

East-West tension. But where those improvements that still have value are being returned to the host government, we are entitled to compensation in the form of direct payments or in-kind payments. This amendment should help improve the chances of success in that effort.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objections to this amendment. We believe the American people should have a full accounting of the property that our Armed Forces turn over to Germany and should receive a fair return on 50 years of improvements made to these properties. I congratulate Senator LEVIN on his amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. THURMOND. We yield our time.
Mr. LEVIN. I yield back the remainder of our time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2216) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator LAUTENBERG of New Jersey be added as an original cosponsor to the residual value amendment which we just agreed to, No. 2216.

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

DISPOSAL OF BONAIRE HOUSING

Mr. COHEN. I would like to bring to the manager's attention a problem with the disposal of surplus property in Presque Isle, ME, from the former Loring Air Force Base. The designated local reuse authority is having difficulty with the Department of Interior in the disposal of the Federal property known as the BonAire Housing Complex. I understand that it is the intention of the chairman to assist the Maine delegation in resolving this matter.

Mr. THURMOND. The Senator from Maine is correct. I will be pleased to work to address this issue in an appropriate manner.

Mr. COHEN. I thank the distinguished Chairman for his assistance on this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. EXON. Mr. President, per the arrangement that I have made with the manager of the bill, Senator STROM THURMOND, I would like to ask unanimous consent at this time that the Senator from Rhode Island be allowed to continue as if in morning business for as much time as he may need, and that following the conclusion of his remarks we return to the regular order.

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

The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my friend and colleague very much.

ANNOUNCEMENT OF RETIREMENT

Mr. PELL. Mr. President, I wish to state that this morning in Providence I announced my decision not to seek reelection to the Senate next year.

This afternoon, I wanted to formally make that decision known to my colleagues, and to share with you all the thoughts I conveyed to my Rhode Island constituents.

This was not an easy decision for me. I regret that it is fashionable today to malign the Congress, to malign the Federal Government, and to malign those of us who serve the public in elective office.

I, however, consider this U.S. Senate a marvelous institution full of talented and committed men and women who, contrary to public belief, are dedicated to serving our constituents and to improving the quality of our national life.

And I continue to believe that government—and the Federal Government in particular—can, should, and does make a positive impact on the lives of most Americans. Federal programs and agencies do not always work perfectly, and many need reform. But they were conceived to help people, and I believe most continue to do so.

When you believe as strongly as I do in the value of good government and see some of its virtues under attack, there is a great temptation to continue to serve and to fight for those values and those programs that we consider vital.

As to my health, I have been assured that there is no medical barrier to my seeking reelection and serving another 6-year term. I feel strong and healthy and continue my 2-mile runs.

However, I decided not to be a candidate for reelection.

There is a natural time for all life's adventures to come to an end, and this period of 36 years would seem to me about the right time for my service in the Senate to end.

I know I will miss more than anything else the people of Rhode Island which it has been my pleasure to serve

these years. They are fine, caring people who put their trust in me all these years, tolerated my eccentricities, and gave me great affection. And I only pray that I repaid their trust and served them faithfully.

And I will particularly miss this wonderful Senate and you, the men and women who serve here. Let me say again, almost without exception, each of us believes he or she can make a positive difference to our Nation's well-being.

This Senate seat from my State has been held for six decades by a forward-thinking Democrat, first by Theodore Francis Green, and then by me. And I want to make it clear today that I am intent on doing all I can to ensure that another progressive Democrat is elected to fill this seat.

And I also plan to do what I can to assist in the reelection of President Clinton, whom I consider a sadly underrated and really quite successful President. He has served our country with intelligence and vision and passion, and I firmly believe he deserves another term.

Beyond that, I have no concrete plans. I will stay active, stay engaged in some kind of public service and will continue to cherish my association with Rhode Island and its wonderful people.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that morning business be continued for whatever time is necessary for any Senator who wishes to make remarks with regard to the announcement that we have just heard from the distinguished Senator from Rhode Island.

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

RETIREMENT OF SENATOR CLAIBORNE PELL

Mr. EXON. Mr. President, we have just heard the announcement in the typical style of the great Senator from the State of Rhode Island. Certainly, he has left his mark. I will not be here to miss him at the conclusion of his term but others will miss him. The institution of the Senate will miss him because I can say that I know of no one who has been more forthright in demonstrating to his colleagues in the Senate and the folks that he has so ably represented back home in Rhode Island what a U.S. Senator should be, what a U.S. Senator is all about.

CLAIBORNE PELL has been a man of outstanding character, a very hard-working, dedicated soldier for the Senate and for the United States of America and, of course, for Rhode Island.

Certainly, he has distinguished himself in many areas during his term of service. Most distinguished, I suspect, has been the steady hand he has provided as a very senior member of the

Foreign Relations Committee. He is the former chairman of the Foreign Relations Committee. The people of the world will miss the steady hand that CLAIBORNE PELL has always provided.

During my terms in the Senate, I have considered him a model of consistency, thoughtfulness, a true gentleman of the Senate, the likes of which we may never have seen before, probably the likes of which we will never see again.

CLAIBORNE, congratulations on your outstanding statement. I wish you well. The most exciting part of your speech to me was you indicated you still would be active, you still would be around, you still would be fighting the principles that have been your hallmark all during the time you have been a Member of this body. Thank you so much for your contribution of a personal nature. Thank you so very much for your friendship over the years.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we just heard the announcement by the Senator from Rhode Island [Mr. PELL], that he is not going to run again. Senator PELL is a man of integrity. He is a man of ability. He is a man of dedication. We have all enjoyed serving with him. He served ably as the Foreign Relations Committee chairman some years ago and did a good job. We are going to feel a void in the Senate when Senator PELL leaves.

I wish to say to you that your colleagues here in the Senate feel most kindly toward you. They think highly of you. They wish you well. We hope you enjoy good health. Good luck. God bless you and God bless all you have stood for while you were here.

