GA)
Cooley
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kim
King
Knollenberg
LaHood
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manton
Manzullo
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Nethercutt
Neumann
Norwood
Ortiz
Oxley
Packard
Peterson (FL)
Pickett
Pombo
Pomeroy
Quillen
Richardson
Roberts
Rogers
Rohrabacher
Rose
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shaw
Skeen
Skelton
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Traficant
Tucker
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Archer
Boucher
Gephardt
Kleczka
LaFalce
Martinez
Myrick
Pelosi
Smith (TX)
Williams
Wilson
Yates

□ 2050

Mr. TAYLOR of North Carolina and Mr. ALLARD changed their vote from ''aye'' to ''no.''

Messrs. CHRISTENSEN, COBLE, and GORDON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeded to read the modifications.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

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

There was no objection.

The text of the amendments, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. SPENCE:

AMENDMENT OFFERED BY MR. MICA

At the end of subtitle C of title I (page 20, after line 25), insert the following new section:

SEC. 134. SONOBUOY PROGRAMS.

Of the amount provided in section 102(a)(4)—

(1) none of such amount shall be available for the AN/SSQ–53 (DIFAR) program; and

(2) $8,902,000 shall be available for the AN/SSQ–110 (EER) program.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HANSEN

At the end of subtitle E of title I (page 22, after line 14), insert the following new section:

SEC. 153. ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.

The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations. The review shall include analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs. The review should also include recommendations from the Secretary on methods for expeditious and cost-effective transfer of these facilities to local communities for base reuse or privatization. The Secretary shall submit to Congress a report on the review and evaluation not later than 90 days after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. HANSEN

At the end of title II (page 61, after line 2), insert the following new section:

SEC. 263. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for the joint Department of Defense-Department of Energy munitions technology development program (PE 63225D), $15,000,000 shall be available for cooperative development and demonstration of processes that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives. In carrying out such development and demonstration, the Secretary of Defense and the Secretary of Energy should consider a number of potential technologies, including super-critical water oxidation, molten metal pyrolisis,

plasma arc, catalytic fluidized-bed oxidation, molten salt oxidation, incineration, critical fluid extraction and ingredient recovery, and underground contained burning.

AMENDMENT OFFERED BY MR. BATEMAN

Page 80, strike out line 21 and all that follows through line 17 on page 81, relating to section 335 of the bill (termination of overseas living quarters allowances for nonappropriated fund instrumentality employees), and insert the following new section.

SEC. 335. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), any overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1998; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term ''nonappropriated fund instrumentality employee'' has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

AMENDMENT, AS MODIFIED OFFERED BY MS. DUNN OF WASHINGTON

Page 98, strike out lines 3 through 8, relating to section 359 of the bill (increase in commercial procurement of printing and duplication services), and insert the following new section:

SEC. 359. COMMERCIAL PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

Consistent with the requirements of title 44, United States Code, during fiscal year 1996, the Defense Printing Service shall competitively procure a minimum of 70 percent of its printing and duplication services.

MODIFICATION TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. SMITH OF MICHIGAN

Page 98, strike out line 22 and all that follows through line 3 on page 99, relating to section 361 of the bill (operations of Defense Reutilization and Marketing Service), and insert the following new section:

SEC. 361. PRIVATE OPERATION OF FUNCTIONS OF DEFENSE REUTILIZATION AND MARKETING SERVICE.

(a) SOLICITATION OF PROPOSALS.—(1) Not later than March 15, 1996, the Secretary of Defense shall solicit for the selected performance by commercial entities of those functions of the Defense Reutilization and Marketing Service, a unit of the Defense Logistics Agency, for which the Secretary determines that privatization would result in cost savings for the United States and the generation of additional revenues for the United States.

(b) REPORT ON RETENTION OF FUNCTIONS.—Not later than January 15, 1996, the Secretary shall submit a report to the Congress describing those functions of the Defense Reutilization and Marketing Service that the Secretary believes should be currently retained for exclusive performance by civilian employees of the Department of Defense or military personnel and the reasons why such functions should be so retained.

AMENDMENT OFFERED BY MR. EDWARDS OR MR. GILLMOR

Page 121, strike out line 3 and all that follows through line 23 on page 130, relating to section 384 of the bill (conversion of civilian marksmanship program to nonappropriated fund instrumentality), and insert in lieu thereof the following new section:

SEC. 384. CONVERSION OF THE CIVILIAN MARKSMANSHIP PROGRAM TO A FEDERALLY CHARTERED NONPROFIT CORPORATION.

(A) CORPORATION.—

(1) ESTABLISHMENT.—There is hereby established a private nonprofit corporation, to be known as the Corporation for the Promotion of Rifle Practice and Firearms Safety (in this section referred to as the ''Corporation''), for the promotion of rifle practice and firearms safety.

(2) DUTIES.—The Corporation shall be responsible for the supervision, oversight, and control of the Civilian Marksmanship Program.

(3) MEMBERSHIP.—The Corporation shall have a board of directors consisting of nine members. Each member shall serve for a two-year term, except for four members of the initial board of directors, who shall serve a one-year term, and shall be eligible for reappointment. The private members of the National Board for the Promotion of Rifle Practice, as in existence on the day before the date of the enactment of this Act, shall forward nominations for membership on the initial board of directors of the Corporation to the governing body designated by the United States Olympic Committee for international rifle and pistol competition (in this section referred to as the ''USOC designee'') not later than 10 days after the date of the enactment of this Act. Unless the nomination is rejected by the USOC designee by written notification to the existing members of the National Board within 30 days of the nomination, the nominee shall be seated as a member of the board of directors of the Corporation. Members of the board of directors shall nominate individuals to fill subsequent vacancies within 10 days of the vacancy, with a right of rejection reserved to the USOC designee by written notification to the Corporation within 30 days of each nomination.