Mr. LIEBERMAN. Mr. President, the announcement that Senator PELL has made today that he will retire from the Senate at the end of this term obviously in one sense fills us with sadness because we will no longer have the benefit of his service and the pleasure of his company. In another sense, I would say it is not just sadness; it is a time to celebrate and express respect for an extraordinary career of service in the Senate. CLAIBORNE PELL has run the race well and has an awful lot to be proud of. He leaves a legacy of great accomplishment.

I think we will not only think first but quite significantly of the Pell grants. I do not know how many recipients of those Pell grants, whose lives have been changed by the opportunity Senator PELL's legislative leadership gave them as poor people to receive an education, know exactly who CLAIBORNE PELL is, but they ought to know.

He is a man who came to the Senate with a proud tradition of service in his family which he carried forward. He is a man who has measured himself by his accomplishments and by the principles which his service has reflected. The Pell grants may be the most visible of

them because of the extent to which his name is attached to them, but that is only the beginning of his service.

I think also of not only the other work he has done to support public education and broadening opportunity in this country but the pioneering work—and often the lonely work—he has done on behalf of the rule of law in international relations. He carries around in his pocket the charter of the United Nations. I do not know of another Member of Congress—there it is—who does that.

CLAIBORNE PELL was there when the charter was put together and ratified, and his service in this Chamber has been a service that respected and attempted to give meaning and life to the great hopes and principles for international law expressed in that charter. He has pursued individually and as chairman of the Senate Foreign Relations Committee ratification of treaties that would have sat dormant, treaties that expressed hopes, offered the opportunity to realize and create some rule of law and morality in international affairs where they might not otherwise exist.

This is an extraordinary legacy, a legacy of substantial accomplishment. But I wish to say at this time—and it is not all that one wants to say, but I do want to say in the midst of a time in our politics when people have become all too vicious and partisan, where people strive too often for political advantage as opposed to public service, CLAIBORNE PELL has established a very high standard of public service and public civility.

Earlier this year, the Speaker of the House, Mr. GINGRICH, talked about the need to renew American civilization—a worthy goal.

But it strikes me that we will not ever get to renewing American civilization unless we can renew American civility in our public and private lives. And by private lives I mean in the life of our community and in the basic interaction that we bring to our families, to our neighborhoods, to our communities and that CLAIBORNE PELL has brought to service in this body. This is as a fellow New Englander, neighbor in Connecticut. I am very proud to think that CLAIBORNE represents the best of our long history in his steadfast and deep commitment to the best interests of our country, in his wider vision of service to the best interests of our world, of humankind, and in the extremely decent, thoughtful way he has gone about arguing for principles and causes without ever being contentious or disagreeable.

He has a wonderful family. His wife and children and grandchildren bring him the greatest pleasures I have seen when I have been with him.

As to this question of his physical condition, I can offer this personal testimony. My wife and I often jog on a small track at Georgetown University right across the street from Georgetown Hospital. And many a morning as

we have jogged, we have seen, usually ahead of us, a solitary figure out there, sometimes uniquely wearing a tweed coat while jogging—we do not see this often on the track—none other than our beloved Senator CLAIBORNE PELL.

So at this moment I consider myself fortunate that by a twist of fate I should be on the floor to express my great admiration for Senator PELL, my thanks to him for the model, the standard he set up for so many of the rest of us who serve here and my best wishes to him that he and his wonderful family have good luck and all of God's blessings in the many years that I know he has ahead.

[Applause, Senators rising.]

Mr. LIEBERMAN. Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

HONORING SENATOR CLAIBORNE PELL

Mr. CHAFEE. I wish to make a few comments about my colleague from Rhode Island, Senator PELL, who today announced that after 36 years in this Chamber he will be retiring.

This decision obviously cannot escape the reflection of the Senate whose Chamber has been given such dignity, such courtesy, such statesmanship through the dedicated service of CLAIBORNE PELL. Nor can this announcement be taken lightly by our State, our joint State of Rhode Island. Our small State, as you can expect, makes big demands on its Senate delegation. We all know that the Senate was created in the Constitution in order to protect the smaller States from the will of the larger, more powerful, more prosperous States over the smaller ones. And over the years, different events have created special needs in our State that only the Federal Government has been able to adequately address.

Now, there is no doubt, Mr. President, that the Senate and the State of Rhode Island will miss Senator PELL. Over 35 years—and 36 when he finishes—he has served our Nation and his State with great distinction. He not only lived up to the demands of his office, but, indeed, he left his handiwork on some of the most important areas and policy that our Nation has encountered. Let us just briefly take a look at them.

First, I believe Senator PELL will be most remembered for his work in education, particularly providing for education for lower- and middle-income families in this Nation of ours. Now, many of the younger people today, even the younger Members of the Senate refer kind of casually to Pell grants, as though they have always been there. But they have not. The principle behind that program was not as widely accepted as today when they were started by Senator PELL.

In recognition for the great accomplishment as the primary sponsor of the legislation creating these grants, as I recall, it was a Republican, Senator Javits, who proposed they be

named the Pell grants. It was that, I think, that was a reflection of the bipartisanship that existed in the Foreign Relations Committee and in the Labor Committee among Senator PELL and his colleagues. And, indeed, it seems to me, as chairman of the Foreign Relations Committee, one of the things that Senator PELL had always strived for was bipartisanship, to reach a consensus, to have matters reported out unilaterally. That has been one of his goals. He certainly has achieved it.

Now, another example has been Senator PELL's longstanding commitment to protection of the oceans and the coastal resources of our country. He has been a champion, originator of the Sea Grant Program, which is part of the National Oceanic and Atmospheric Administration. And he has been the leading Federal sponsor of the University of Rhode Island's School of Oceanography, which is the crown jewel of one of our State's fine institutions of higher education.

Senator PELL has demonstrated his expertise in foreign affairs. He has been chairman of the Committee on Foreign Relations for several years. He distinguished himself as a man of peace. His active work to achieve agreements with other nations to limit chemical weapons, for example, and nuclear weapons nonproliferation are matters that he has worked on constantly ever since he has been in this Chamber.

In addition, Senator PELL has been the leading advocate, the leading advocate in the Senate, for the betterment of our Nation's cultural life, primarily through his sponsorship and initiation of the National Endowment for the Arts. And I think he will long be remembered for that likewise. No question about it.

Beyond these overarching policy concerns, Senator PELL has been a strong advocate for our State. And it is a pleasure that I have had in working with him since the years that I have been here on things like the preservation of historic Cliff Walk in Newport and the South East Light on Block Island or retaining the submarine construction industry in our State.

And when one out of every three Rhode Islanders found themselves without access to deposits through failed credit unions—one out of every three Rhode Islanders, 33 percent of our State, had some money tied up in credit unions when they failed—Senator PELL greatly helped in crafting Federal assistance for that.

Above all, I wish to emphasize those personal qualities that Senator PELL has brought to this Chamber as an example for all of us. At some point we have all been tired and contentious in debate with the sense that we will never finish some of this complicated legislation. But Senator PELL has never lost his pleasant disposition, his calmness, his sense of objectivity, his striving to achieve a consensus that I mentioned before. This is particularly important, his honesty coming through.

And that is important in our State where we have had a series of mismanagement and scandals and outright failures. And, indeed, many people of our State have gotten very, very cynical about their elected officials, but not about Senator PELL, who has stayed on the high road ever since he came into public life.

So, Senator PELL will leave the Senate a better place for his having been here. My father used to say, "Try to leave, wherever you have been, your work station a better place than when you got there." And certainly Senator PELL has followed that admonition. His work station, this work station, the Senate of the United States, is a better place for his having been here.

He has left an example for all of us to aspire to. So it is with regret and affection that I wish him well in the years to come and that he may enjoy the best of health and the pleasantries and good times that come with his family and with good health that I so hope that he will enjoy.

I thank the Chair.

I thank the distinguished Senator from New York for letting me proceed.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

HONORING SENATOR CLAIBORNE PELL

Mr. MOYNIHAN. Mr. President, this Chamber has been graced with many a fine and wondrous person. Rarely has a State sent two such. In the remarks of the junior Senator from Rhode Island concerning his senior colleague, we have an example the Republic would do well to consider.

I would think, sir, of two moments. The first—and I see the senior Senator from Massachusetts on the floor—first would be in 1960, November, the Presidential election of that year. They were in a store front on Salina Street in Syracuse, NY. And my wife Elizabeth had persuaded Robert F. Kennedy that if his brother, then Senator Kennedy, could carry Syracuse, carry Onondaga County and carry New York, and accordingly become President of the United States, not the worst calculation, as a properly Democratic city had not voted Democratic since 1936. At 9:12 that evening, a phone call came from the compound, as I believe it was called, and it was Robert F. Kennedy calling for my wife, and the exchange went very quickly. It said: "Did we?" "Yes." Click, and we had done it.

Then President Kennedy had come to office, or would do, and within about 5 or 10 minutes, young Robin Pell, who had been working with the Kennedy campaign in upstate New York, came in, was there and put down the phone and said, "Cousin Claiborne has been elected as well."

That is the beginning of a third of a century in this Senate, but a career already well begun because I said, Mr. President, I would speak of two moments. The other took place in San Francisco not hours ago, if you would like. President Clinton was speaking in

that city on the occasion of the 50th anniversary of the agreement to the U.N. Charter. It was in a great hall, the music, the opera where the ratification had taken place, and the delegates in what would have been, I dare not ask the Senator, I believe 56 countries. The President looked up into the boxes and said: "And CLAIBORNE PELL was present."

Indeed, he was on assignment from the military, the Coast Guard, his beloved Coast Guard in which he served valiantly in the Second World War. He carries that charter with him today, reminding a Senate and certainly an administration that sometimes seems to have forgot that we made promises in those days in the aftermath, not yet finished, of that extraordinary world conflagration.

He carried that forward as chairman of the Senate Committee on Foreign Relations, by all understanding, the senior committee of the Senate, with its solemn responsibilities in peace and war. He has done so with a civility, a civility of which the Senator from Connecticut spoke, that could only come from someone so deeply committed to peace, having known war and having known the effort in the aftermath to create peace.

He served behind the Iron Curtain in the Department of State. No other Member of this Chamber has ever done that. He did in what is now Slovakia in times that were difficult, tenuous and, in the case of his mission, dangerous.

He brought to the Senate floor two of the most important treaties in our history. And if we may think that at last we may have achieved a measure of control, CLAIBORNE PELL will be remembered as the person who brought them forth as a common understanding of this body, not a contentious, not a ragged, not a narrow, but a firm commitment that the other nation involved could accept because of that unanimity.

Other Senators wish to speak. I will only say, and I hope I can claim, I hope the junior Senator will not be amiss, that by rights, he is a New Yorker. His father represented Manhattan, a district in Manhattan, in the House of Representatives. His father was chairman of the New York County Democratic Committee, a most honored and, at times, advantage not of which some of us still admire and respect and hope to do.

It is typical, as the junior Senator said, that when the Pell Grants, that great beneficence, came to the moment when it was to be enacted, it was the Senator from New York, my revered former colleague, Senator Jacob K. Javits, who said they ought to be named for the Senator who has made them possible—CLAIBORNE PELL of Rhode Island.

It is much too early to say we will miss him. He is still very much among

us. He will not for a moment leave public service. In this time to speak to the extraordinary achievement of this Senator, I would not be amiss, I hope, and I am sure I will not, to mention Nuala, without whom it could not possibly have taken place.

Mr. President, with great respect to my colleague who sits right before me now, I thank him for all those things, and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HONORED TO SERVE THE PEOPLE

Mr. KENNEDY. Mr. President, just a few hours ago, in his very typical manner, CLAIBORNE PELL addressed the people of the State that he has served so nobly and so well to announce his decision not to seek further election opportunity to represent the people of Rhode Island. And then just a few moments ago, he talked to this institution and its representatives and to the people of the country about his sense of the meaning of the institution of the U.S. Senate and about how he has been honored to serve the people of Rhode Island for these past years in advancing not just their causes but the causes of our Nation.