(4) DIRECTOR OF CIVILIAN MARKSMANSHIP AND STAFF.—The Corporation shall appoint a person to serve as the Director of Civilian Marksmanship, who shall be responsible for the day to day operations of the Corporation and the Civilian Marksmanship Program. Subject to the approval of the Corporation, the Director and civilian employees of the Corporation may enroll or remain enrolled without penalty or loss of credit in all pension and benefits programs available to civilian employees of the Department of Defense, the employer's contribution to be paid by the Corporation.

(b) SOLICITATION AND RECEIPT OF FUNDS.—

(1) IN GENERAL.—The Corporation and the Director may solicit, accept, hold, use, and dispose of, in furtherance of the activities of the Civilian Marksmanship Program, donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) USE OF PROCEEDS.—Amounts collected by the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets and other supplies and appliances, shall be used to carry out the Civilian Marksmanship Program.

(3) TRANSFER OF FUNDS.—Amounts available to the National Board for the Promotion of Rifle Practice as of the date of enactment of this Act from rifle sales programs and from fees in connection with competitions sponsored by that board shall be transferred to the Corporation to carry out the Civilian Marksmanship Program.

(4) FEES CHARGED.—The Corporation may impose such reasonable fees as are necessary to cover the direct and indirect costs to the Corporation, for persons and gun clubs participating in any program or competition conducted under the Civilian Marksmanship Program for the promotion of rifle practice and firearms safety among civilians.

(c) RESPONSIBILITIES.—The Corporation, through the Civilian Marksmanship Program, shall provide for—

(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

(2) the instruction of citizens of the United States in marksmanship, and the employment of trained instructors for the purpose;

(3) the promotion of practice in the use of rifled arms and the maintenance and management of matches and competitions in the use of those arms; and

(4) the award to competitors of trophies, prizes, badges, and other insignia.

(d) YOUTH ACTIVITIES.—The Corporation, through the Civilian Marksmanship Program, shall give priority to activities that benefit firearms safety training and competition for youth and reach as many youth participants as possible.

(e) ELIGIBILITY.—

(1) AFFIDAVIT.—Before a person may participate in any activity sponsored or supported by the Civilian Marksmanship Program, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any violation of section 922 of title 18, United States Code. The Director may require any person to attach certification from the appropriate State or Federal law enforcement agency to the person's affidavit.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) EFFECT OF CONVICTION.—A person who has been convicted of a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(3) FURTHER LIMITATIONS ON PARTICIPATION.—The Director may limit participation as necessary to ensure quality instruction in the rifled arms, participant safety, and firearms security.

(f) ARMS AND AMMUNITION.—

(1) ISSUANCE.—The Corporation may issue, without cost, the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program. Issuance shall be made only to gun clubs under the direction of the Corporation that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4–H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition. The Corporation shall be responsible for ensuring adequate oversight and accountability for these arms and ammunition.

(2) SALE TO CLUBS.—The Corporation may sell at fair market value caliber .30 rifles and ammunition for caliber .30 rifles, .22 rifles, and air rifles to gun clubs that are under the direction of the Corporation and provide training in the use of rifled arms. In lieu of

sales, the Civilian Marksmanship Program may loan caliber .30 rifles, .22 rifles, and air rifles to such clubs, but the Corporation is responsible for ensuring the oversight and accountability of such rifles.

(3) SALE TO INDIVIDUALS.—The Corporation may sell at fair market value caliber .30 rifles, ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the Corporation. Such sales are subject to applicable Federal, State, and local laws. In addition to any other requirement, the Corporation shall provide for a criminal records check of the person with appropriate Federal and State law enforcement agencies, and the Corporation shall not sell weapons or ammunition to a person who has been convicted of a felony or Federal or State firearms violation.

(g) OTHER DUTIES.—The Corporation shall provide for or assist in providing for—

(1) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor to carry out the Civilian Marksmanship Program; and

(2) transportation of employees, instructors, and civilians to give or receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance in lieu of subsistence, of members of teams authorized by the Corporation to participate in matches or competitions in the use of rifled arms.

(h) AUTHORITY OF SECRETARY OF DEFENSE TO SELL SURPLUS ARMS AND AMMUNITION.—Subject to section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note), relating to the transfer of excess small arms and ammunition to support Government counter drug activities, the Secretary of the Army shall reserve for the Civilian Marksmanship Program all remaining M–1 Garand rifles, and ammunition for such rifles, held by the Army on the date of the enactment of this Act. After such date, the Secretary of the Army shall cease demilitarization of remaining M–1 Garand rifles in the Army inventory unless such rifles are determined to be irreparable by the Defense Logistics Agency. Any transfers of arms and ammunition to the Corporation under this section shall be made without cost to the Civilian Marksmanship Program, except that the Corporation shall assume the cost of preparation and transportation of the transferred rifles.

(i) LOGISTICAL SUPPORT TO CIVILIAN MARKSMANSHIP PROGRAM.—The Secretary of Defense, under such regulations as the Secretary may prescribe, may provide logistical support to the Civilian Marksmanship Program, for competitions and other activities conducted by the Corporation. The Secretary shall recoup only the incremental cost for this support from the Corporation. The National Matches may continue to be held at the current Department of Defense facilities as part of the support authorized under this section.

(j) REPEAL.—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

AMENDMENT OFFERED BY MR. GILMAN

Strike out section 563 (page 238, line 1, through page 271, line 19) and insert in lieu thereof the following:

SEC. 563. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces, and any civilian employee of the United States or contractor of the United States who serves with or accompanies the Armed Forces in the field under orders, is accounted for by the United States (by the return of such person alive, by the return of the remains of such person, or by the decision that credible evidence exists to support another determination of the status of such person) and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

''Sec.
''1501. System for accounting for missing persons.
''1502. Missing persons: initial report.
''1503. Initial board inquiry; actions of theater component commander and head of the agency.
''1504. Subsequent board inquiry; actions of head of the agency.
''1505. Further review.
''1506. Personnel files.
''1507. Recommendation of status of death.
''1508. Judicial review.
''1509. Persons previously declared dead.
''1510. Procedures applicable in case of civilians.
''1511. Return alive of person declared missing or dead.
''1512. Effect on State law.
''1513. Definitions.