It is a powerful example, Mr. President. All of us should take just a few moments to reflect on the career of this extraordinary Senator and his life of public service in a world where very often the idea of serving the public is dismissed or disdained or ridiculed or condemned.

We marvel at this extraordinary man and the totality of his lifetime, his service in wartime in the Coast Guard, his years in the Foreign Service with great distinction, which have been commented on so well by our friend and colleague from New York and others, and his extraordinary service in the U.S. Senate.

As one who has shared his party label, I would be quick to join with those on the other side of the aisle who always found CLAIBORNE PELL was committed to advancing the causes of the people he represented in Rhode Island and all Americans, and did it in a way that brought us together and achieved the greatest support.

Mr. President, today we honor the people of his State as well, the people of Rhode Island, because for these many years, they have sent this extraordinary man to the U.S. Senate. His service is a powerful reflection of their values, of the causes which they hold dear, of the high ideals by which they are motivated and what this institution is really about. We honor the people of Rhode Island for the man they have selected to serve them so well in the U.S. Senate.

I join with others who commend Senator PELL for his extraordinary contributions and his innovations in so many different areas of public policy. I think if I asked the Senator right now on this important day if he had in his pocket a small notebook that would in-

dicating the number of days that the children of America spend in school versus the number of days that the children of Japan spend in school versus the number of days that the people of Germany spend in school, he would have it. I take note now, as I am looking over at my very good, valued, and dear friend, that I think he has just pulled that notebook out of his pocket.

Does the Senator care to respond so that we can put into the RECORD one more time just what those figures are? I think it is useful information, and there is nobody who displays it with such commitment as the Senator from Rhode Island.

Mr. PELL. Mr. President, in the United States, we have 180 days a year school; in Sweden, there are 200; in the Soviet Union, 210; in Canada, 200; in Thailand, 220; in Japan, 240; in Italy, 213. We are way down the list.

Thank you.

Mr. KENNEDY. Mr. President, I do not have to recite the Senator's commitment in the area of the education of the young people of this country. I think all of us can see here, all of us who have been honored to serve on the Education Subcommittee which he has championed and led over these many years, that this is not just a public policy issue for him. This is a commitment, a deep commitment, one that continues with him every single hour of every single day.

I will just address the Senate for a moment about the value the Senator has placed on education, and about some of the innovative initiatives he has taken over his extraordinary life.

Mr. President, today in Rhode Island, in my State, and in all of our States represented here, there are millions of young people whose hopes and dreams will be achieved because of the work in education by Senator PELL as chairman of the Education Subcommittee for so many years, because of his dedication and his commitment, and because of his tenacity and his willingness to bring various groups together, from the youngest of children in the early Head Start programs, to pupils in the high schools of this country, to students in the colleges throughout this land. Millions of Americans perhaps do not know the name of CLAIBORNE PELL, but their lives have been forever changed because of his service and commitment in the field of education.

So I think I speak for all the parents of Massachusetts when I say: Thank you, Senator PELL, for the work that you have done in education.

I also had the good fortune to serve on the Labor and Human Resources Committee when Senator PELL—again, in a bipartisan way with Senator Javits—began the initiative that has continued on and enhanced and enriched the lives of so many of our citizens through the creation of the National Endowments for the Arts and the Humanities. He understood that the greatest days of any civilization are

recognized over history by respect and support for the arts and humanities, more than through the use of force and weaponry.

He has made that case so well and so eloquently and provided such leadership in those areas. I can remember being here as a young Member of the Senate when the Senate took up the Seabed Treaty, to try to prevent nuclear weapon from being planted in the ocean bottoms. Even though the Soviet Union and United States had not done so, we were moving technologically to the point where each nation could have done so. The Senator was ahead of his time. Even in the height of the cold war, he was able to achieve accomplishments and agreements in anticipation of new types of technology. What a difference that has made.

Mr. President, reference has been made here about Nuala Pell, and I want to join in saying that I know that Claiborne and Nuala are such a strong team for Rhode Island and such wonderful, loving, caring friends to President Kennedy, to my brother Bob, and to all the members of our family. I commend their four children—Herbert, Christopher, Dallas, and Julia—and their five grandchildren, who have brought so much joy to their family, and who will always be proud of Senator PELL's extraordinary service to the country. He has been the kind of Senator that all of us hope to be able to be compared to.

So, CLAIBORNE, we admire your service. We know that you will continue to be involved in public life in the years ahead, and we are grateful for all that you have done—not just for your State but for the Nation, which I know you have loved and continue to love, and that you have served so well.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. SIMON. Mr. President, I want to join the others who are paying tribute to our colleague, who has announced today that he will not seek reelection. I heard Senator CHAFEE say the Senate today is a better place because of Senator PELL. I do not know that the Senate is a better place than the day CLAIBORNE PELL arrived, but it is true that he has improved the quality of life around here by his conduct. And what is unquestionably true is that the Nation is a better place because of CLAIBORNE PELL's service.

We use the term "public servant" rather freely around here, more freely than sometimes we should. We apply it to anyone who holds public office. A man who died just a few weeks ago, who succeeded Averell Harriman as head of the Marshall plan in Western Europe, Milton Katz, told me one time that there are two kinds of politicians: Those who seek office because they want to be whatever it is—Senator, Governor, President, whatever the office—and those who seek office because of what the office can do. There is a little bit of both in all of us. But CLAIBORNE PELL is there because he wants to serve the public. It is evident in everything he does.

Someone—I forget who—used the word “civility.” We hear that a great deal these days. But we do not hear much genuine civility. There is excessive partisanship. I think one of the changes that I have seen—and I am sure Senator PELL would agree—in the 21 years that I have served in either the House or the Senate, is that we have become more partisan. I think, frankly, we serve the Nation less well when we become excessively partisan. That has not been CLAY PELL’s style. As has already been referred to, because of his contributions and what he has done in the field of education, millions of Americans are better off.

The National Endowment for the Arts and the National Endowment for the Humanities are somewhat controversial today, but some day we are going to be remembered not for the aircraft carriers we build or the highways we build, but we are going to be remembered for our symphonies, for our works of art, for other things like that.

In the international field, the Arms Control Disarmament Agency, CLAY PELL is one of the authors. The United Nations, he was one of the alternate delegates to San Francisco. He has been a strong supporter of the theory that we have to work collectively with a community of nations. If we do not want to be the policemen of the world, to use the overworked phrase, we have to work with other countries. CLAY PELL has recognized that. There is a whole host of things.

The great tribute we can pay to CLAY PELL is not these words that we use on the floor here, inadequate as they are. It is by seeing that we really do in the field of education what we ought to do, that we get the communities of nations to work together, whether it is Bosnia or the Middle East, or wherever it is, that we work together. I hope we will pay the real tribute to CLAY PELL that he would like, and that is to see that educational opportunity is here and that the communities of nations work together.

Mr. President, before I yield the floor, my colleague from Iowa, Senator HARKIN, handed me a note, indicating he would like me to yield 1 minute to him so he can lay down an amendment before 5 o’clock. I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President—

Mr. SIMON. I do not yield the floor. I yield 1 minute to the Senator from Iowa, then I will yield the floor.

The PRESIDING OFFICER. The Senator needs to obtain unanimous consent if he wishes to hold the floor.

Mr. SIMON. Mr. President, I ask unanimous consent to yield the floor for 1 minute to the Senator from Iowa.

Mr. THURMOND. Mr. President, I reserve the right to object. I would like to hear what the amendment is. I understand it is irrelevant and does not concern what we are doing here and is not germane and should not be considered on this bill. I would like to hear what the amendment is.

Mr. HARKIN. I just want to lay it down before 5 o’clock. I will do it after 5 o’clock, if that is the case. I had a position under the unanimous-consent agreement to offer an amendment to the DOD bill. I was going to offer the amendment. I will do it after.

Mr. THURMOND. Mr. President, the amendment has to be relevant. If it is on welfare, which I understand, it is not relevant.

Mr. HARKIN. Mr. President, I did not mean to interrupt the proceedings. I thank the Senator from Illinois. I did not know there would be an objection. I will offer the amendment later.

Mr. SIMON. Mr. President, I do not know anything about the amendment. I was just trying to accommodate a colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

PRaise FOR SENATOR PELL

Mr. JEFFORDS. Mr. President, I want to join those who are here today to speak their praises and feelings for the senior Senator from Rhode Island. Many eloquent speakers have preceded me. I do not intend to try to compete with them or make remarks of that nature.

I have served some 24 years and perhaps the only one that served with the Senator across the table from the other side during this period of time. There is no person that I have come more to admire, respect, or feel affection for.

There are many who have admiration for many others and there are those we have great respect for. There are some, sometimes too few, for whom we feel true friendship and compassion as an individual, someone who we know is in love with life and in love with his job and in love with the people that are around him. Senator PELL has all those characteristics. I know he has moved all Members in some way or another in that respect.

In the House, he served with the senior Senator from Vermont, Senator Stafford. He and Senator PELL were a remarkable combination. I had the ability for a time to be able to serve, too brief a time, in this Senate with him. During that period of time, I again took the admiration and respect and affection that Senator Stafford held for him and carried it on in my own feelings.

What he and I and others have done in the many areas that are critical to myself as well as to him, whether it be in education or the Endowment for the Arts, but most poignantly I will remember our recent trip to Africa where he and his wife Nuala and I and my wife went to nations far away from here. The love and affection that the people of those countries have for them demonstrates that his knowledge and his work is not only appreciated here in this country but throughout the world.

It is with some sadness I am here to speak in this kind of praise in a way, but I will miss him and will miss his service. I wish him all possible good

health in the days ahead and look forward to working with him as our monitor from afar.

I yield the floor.

PRaise FOR SENATOR PELL

Mr. DODD. Mr. President, I realize the hour is getting late and the hour of 5 o’clock will quickly come. We have unanimous-consent requests, so I ask that at a later time I will be able to extend my remarks about our colleague from Rhode Island and his decision today to not seek a seventh term in the U.S. Senate.

Let me in 1 minute or so, because others are seeking recognition before 5 o’clock I presume, join the voices of others who have already expressed what I described to my colleague the bittersweet sentiments I feel at this moment.

On the one hand, joy for my colleague and friend who is looking forward to new opportunities and new horizons after the term ends in January 1997, but also, just as quickly, the sadness that we will not have the pleasure of his company here in this body.

Let me just say, Mr. President, I know a lot is talked about —his background and record—and I will get into that at a later time. I commend my colleague from Rhode Island for what he said on the floor of the Senate. It has become almost predictable as people announce retirement, to somehow simultaneously renounce the political process one way or another.

I commend our colleague from Rhode Island for talking positively about this process. This institution struggles every day to improve the quality of lives of people in this country, and I certainly do not have any quarrel with the people who make a decision to do something else with their lives, but I wish many times they might think about doing so not at the expense of the very institution that they spent years serving.

My colleague from Rhode Island has made that point in his remarks today about his pride of service in this institution, about his pride of service in the public sector, trying to help people out.

Mr. President, I will extend these remarks later. To my friend and colleague for many years from Rhode Island, I congratulate him, wish him well, and look forward to many years of close association with him.

Mr. STEVENS. Mr. President, as the manager of the bill, the vote is scheduled for 5 o’clock. I want to say that I have come to speak about my friend from Rhode Island. I ask unanimous consent that we postpone that vote until 5:30. We have a period for the conducting of routine morning business so we all might make our expressions while our friend is on the floor. I have cleared this with the leadership on our side. I assume there is no objection.

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

Mr. STEVENS. If the Senator from Connecticut wishes to continue.

Mr. DODD. Mr. President, I thank my colleague from Alaska. I wish I had

known this yesterday. I might have delayed coming back a little bit later. I still would have had some remarks about my colleague from Rhode Island.

I will not take a great deal of time because others want to speak, and I will reserve more detailed remarks until later. It was noted by our colleague from Illinois, about our friend from Rhode Island, that he has conducted his public career and life in a way that many would like to see more people in public life serve, and that is with a note of civility.