"§ 1501. System for accounting for missing persons

''(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

''(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery (including search and rescue) related to missing persons; and

''(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

''(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall coordinate the efforts of that office with those of other departments and agencies and other elements of the Department of Defense for such purposes and shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

''(3) The office shall establish policies, which shall apply uniformly through the Department of Defense, for personnel recovery (including search and rescue).

''(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officers reviewing the reports of such boards, under this chapter.

''(b) OTHER DEPARTMENTS AND AGENCIES.—(1) The Secretary of State shall designate an officer of the Department of State to have responsibility within that Department for matters relating to missing persons.

''(2) The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within that Department for matters relating to missing persons.

''(3) The Director of Central Intelligence shall designate an officer of the Central Intelligence Agency to have responsibility within that Agency for matters relating to missing persons.

''(4) The President shall direct the heads of such other departments and agencies as the President considers appropriate to make a similar designation for their respective departments and agencies.

''(c) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly through the Department of Defense, for—

''(A) the determination of the status of persons described in subsection (d); and

''(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

''(2) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

''(3) As part of such procedures, the Secretary may provide for the extension, on a case-by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of one-half of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

''(d) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

''(1) Any member of the armed forces on active duty who disappears as a result of a hostile action, or under circumstances suggesting that the disappearance is a result of a hostile action, and whose status is undetermined or who is unaccounted for (except under circumstances suggesting that the disappearance is voluntary).

''(2) Any civilian employee of the United States or employee of a contractor of the United States who, while serving with or accompanying the armed forces in the field, disappears under circumstances described in paragraph (1) and whose status is undetermined or who is unaccounted for (except under circumstances suggesting that the disappearance is voluntary).

''(e) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of a person described in subsection (d) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary of Defense shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

''(f) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon that person becoming accounted for or otherwise being determined to be in a status other than the status of missing or missing in action.

"§ 1502. Missing persons: initial report by unit commander

''(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts or status of a person described in section 1501(d) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

''(1) recommend that the person be placed in a missing status; and

''(2) not later than 48 hours after receiving such information, transmit that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(c) of this title.

''(b) FORWARDING OF RECORDS.—The commander making the initial assessment shall (in accordance with procedures prescribed under section 1501(c) of this title) safeguard and forward for official use any information relating to the whereabouts or status of the person that result from the preliminary assessment or from actions taken to locate the person.

''§ 1503. Initial board inquiry; actions of theater component commander and head of the agency

''(a) APPOINTMENT OF BOARD.—Not later than ten days after receiving notification under section 1502(a)(2) of this title that a person has been recommended for placement in a missing status, the theater component commander to whom the notification is transmitted shall appoint a board to conduct an inquiry into the whereabouts and status of the person.

''(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the commander who appoints a board under this section that the absence or missing status of two or more persons is factually related, the commander may appoint a single board under this section to conduct the inquiry into the whereabouts or status of all such persons.

''(c) COMPOSITION.—(1) A board appointed under this section shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

''(2) An individual referred to in paragraph (1) is the following:

''(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

''(B) A civilian, in the case of an inquiry with respect to a civilian employee of the United States or of a contractor of the United States.

''(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the member access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

''(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person under this section shall—

''(1) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of that person;

''(2) collect appropriate documentation of the facts and evidence covered by the investigation;

''(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

''(4) with respect to each person covered by the inquiry, recommend to the commander who appointed the board that—

''(A) the person be placed in a missing status; or

''(B) the person be declared to have deserted, to be absent without leave, or to be dead.

''(e) INQUIRY PROCEEDINGS.—(1) During the proceedings of an inquiry under this section, a board shall—

''(A) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts or status of each person covered by the inquiry;

''(B) gather information relating to actions taken to find the person, including any evidence of the whereabouts or status of the person arising from such actions; and

''(C) maintain a record of its proceedings.

''(2) The commander who appoints a board under this section may request the commander of the combatant command to provide such assistance as the board or the commander may require for purposes of this section.

''(f) COUNSEL FOR MISSING PERSON.—(1) The commander appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry, or, in the case described by 1503(c) of this title, one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel'.

''(2) To be appointed as a missing person's counsel, a person must—

''(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial; and

''(B) have a security clearance that affords the counsel access to all information relating to the whereabouts or status of the person or persons covered by the inquiry.

''(3) A missing person's counsel—

''(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

''(B) shall observe all official activities of the board during such proceedings;

''(C) may question witnesses before the board; and

''(D) shall monitor the deliberations of the board; and

''(4) A missing person's counsel shall review the report of the board under subsection (i) and submit to the commander who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

''(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to any missing person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person designated under section 655 of this title).

''(h) RECOMMENDATION ON STATUS OF MISSING PERSONS.—(1) Upon completion of its inquiry, a board appointed under this section shall make a recommendation to the commander who appointed the board as to the appropriate determination of the current whereabouts or status of each person whose whereabouts were covered by the inquiry.

''(2)(A) A board may not recommend under paragraph (1) that a person be declared dead unless the board determines that the evidence before it established conclusive proof of the death of the person.

''(B) In this paragraph, the term 'conclusive proof of death' means evidence establishing that death is the only credible explanation for the absence of the person.

''(i) REPORT.—(1) A board appointed under this section shall submit to the commander who appointed it a report on the inquiry carried out by the board. The report shall include—

''(A) a discussion of the facts and evidence considered by the board in the inquiry;

''(B) the recommendation of the board under subsection (h) with respect to each person covered by the report; and

''(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

''(2) A report under this subsection with respect to a missing person shall be submitted not later than 45 days after the date on which that person is first reported missing.

''(3) A report submitted under this subsection may not be made public until one year after the date on which the report is submitted.

''(j) REVIEW AND DETERMINATION OF STATUS BY COMPONENT COMMANDER.—(1) Not later than 15 days after the date of the receipt of a report under subsection (i), the commander who appointed the board shall review—

''(A) the report; and

''(B) the review of that report submitted under subsection (f)(4) by the missing person's counsel.