I think it is of record that the Senator from Rhode Island, in seven elections to the U.S. Senate, has never once—never once—attacked a political opponent that he has run against in an ad or a speech.

I suspect that may be a record in this place, at least by today's standards where many of us spend half of our budgets going after our opponents. It is a worthwhile to note that he never lost an election, the Senator from Rhode Island, but always won them by talking about himself, what he believed in, his vision for his State and the country. My hope is maybe that time will return again in this Nation, where politics may be conducted on a more civil basis.

Mr. President, any one of four or five accomplishments of the Senator from Rhode Island could be tantamount to a career for any single Member. As has been noted already, the Senator from Rhode Island, of course, is responsible for the Pell grant program. If you did nothing else in your service but establish the Pell grant program, you could call your career a success. Thousands, hundreds of thousands of young people in this country who never would have ever been able to have had a higher education have done so because of the Pell grant program.

Had you merely been responsible for the establishment of the National Endowment for the Arts, the National Endowment for Humanities, that in itself would have been, I think, a significant contribution to this country.

Had you done nothing else but establish the Northeast corridor, had you done nothing else but develop the ban on the testing of nuclear weapons on the sea beds, that could have been a significant accomplishment and a record of tremendous achievement. But our colleague from Rhode Island has done all of those things and much more.

On environmental issues he was way ahead of his time. On the first environmental conference ever held internationally, only one U.S. Senator showed up at it. That was the Senator from Rhode Island. That was years and years ago. Before anybody was even talking about these issues, the Senator from Rhode Island understood the value and importance of protecting our natural resources.

So, Mr. President, on a host of issues, CLAIBORNE PELL of Rhode Island has fulfilled, I think, the description of

what a U.S. Senator ought to be—a person who not only represents his State and constituents but also represents the national interest and the interests of mankind. In over 36 years he has done that with great distinction and with a degree of calm, never raising his voice, a person who always sought out the better nature of people in debate and discussion. It is a role of U.S. Senator that ought to be a model for all who serve in this body, to bring to this Chamber a degree of elegance and sophistication, a degree of great concern for his fellow man.

My relationship with CLAIBORNE PELL goes back two generations. He served with my father, as the distinguished Senator from South Carolina and a few others who remain in this body have done. That is more than some people should have to tolerate, is two generations of my family, I suppose one might say. But not only that, I also point out my brother-in-law was the finance chairman in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

I am quite confident, Mr. President, CLAIBORNE PELL will serve this country in many different ways in the years to come. I know I could ask him at this very moment whether he is carrying the U.N. Charter with him, and I suspect he can reach in his pocket and produce that U.N. Charter. I am watching and, as I see him, he is reaching in his pocket and there it is. I know I can ask him to do that any day of the week, any day of the year. CLAIBORNE PELL carries the U.N. Charter with him every single day because of his deep affection and understanding of the value of an international body to try to bring people together to resolve their difficulties.

So I am confident we will hear more from CLAIBORNE PELL in the years to come. Sadly, it will not be in this Chamber once this term has ended. But I join with others in commending him for more than three decades of remarkable service and to thank the people of Rhode Island, our neighboring State, fellow New England State, for having the good sense and wisdom to send him back to the Senate over and over again over the years, and to wish him and his lovely wife Luiala well in the coming years. I look forward to a longstanding relationship with him.

I congratulate him. He is truly a Senator man.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Iowa.

CLAIBORNE PELL

Mr. HARKIN. Mr. President, I join with those paying tribute to our esteemed colleague and friend, CLAIBORNE PELL. I do not think there is a stronger argument against term limits

than the personage of CLAIBORNE PELL. I know it is fashionable to talk about term limits these days, limits to the amount of time people can spend here. I have always been opposed to that, and I think, looking at the contributions that CLAIBORNE PELL has made to this country and to the Senate over the last 35 years, it is once again a reminder of why the people of the United States ought to have the right to return people to office if they so desire and not to have some artificial kind of time limit put upon service to our country and to this institution.

Certainly CLAIBORNE PELL's first 12 years were marked by successes here, but so were his second 12 years and his third 12 years. Much has been said about CLAIBORNE PELL's contributions to education: The National Endowment of the Arts, the National Endowment for the Humanities, so many other things he has sponsored, promoted, pushed through the Congress, got signed into law, which have in so many ways advanced the concept of American civilization.

It has been my privilege to have served for the last 11 years with CLAIBORNE PELL here in the Senate, 9 of those years on the Human Resources Committee. To watch Senator PELL work is, indeed, I think a real lesson, as I think the Senator from Connecticut just alluded to, a real lesson in gentility, civility, refinement, and purpose.

We can have purpose here in the Senate. We can advance our concepts and our causes resolutely and forthrightly. But we can do it with the greatest degree of civility and respect for the views and the opinions of others. No one exemplifies that kind of procedure and process in debate more than CLAIBORNE PELL. Resolute he has been, all his life, in advancing those issues so dear to him—in education, in the arts, humanities, foreign relations. He has been resolute. And, if he did not win the first time, he came back the second time. If he did not win, then he came back the third and the fourth time. But never with any degree of rancor or bitterness, never with any degree of pity or trying to second guess what might have been. CLAIBORNE PELL picked up the ball, and if he did not win he moved it forward until the next time.

It is that kind of resoluteness that I admire so much in the personage of CLAIBORNE PELL. He is truly one of the giants in the history of the U.S. Senate and one of the giants in the history of the development, as I said earlier, of our concept of American civilization.

Much has been said about CLAIBORNE'S promotion of education in this country. How many people in this country have been educated who came from meager circumstances, whose parents may have been impoverished, born on the wrong side of the tracks, had everything going against them, but because of a Pell grant were able to get an education and to go on and make something of their lives? We run into

them every day. I daresay, probably they all know about Pell grants. Maybe not too many of them know who PELL was.

I think the best legacy we can leave to our friend and our colleague is to make sure that our country never forgets the contributions of this very quiet, distinguished, resolute, compassionate, and concerned American citizen, CLAIBORNE PELL, to make sure that, as we commit ourselves to the remainder of this century, this millennium, and as we move into the next millennium, that education in this country takes its place first and foremost in our deliberations here in this body and that we continue to ensure that education in this country follows the leadership and the guidance set down by CLAIBORNE PELL.

Lastly, Mr. President, I also have been privileged to work with Senator PELL on something other than education. And I will make note of it here because I think it is vitally important. It is an issue of whether or not we will open up our medical system and medical research to new concepts and new ideas, perhaps even to go back in time and recapture some of the practices in medical arts that we have forgotten.

CLAIBORNE PELL has been a leader in what maybe now has become known as complementary medicine, alternative medicine, but new approaches in trying to discern or fathom the illnesses that beset mankind. I have spent many times and many hours talking with Senator PELL about this issue. I have learned a lot from him about it. He has given me reams of material to read about it, and for which I thank him. And he has advanced my whole thinking on this issue of perhaps looking at medicine in a different light, thinking about it in different ways. And only now, today, are we seeing the fruits of his years of involvement in that endeavor.

When new approaches are being talked about, when new forms of medicine, new approaches in holistic medicine, when the conjunction between mind and body health are now being thought of as a legitimate approach to the healing process, CLAIBORNE PELL was way ahead of his time. But now he can take solace and a measure of pride in what he has done in education.

In some other fields, I must say, Mr. President, CLAIBORNE PELL can now take a great measure of pride in what he has done to move the concepts of healing and the healing process in medicine forward in this country. It is something that not too many people recognize CLAIBORNE PELL for. I would not want this moment to pass on the Senate floor or this time to pass without making note of that for the record.

I just want to assure Senator PELL that those of us who have been involved with him in this endeavor will do all we can to continue that legacy that he started so many years ago in the field of healing in this country.

I guess I would just sum it up by saying that really has been his whole life's

work here, and that has been one of healing, of bringing people together, of understanding. Whether it has been the League of Nations or the United Nations, which he was an alternate delegate to, or education, humanities, arts, it has been a healing process, bringing people together, understanding, advancing the concept of American civilization.

Mr. President, when you talk about a civilized America, you can sum it up by just saying two words, "CLAIBORNE PELL."

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, thank you, I thank Senator PELL, for affording us a few moments to be able to speak about our colleague.

Mr. President, what a pleasure and what a privilege it has been to serve with CLAIBORNE PELL. About 2 months ago, after one of our late-night sessions, I had a chance to give him a lift home. And in the course of that we had a chat about the incipient decision that he was facing. And I was struck as he sort of chatted through the options and the choices available to him how totally compelled he was by the notion that there was work left undone and this incredible sense of responsibility that he felt to the country, to Rhode Island. That is what weighed on him in the decision, not a lot of the other considerations that many people tally up on a yellow legal pad and weigh. But it is characteristic of CLAIBORNE PELL that it was, above all, his sense of duty, the sense of personal responsibility that compelled him to enter public life in the first place and that has guided these remarkable 36 years that he has served as a U.S. Senator.

I daresay to my colleagues that if there were 59 other CLAIBORNE PELLs in the Senate, and perhaps even 99, as a wishful thought, we would not have half the conflict, a quarter of the conflict, maybe any conflict. We would certainly not be looking toward confrontation in the days ahead, perhaps even the train wreck everybody talks about, because above all CLAIBORNE PELL is guided by a sense of decency and by common sense, by good old New England common sense, that says you can work it out. And I think that example I hope is something that will rub off on the Senate in the days ahead.

Others have spoken about his many accomplishments, and there are many a lot of the people do not know that much about because, again, uncharacteristically, compared to the norms of modern American politics, he is self-effacing beyond anybody else's capacity in the Senate. He is somebody who believes simply in doing what is right and doing it in the sense of responsibility and decency that guides him.

Senator HARKIN wondered out loud about those who have been educated by Senator PELL. Millions of Americans

have been educated on Pell grants. One-fifth of the population of this country has gone to school because of this U.S. Senator. Sixty-three billion dollars has been invested in the future of the country in educating people and helping to churn the engine of our economy and create the remarkable technological and research and development capacity of this great Nation. Most people, if they thought of the engine of America, probably will not immediately associate it with the Pell grant or with his efforts. But that is, in and of itself, an extraordinary accomplishment.

In addition to that, he has been the principal Senate sponsor of the National Endowment for the Arts and Humanities, recognizing the extraordinary linkage between a nation and a civilization in its support for the arts and its literacy. He was the author of the National Sea Grant College Program, and a founding member who served for years as the Senate cochairman of the Helsinki Commission. He has been one of the strongest proponents of arms control in the U.S. Senate, and as a member of the Senate observer group and as chairman of the Foreign Relations Committee, has played a principal role in helping to move this country to a reasonable arms control policy.

He can take credit, though he personally never does, for bringing to the Senate for approval the INF Treaty, the CFE Treaty, the Threshold Test Ban Treaty, and he took the lead in Senate action in favor of the Sea Ban Armaments Control Treaty and Environmental Modification Convention. He also authored legislation in 1994 that revitalized and strengthened that, and he has been the principal author of legislation imposing sanctions against the development and use of chemical and biological weapons.

In 1994, he authored legislation to place tough sanctions on countries and individuals involved in nuclear weapons proliferation.

Mr. President, I have been privileged in the 11 years that I have served here to serve with Senator PELL both as ranking member and as chairman of the Senate Foreign Relations Committee.

Interestingly enough, my relationship with Senator PELL did not begin with my entry as a freshman on the Foreign Relations Committee. Twenty-four years ago when I first came back from Vietnam, Senator Fulbright invited me to testify before the committee. And it was Senator PELL who was among those on the committee and in the Senate most prepared to listen and to take the position of courage with respect to the difficult choices America faced at that period of time.

I will personally never forget his warm welcome to me as a young returning naval officer and his then brave and perhaps ill-advised suggestion that I might someday consider

running for the U.S. Senate and that he even hoped I might serve with him on the Foreign Relations Committee.