''(2) In reviewing a report under paragraph (1), the commander receiving the report shall determine whether or not the report is complete and free of administrative error. If the commander determines that the report is incomplete, or that the report is not free of administrative error, the commander may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the commander reviewing a report under this subsection that the report is complete and free of administrative error, the commander shall make a determination of the status of each person covered by the report.

''(4) The report, together with the determination under paragraph (3), shall be promptly forwarded to the commander of the combatant command for the geographic area in which the missing person disappeared.

''(k) REVIEW BY CINC.—(1) The commander of the combatant command shall review a report received under subsection (j)(4). Not later than 30 days after receiving such report, that commander shall forward that report to the Secretary concerned. In the case of a missing person who is a member of the Army, Navy, Air Force, or Marine Corps, the report shall be forwarded to or through the Secretary of Defense in accordance with procedures prescribed under section 1501(c) of this title.

''(2) The review under paragraph (1) shall be conducted in accordance with procedures prescribed under section 1501(a)(3) of this title.

''(l) DETERMINATION BY SECRETARY.—(1) The Secretary of Defense (or the Secretary of the military department concerned acting under delegation of authority from the Secretary of Defense) shall review the determinations of a theater component commander in a report forwarded under this section.

''(2) After conducting such review, the Secretary shall make a determination, with respect to each person whose status is covered by the report, whether to leave unchanged the status of such person as determined by the theater component commander under subsection (j)(3) or whether to change that status to another appropriate status, as determined by the Secretary.

''(3) In making such determination, the Secretary may convene a board in accordance with section 1504 of this title.

''(m) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary makes a determination under subsection (k), the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall—

''(1) provide an unclassified summary of the report of the board (including the name of the missing person's counsel for the inquiry, the names of the members of the board, and the name of the commander who

convened the board) to the primary next of kin, to the other members of the immediate family, and to any other previously designated person of the missing person; and

''(2) inform each individual to whom such summary is provided that the United States will conduct a subsequent inquiry into the whereabouts or status of the person not earlier than one year after the date of the first official notice of the disappearance of the missing person, unless information becomes available sooner that would result in a substantial change in the determination of the status of the person.

''§ 1504. Subsequent board inquiry; actions of head of the agency

''(a) ADDITIONAL BOARD.—If information on the whereabouts or status of a person covered by an inquiry under section 1503 of this title becomes available within one year after the date of the submission of the report submitted under section 1502 of this title, the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall appoint a board under this section to conduct an inquiry into the information

''(b) AUTHORITY FOR INQUIRY.—The Secretary of Defense may delegate authority over such subsequent inquiry to the Secretary concerned.

''(c) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned', in the case of a civilian employee of the United States or contractor of the United States, means the Secretary of the executive department or head of the agency employing the employee or contracting with the contractor, as the case may be.

''(d) DATE OF APPOINTMENT.—The Secretary shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the report concerning that person submitted under section 1502 of this title.

''(e) COMBINED INQUIRIES.—If it appears to the Secretary that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts or status of all such persons.

''(f) COMPOSITION.—(1) Subject to paragraphs (2) and (3), a board appointed under this section shall consist of the following:

''(A) In the case of a board appointed to inquire into the whereabouts or status of a member of the armed forces, not less than three officers having the grade of major or lieutenant commander or above.

''(B) In the case of a board appointed to inquire into the whereabouts or status of a civilian employee of the United States or an employee of a contractor of the United States—

''(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

''(ii) such members of the armed forces as the Secretary of Defense considers advisable.

''(2) The Secretary shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

''(3)(A) One member of each board appointed under this subsection shall be an attorney or judge advocate who has expertise in the public law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

''(B) One member of each board appointed under this subsection shall be an individual who—

''(i) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

''(ii) has an understanding of and expertise in the official activities of one or more such persons at the time such person or persons disappeared.

''(g) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts or status of a person shall—

''(1) review the report under subsection (i) of section 1503 of this title of the board appointed to conduct the inquiry into the status or whereabouts of the person under section 1503 of this title and the recommendation under subsection (j)(3) of that section of the commander who appointed the board under that subsection as to the status of the person;

''(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts or status of the person that has become available since the completion of the inquiry under section 1503 of this title;

''(3) draw conclusions as to the whereabouts or status of the person;

''(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

''(5) submit to the Secretary of Defense a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts or status of the person.

''(h) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

''(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

''(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

''(i) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the missing person may attend the proceedings of the board during the inquiry in accordance with this section.

''(2) The Secretary shall notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

''(3) An individual who receives a notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not less than 21 days after the date on which the individual receives the notice.

''(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

''(A) in the case of an individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

''(B) shall have access to the personnel file of the missing person, to unclassified reports (if any) of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

''(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

''(D) subject to paragraph (5), shall be given the opportunity to submit in writing objection to any recommendation of the board under subsection (k) as to the status of the missing person.

''(5) Objections under paragraph (4)(D) to any recommendation of the board shall be submitted to the president of the board not later than 30 days after the date on which the recommendations are made. The president shall include any such objections in the report of the board under subsection (k).

''(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

''(j) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

''(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

''(A) declassify to an appropriate degree classified information; or

''(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

''(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to president of the board making the request and the counsel for the missing person appointed under subsection (f).

''(B) The president of a board shall close to persons who do not have appropriate security clearances those portions of the proceeding of the Board during which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

''(k) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of each missing person covered by the inquiry.

''(2) A board may not recommend under paragraph (1) that a person be declared dead unless—

''(A) proof of death is established by the board; and

''(B) in making the recommendation, the board complies with section 1507 of this title.

''(l) REPORT.—A board appointed under this section shall submit to the Secretary of Defense a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

''(m) ACTIONS BY SECRETARY.—(1) Not later than 30 days after the receipt of a report from a board under subsection (k), the Secretary shall review—

''(A) the report;

''(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

''(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(6).

''(2) In reviewing a report under paragraph (1) (including the review and objections described in subparagraphs (A) and (B) of that paragraph), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

''(n) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 90 days after the date on which a board submits a report on a person under subsection (l), the Secretary of Defense shall—

''(1) with respect to each missing person whose status or whereabouts are covered by the report, provide an unclassified summary of the report to the primary next of kin, the other members of the immediate family, and any other previously designated person; and

''(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts or status of the person not later than three years after the date of the official notice of the disappearance of the person, unless information becomes available within that time that would result in a substantial change in the official status of the person.

''§ 1505. Further review

''(a) SUBSEQUENT REVIEW.—The Secretary shall conduct subsequent inquiries into the whereabouts or status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

''(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) Subject to paragraph (3), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

''(A) on or about three years after the date of the official notice of the disappearance of the person; and

''(B) not later than every three years thereafter.

''(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection upon receipt of information that could result in a change or revision of status of a missing person. Whenever the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

''(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

''(A) more than 30 years after the first notice of the disappearance of the missing person; or

''(B) if, before the end of such 30-year period, the missing person is accounted for.

''(c) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

''§ 1506. Personnel files

''(a) INFORMATION IN FILES.—Except as provided in subsection (b), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the United States relating to the disappearance and whereabouts or status of the person.

''(b) CLASSIFIED INFORMATION.—(1) The Secretary concerned may withhold classified information from a personnel file under this section.

''(2) If the Secretary concerned withholds classified information from the personnel file of a person, the Secretary shall ensure that the file contains the following:

''(A) A notice that the withheld information exists.

''(B) A notice of the date of the most recent review of the classification of the withheld information.

''(c) WRONGFUL WITHHOLDING.—Any person who knowingly and willfully withholds from the personnel file of a missing person any information (other than classified information) relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

''(d) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the missing person's primary next of kin, the other members of the missing person's immediate family, or any other previously designated person of the missing person.

''§ 1507. Recommendation of status of death

''(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1504 or 1505 of this title may not recommend that a person be declared dead unless—

''(1) credible evidence exists to suggest that the person is dead;

''(2) the United States possesses no credible evidence that suggests that the person is alive;

''(3) representatives of the United States have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

''(4) representatives of the United States have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

''(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1504 or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under such section the following:

''(1) A detailed description of the location where the death occurred.

''(2) A statement of the date on which the death occurred.

''(3) A description of the location of the body, if recovered.

''(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

''§ 1508. Judicial review

''(a) IN GENERAL.—(1) A person referred to in paragraph (2) may obtain review of a finding described in paragraph (3) by the court of appeals of the United States for the circuit in which the person resides or in which the finding was made. Judicial review under this section shall be as provided in section 706 of title 5.

''(2) Paragraph (1) applies to any of the following persons with respect to a missing person subject to a finding described in paragraph (3):

''(A) The primary next of kin of the person.

''(B) A member of the immediate family of the person.

''(C) A dependent of the person.

''(D) A person previously designated by the person.

''(3) Paragraph (1) applies to the following findings:

''(A) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

''(B) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

''(4) A person referred to in paragraph (2) shall request review of a finding under this subsection by filing with the appropriate court a written petition requesting that the finding be set aside.

''(b) FINALITY.—The decision of the court of appeals on a petition for review under subsection (a) is final, except that such decision is subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28.

''(c) ADDITIONAL REVIEW.—(1) Subject to paragraph (2), upon request by a person referred to in subsection (a)(2), the Secretary concerned shall appoint a board to review the status of a person covered by a finding described in subsection (a)(3) if the court of appeals sets aside the finding and—

''(A) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed;

''(B) the petition for certiorari has been denied; or

''(C) the decision of the court of appeals has been affirmed by the Supreme Court.

''(2) A person referred to in paragraph (1) shall make a request referred to in that paragraph not later than three years after the date of the event under that paragraph that entitles the person to request the appointment of a board.

''§ 1509. Persons previously declared dead

''(a) REVIEW OF STATUS.—(1) Not later than three years after the date of the enactment of this chapter, a person referred to in paragraph (2) may submit a request for appointment of a board to review the status of a person previously declared dead while in a missing status, in a case in which the death is declared to have occurred on or after December 7, 1941.

''(2) A board shall be appointed under this section with respect to the death of any person based on the request of any of the following persons:

''(A) The primary next of kin of such person.

''(B) An adult member of the immediate family of the person previously declared dead.

''(C) An adult dependent of such person.

''(D) A person previously designated by such person.

''(3) A request under this section shall be submitted to the Secretary of the executive department or head of the agency of the United States that had jurisdiction over the person covered by the request at the time of the person's disappearance.

''(b) APPOINTMENT OF BOARD.—Upon receiving a request under subsection (a), the official to whom the request is submitted shall appoint a board to review the status of the person covered by the request.

''(c) DUTIES OF BOARD.—A board appointed under this section to review the status of a person previously declared dead shall—

''(1) conduct an investigation to determine the status of the person; and

''(2) issue a report describing the findings of the board under the investigation and the recommendations of the board as to the status of the person.

''(d) EFFECT OF CHANGE IN STATUS.—If a board appointed under this section recommends placing in a missing status a person previously declared dead, such person shall accrue no pay or allowances as a result of the placement of the person in such status.

''(e) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall, to the extent practicable, be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

''§ 1510. Procedures applicable in case of civilians

''(a) IN GENERAL.—In applying the procedures specified in this chapter in the case of a person described in section 1501(d)(2) of this title—

''(1) any reference to the commander of the unit, facility, or area to which the missing person is assigned shall be treated as referring to the local authority or supervisor of the department or agency of the United States under whom the missing person was directly operating or to whom the missing person was responsible;

''(2) any reference to the theater component commander shall be treated as referring to the senior official in the region in which the missing person disappeared of the department or agency of the United States with jurisdiction over the missing person (or, if there is no such official, such other person (including the appropriate theater component commander) as may be designated by the head of that department of agency);

''(3) any reference to the Secretary concerned shall be treated as referring to the head of the department or agency of the United States with jurisdiction over the missing person.

''(b) CINC REVIEW NOT TO APPLY.—The provisions of section 1503(k) shall not apply in the case of a person described in section 1501(d)(2) of this title. In such a case, the report under section 1503(j)(4) of this title shall be submitted directly to the head of the department or agency of the United States with jurisdiction over the missing person.

''(c) RULE FOR DEPARTMENT OF DEFENSE CIVILIANS.—In the case of a person described in section 1501(d)(2) of this title who is an employee of the Department of Defense, or an employee of a contractor of the Department of Defense, the head of the department or agency of the United States with jurisdiction over that person—

''(1) if the person is an employee of, or an employee of a contractor of, a military department, shall be considered to be the Secretary of that military department; and

''(2) otherwise shall be considered to be the Secretary of Defense.

''§ 1511. Return alive of person declared missing or dead

''(a) PAY AND ALLOWANCES.—Any person in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

''(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

''§ 1512. Effect on State law

''(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of the laws of such State or political subdivision.

''(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''§ 1513. Definitions

''In this chapter:

''(1) The term 'missing person' means—

''(A) a member of the armed forces on active duty who is in a missing status; or

''(B) a civilian employee of the United States or of a contractor of the United States who is serving with or accompanying the armed forces under orders and who is in a missing status.

''(2) The term 'missing status' means the status of a missing person who is determined to be absent in a status of—

''(A) missing;

''(B) missing in action;

''(C) interned in a foreign country;

''(D) captured, beleaguered, or besieged by a hostile force; or

''(E) detained in a foreign country against that person's will.

''(3) The term 'accounted for', with respect to a person in a missing status, means that—

''(A) the person is returned to United States control alive;

''(B) the remains of the person are returned to the United States; or

''(C) credible evidence exists to support another determination of the person's status.

''(4) The term 'member of the immediate family', in the case of a missing person, means the spouse or a child, parent, or sibling of the person.

''(5) The term 'previously designated person', in the case of a missing person, means an individual designated by the missing person under section 655 of this title for purposes of this chapter.

''(6) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

''(7) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

''76. Missing Persons ..... 1501''.

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out ''When a member'' and inserting in lieu thereof ''Except as provided in subsection (d), when a member''; and

(B) by adding at the end the following new subsection:

''(d) This section does not apply in a case to which section 1502 of title 10 applies.''.

(2) Section 552 is amended—

(A) in subsection (a), by striking out ''for all purposes,'' in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof ''for all purposes.'';

(B) in subsection (b), by inserting ''or is determined under chapter 76 title 10'' before the period at the end; and

(C) in subsection (e), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(3) Section 553 is amended—

(A) in subsection (f), by striking out ''the date the Secretary concerned receives evidence that'' and inserting in lieu thereof ''the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10 the Secretary concerned determines pursuant to that chapter, that''; and

(C) in subsection (g), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

''Paragraphs (1), (5), (6), and (7) shall only apply with respect to a case to which section 555 of this title applies.'';

(B) in subsection (b), by inserting '', in a case to which section 555 of this title applies,'' after ''When the Secretary concerned''; and

(C) in subsection (h)—

(i) in the first sentence, by striking out ''status'' and inserting in lieu thereof ''pay''; and

(ii) in the second sentence, by inserting ''in a case to which section 555 of this title applies'' after ''under this section''.

(d) DESIGNATION OF INDIVIDUALS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 655. Designation of persons having interest in status of member as a missing person

''(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person (if any), other than that person's primary next of kin, to whom information on the whereabouts or status of the member shall be provided if such whereabouts or status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

''(b) The Secretary concerned shall, upon the request of a member, permit the member to change the person or persons specified by the member under subsection (a) at any time. Any such change shall be in writing.''.

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

''655. Designation of persons having interest in status of member as a missing person.''.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

At the end of title V (page 274, after line 11), insert the following new section:

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

''(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).''.

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out ''Coast and Geodetic Survey'' in subsections (a) and (b) and inserting in lieu thereof ''commissioned officer corps of the National Oceanic and Atmospheric Administration''; and

(2) in subsection (a), by striking out ''including changes in those rules made after the effective date of this Act'' in the matter preceding paragraph (1) and inserting in lieu thereof ''as those provisions are in effect from time to time''.

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

AMENDMENT OFFERED BY MR. BATEMAN

At the end of subtitle C of title VI (page 289, after line 23), insert the following new section:

SEC. 623. REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.

(a) REPEAL.—Section 1589 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking out the items relating to section 1589.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MCNULTY

At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

(a) FINDINGS.—Congress finds as follows:

(1) The Base Closure and Realignment Commissions have recommended that certain Government-owned defense industrial facilities which produce goods and services that were required during the Cold War, but which are no longer required for the national security, be closed.

(2) The Secretary of Defense has determined that the maintenance of certain other Government-owned defense industrial facilities is necessary to support the research, development, and manufacture of goods and services that are still required to protect the security of the United States.

(3) These Government-owned defense industrial facilities are critical to the security of the Nation and should remain under Government control.

(4) Current work requirements at some of these Government-owned defense industrial facilities have fallen below a reasonably economic level of operation, increasing the cost of producing required goods and services.

(5) Existing law and policy have failed to address adequately the supplemental requirements necessary to operate these Government-owned defense industrial facilities in a cost-efficient manner and, thereby, to maintain appropriate readiness for future national security needs.

(6) The security interests of the United States would be served by the establishment under law of a policy that requires the best-value operation of Government-owned defense industrial facilities.

(7) Such a policy should include, but not necessarily be limited to, requirements that—

(A) the required capability and capacity not being fully used at such Government-owned facilities be maintained with separate funding so as to stabilize operational costs; and

(B) those facilities not be limited by workyear/end strength hiring constraints.

(b) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act may be used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

AMENDMENT OFFERED BY MR. EVERETT

Page 439, strike out the table relating to the Army National Guard and insert in lieu thereof the following new table:

ARMY NATIONAL GUARD: EXTENSION OF 1993 PROJECT AUTHORIZATIONS

State	Location	Project	Amount
Alabama	Tuscaloosa	Additions and Alternations Armory.	$800,000
	Union Springs	Additions and Alternations Armory.	300,000
New Jersey	Fort Dix	Additions and Alternations Armory.	4,750,000
Oregon	La Grande	OMS	995,000
		Armory Addition	3,049,000

AMENDMENT OFFERED BY MS. KAPTUR

Page 440, after the table relating to the Army Reserve, insert the following new table:

ARMY NATIONAL GUARD: EXTENSION OF 1992 PROJECT AUTHORIZATION

State	Location	Project	Amount
Ohio	Toledo	Armory	$3,183,000

AMENDMENT OFFERED BY MR. TRAFICANT

At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new section:

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City of Youngstown retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City of Youngstown.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. FORBES

At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new section:

SEC. 2834. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK

(a) CONDITION ON CONVEYANCE.—Subsection (b) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended by striking out ''to replace all or a part of the economic activity lost at the Naval Weapons Industrial Reserve Plant''.

(b) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

''(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection, and maintenance provided by the Community Development Agency for the property.''.

(c) CONFORMING AMENDMENTS.—Subsection (e) of such section is amended by striking out ''subsection (a)'' and inserting in lieu thereof ''subsection (a) or a lease under subsection (c)''.

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of subtitle C of title XXVIII, (page 490, after line 2), insert the following new section:

SEC. 2834. LAND EXCHANGE, FORT LEWIS, WASHINGTON.

(A) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as ''WRECO''), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 25E, 0.03 acre,

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States by warranty deed all right, title, and interest in and to a 0.39 acre parcel of real property located within the boundaries of Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary of the Army regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels

of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

At the end of title IX (page 345, after line 17), insert the following new section:

SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.

No department or agency may regulate or direct any change in function for facilities under the Naval Nuclear Propulsion Program unless otherwise permitted or specified by law.

AMENDMENT OFFERED BY MR. DELLUMS

In title III (page 63, after line 6), insert the following new section:

SEC. 304. OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount authorized in section 301(5) for Defense-wide activities, $60,578,000 is for the Office of Economic Adjustment of the Department of Defense.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes.

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

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Chairman, I strongly support the en bloc amendment offered by the distinguished National Security Committee Chairman, Mr. SPENCE, and appreciate all of his hard work in bringing H.R. 1530 the National Security Authorization Act of 1995, to the floor.

Included in Mr. SPENCE's en bloc amendment is an amendment I have drafted, in consultation with my colleague, the gentleman from California [Mr. DORNAN] to amend title V, chapter 76, entitled ''Missing Personnel.''

Currently, H.R. 1530 includes language which would require the Secretary of Defense to centralize the responsibility for missing persons, and would instruct the Secretary to establish procedures for dealing with the families of missing persons by protecting the interests of the families and providing a medium for the families to express their concerns and questions about the missing family member.

I applaud my colleague, Representative DORNAN, chairman of the Military Personnel Subcommittee for his diligence on this issue and for including this important section to H.R. 1530. I know that all servicemen and their families appreciate the hard work of Representative DORNAN concerning this important issue.

The amendment I am offering today, as part of the en block amendments with the support of Representative DORNAN, would among other things strengthen the military personnel section of H.R. 1530, by including both non-DOD personnel involved in DOD operations and World War II MIA's; and would provide a judicial review provision to afford family members of those missing in action the ability to utilize the U.S. court of appeals.

My amendment, as well as the committee language, is based on provisions of H.R. 945, the Missing Service Personnel Act of 1995, which I introduced at the beginning of the 104th Congress. This bill currently has over 100 cosponsor's and is strongly supported by the leading POW/MIA family organizations. The strong support that H.R. 945 has received shows, the understanding and concern that Congress has towards the families of our men and women who chose to defend and serve our country. Moreover, with the inclusion of the missing personnel section in H.R. 1530, I am confident that Congress has finally begun to recognize the need to coordinate and specify our Nation's policy with regard to POW/MIA's.

Accordingly, I urge my colleagues' strong support for the chairman's en bloc amendment and again thank Representative DORNAN and Chairman SPENCE for their hard work on this important matter.

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

Mr. Chairman, the minority has been consulted, and we have no objection to the en bloc amendments being accepted.

The gentleman from South Carolina [Mr. SPENCE], the chairman, and I and the staff have worked on these matters, and I would urge my colleagues to support them.

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

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

Mr. SOLOMON. Mr. Chairman, I commend the chairman of the committee on his diligent work on this bill, and I rise in support of the en bloc amendments.

Mr. Chairman, I rise in strong support of this amendment, which I was pleased to cosponsor with my good friend and neighbor from New York, Representative MCNULTY.

Mr. Chairman, the maintenance of an adequate defense industrial base is an issue that is finally starting to receive the attention it deserves.

If a facility that produces critically needed goods and services is closed or is permitted to fall into disuse and if the skills of the labor base are permitted to decay, we may well find—to our considerable detriment—that such a facility cannot be readily revived or replaced in the event of an emergency.

The base closure and realignment process has taken 402 actions since 1988—with another 146 recommended for this year—that eliminate excess defense industrial infrastructure.

Defense work from these facilities has already moved or will eventually move to other installations. Given the unique capabilities of certain of these other facilities that do remain open, they should continue to be government-owned and government-operated.

However, some of these remaining installations are already at dangerously low operational levels, which impairs their capability to serve critical defense needs.

Mr. Chairman, I will get right to the point of the McNulty/Solomon amendment. This amendment would probably never have been offered if the Army had followed the intent of a provision that Representative MCNULTY succeeded in enacting into law in 1990.

That previous McNulty amendment—which is now the law—enables the Watervliet Arsenal—a government-owned and government-operated defense industrial plant—in Watervliet, New York to enter into commercial contracts with private industry under certain circumstances.

Such contracts are critical to the continued operation of Watervliet Arsenal in a cost-efficient manner, especially given the $300 million investment that was made in the 1980's to upgrade Watervliet's unique metal-working capability—a capability that has no commercial counterpart.

But the Army took four years to give the permission and promulgate the necessary implementing instructions for Watervliet to begin operating under the terms of the original McNulty amendment.

And now, after four years of run-arounds from the Army, we find out that the Navy intends to spend at least $100 million in the development of an entirely new facility at the Norfolk Naval Station which is slated to have some but not all of the same manufacturing capabilities as the under-used Watervliet Arsenal already possesses.

Mr. Chairman, this kind of scheming adds to the cost of military procurement and does violence to the spirit and the intent of the base closure and realignment process.

Accordingly, Representative MCNULTY and I have been compelled to seek a legislative remedy.

Our amendment simply requires that no funds appropriated under authority of this act be used for capital investment in, or the development and construction of, a government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to Congress that no similar capability or minimally-used capacity already exists in any other government-owned, government-operated defense industrial facility.

It is my earnest hope that this amendment will send the proper message to the proper people.

That message to the Defense Department is simply this:

Look at the remaining defense industrial facilities as resources that must be used economically, and

Do not invest in any installation to receive work while other available resources exist that require little or no investment.

Ms. DUNN. Mr. Chairman, I want to thank the chairman of the House National Security Committee, Mr. SPENCE, for agreeing to incorporate my amendment into the Chairman's en bloc amendment. His leadership in bringing a superb bill before the full House of Representatives is appreciated.

The Defense Authorization bill as reported by the House National Security Committee included a section which allowed the Defense Printing Service [DPS] to use printing sources without guaranteeing competition—in effect, to by-pass the Government Printing Office [GPO]—for up to 70 percent of its printing and duplicating services. This would have codified unprecedented authority for the DPS—action I believe is counter to the interests of the U.S. taxpayer.

The Department of Defense is mandated by law to use GPO. In fact, all Federal departments are to follow this mandate, in accordance with Section 501, Title 44 of the U.S. Code, and Section 207(a) of Public Law 102–392, as amended. GPO has been shown to procure work at the cheapest price. Current law states that unless the Joint Committee on Printing [JCP] approves an exception, all Government printing at the Federal level shall be done at the Government Printing Office. There are only 23 JCP approved waivers to that law. Defense Printing Services does not hold such a waiver. This section unamended would have the effect of waiving Title 44 in the interests of a single executive department, without requiring the customary application for the exception.

I share the same philosophy as the Member responsible for inserting this section into HR 1530. Namely, to get as much Government printing into the private sector as possible. However, without clarification that work must be competitively bid, it opens up the system to fraud and abuse, and to the possibility of sweetheart deals. Absent competitive bidding, DPS' printing and duplicating could become a high-cost option to the taxpayer. Chairman KASICH included the concept of HR 1024, which I sponsored, into his budget resolution because procuring Government printing through a competitive process can save as much as $1.5 billion over 5 years. If the original language of section 359 had been enacted, there would have been far less in savings to the taxpayer.

To my knowledge, this issue received no discussion during committee consideration. I do know that the staff of the Joint Committee on Printing, a committee with oversight over Government printing, knew nothing about this language until after the bill was reported out of committee.

The amendment I proposed treats the issue thoughtfully and thoroughly. It is consistent with the 104th Congress' aim to reduce the deficit and cut wasteful spending. This original section gave DPS unconditional authority to act without regard to current law or the guarantee of competitive procurement. This language avoided the proper channels for granting the waiver authority and codified that authority. That would have been contrary to the intent of Title 44.

Section 359, as modified by my amendment, assures that, consistent with Title 44 of the US Code, Department of Defense printing shall be procured in the private sector using open competition. By using the competitive bidding process so efficiently managed by the Government Printing Office, only the very lowest possible cost of printing Defense documents will be charged to the American taxpayer.

Mr. SOLOMON. Mr. Chairman, this amendment is really quite straightforward. It simply tries to clarify an ambiguity that might be perceived in the present text of the bill.

Specifically, the purpose of this amendment is to make clear that any change to the status quo in the Naval Nuclear Propulsion Program is to be made only by law—by act of Congress.

The effect of this amendment is to reinforce the February 1, 1982, Executive order by President Reagan that placed the Naval Nuclear Propulsion Program under the exclusive oversight jurisdiction of the Navy.

My intention in offering this amendment is to make clear that the elimination of redundant and extraneous provisions in law—the scraping away of barnacles, if you will—that H.R. 1530 accomplishes is not to be interpreted as changing in any way the present status of the Naval Nuclear Propulsion Program.

That status has not changed—and it will not be changed unless Congress changes it, period.

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

Mr. DELLUMS. 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 South Carolina [Mr. SPENCE].

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 2100

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARR] having assumed the chair, Mr. EMERSON, 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. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 1817, MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1996

Mrs. VUCANOVICH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–137) on the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Wisconsin [Mr. KLECZKA] be removed as a cosponsor of H.R. 1299. His name was added in error to that bill.

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

There was no objection.

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

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

Mr. LIVINGSTON. Mr. Speaker, I would just like to point out that the gentlewoman from Nevada [Mrs. VUCANOVICH] is chairman of the Subcommittee on Military Construction and has just presented the first appropriations bill in a typical appropriations cycle for a fiscal year, the very first one in 40 years.

I might add that she is probably the second lady in history to make such a presentation, and she is assisted by the first Clerk, the first female Clerk in history.

So, I just want to commend her and look forward to her presentation of the bill in a more formal fashion for adoption by the House on Friday.

Mrs. VUCANOVICH. I thank the gentleman from Louisiana.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

THE NATIONAL FOUNDATION FOR TEACHING ENTREPRENEURSHIP AND ITS YOUNG ENTREPRENEURS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to talk about solving our problems. So many times on the floor of the House Members will come down and complain about the collapse of civil society, and pressing social concerns.

America does indeed have serious problems, and its time we came together and addressed them. Let's not avoid the tough talk or the tough decisions.

However, something great occurred last November. New people were elected to Congress. People who think that the answers to our problems don't come from the floor of the House but from the hearts and minds of the people who sent us here.

And one of the truly unique ideas which is underway to solve, some of