I am confident it was one of those comments that neither he nor I thought might come true or had a sense of reality. But it has been a great privilege that in fact it did and that we have served together.

Let me just close by saying a word about his leadership on that committee. Senator PELL led quietly. He led with grace. He led with remarkable integrity and with a sense of everybody's place. Unlike some here who are very quick to resort to parliamentary rules rather than let the power of reason or of dialog work its will and somehow quash that capacity, Senator PELL always permitted every voice on the committee to be heard to the point of exhaustion—usually ours, not his. He showed patience where patience had been tested, and he was always civil, even in the most trying moments.

There is no one on the Foreign Relations Committee on either side of the aisle who would ever question the full measure of this man's decency or of his commitment to the public dialog. He has shown an extraordinary public integrity, an extraordinary commitment to the best ideals of public service, an extraordinary commitment and sense of duty and public responsibility. I think that all of us, Rhode Island particularly, will understand that with his departure from the Senate, the Senate and the country lose a voice for peace, a voice for reasonableness, a voice for the environment, a voice for human rights, a voice for civil rights, a voice for women, and above all a voice for education and for the future.

We will miss his service and the quality of his character enormously. I yield the floor.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

RETIREMENT OF SENATOR CLAIBORNE PELL

• Mr. MURKOWSKI. I rise today to join my colleagues in paying tribute to our friend from Rhode Island, Senator CLAIBORNE PELL, who today announced his plans to retire from the Senate. I would like to commend Senator PELL for his years of service in the Senate and to wish him much happiness in retirement.

I had the pleasure of serving on the Foreign Relations Committee during Senator PELL's chairmanship. I know that it comes as no surprise to my colleagues that he was a fair and cordial chairman who treated Republicans and Democrats alike with great respect. He was a reliable ally on issues on which we agreed and an equally reliable adversary on those issues on which we disagreed. But whether we agreed or disagreed, he never deviated from his standards of decency and character. I have the utmost respect for how he conducted himself throughout his distinguished career.

My colleagues have spoken of the many accomplishments of the Senator

over his 36-year career. I will only highlight the fact that he was a foreign policy pillar throughout his career—from being a witness to the signing of the original United Nations Charter to guiding through ratification of landmark fishery treaties. The Senate's institutional knowledge and expertise in these matters will be greatly depleted when Senator PELL departs. He will be missed.●

BEST WISHES TO SENATOR PELL

Ms. MIKULSKI. Mr. President, I rise to offer my best wishes to our colleague, Senator CLAIBORNE PELL. I know that many of my colleagues have already spoken eloquently about Senator PELL and his accomplishments. But, I wanted to express my gratitude for what Senator PELL has meant to me, to foreign policy and to the creation of an opportunity structure for the students of this country.

For me, Senator PELL serves as a model for commitment and conviction. He's been committed to the people of Rhode Island for 36 years. That kind of commitment is hard to find. The contributions he's made over that time are enormous and should empower all Americans to work hard for what they believe in.

Mr. President, Senator PELL has been actively involved in foreign affairs. As the senior Democrat on the Senate Foreign Relations Committee since 1981, he helped create the international institutions that helped us to win the cold war.

And he's been a leader in the effort to adapt these institutions to meet the challenges of the post-cold-war effort. He was instrumental in crafting arms control treaties and has been one of the Senate's strongest and most consistent voices for human rights throughout the world.

But, I probably know him best for his work as a member of the Labor Committee. He's been a pioneer for education and has made an enormous contribution to create an opportunity ladder for all Americans through Pell grants.

Fifty-four million people have been educated through Pell grants. That's a lot of people. That's a lot of young minds and a lot of Maryland students who can now have access to the American dream.

Students and their parents are always worried about how they will pay for education. Senator PELL made it possible. He's been there to make sure our education needs were being met and that this Nation's students knew they had a friend in the U.S. Senate.

He's been a voice for students who would have been left out and left behind. And he's been a voice for those who had no voice.

This kind of contribution cannot be truly appreciated on a résumé or on a list of legislative accomplishments. It can only be seen in the opportunity that others now have to create a better life for themselves and their families; and in turn, they will contribute to their communities and their country.

I want to thank Senator PELL for what he has meant to the Nation, to foreign policy, and to the students of this country. We are blessed to have his legacy.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, when I arrived in the Senate in 1972, the Senator from Rhode Island, Mr. PELL, had already achieved a record which made him known as one of the best and brightest, one of the most accomplished Senators. In the ensuing 23 years, he has built that reputation into a legend.

Mr. President, we have heard detailed here by my colleagues these last few moments the details of that record—Pell grants, foreign relations. I will not repeat that record except to say it is historic in proportions and outstanding in its quality and its merit.

The remarkable thing to me, Mr. President, is the character of the man who has achieved the record. And I would like to take note today, as Senator PELL announces his retirement, of the kind of person and the kind of civility which he brought not only to this Chamber but to politics in general.

Mr. President, at this difficult time in American political history, at a time when a former Governor of New Jersey announced that he would not run for the Senate in large part because of the lack of civility in this body, because of the lack of civility in politics, I think it is important and appropriate we take note of the career of Senator PELL and what he was able to bring to this body in terms of civility.

In all those terms of running for office, always very successful, usually by huge margins, it is just absolutely astonishing and remarkable that he never said anything bad or negative about his opponents. It shows, Mr. President, that you need not be negative in order to be successful. In all these years serving with Senator PELL in this body, there has never been the slightest deviation from those standards of friendship, respect, courtesy, and warmth of character which was un-failing in even the most difficult of circumstances.

You do not amass a record like Senator PELL has amassed without mixing it up on very difficult and very controversial issues, and yet he was able to do that while at the same time having the love and respect and the warmth and the feelings from all of his colleagues.

This will unquestionably be a lesser place when Senator PELL is gone. Nuala Pell, his wonderful, wonderful wife will certainly make it a lesser place in the pantheon of Senate wives because she in her way adds the same thing to the Senate wives that Senator PELL does to the Senate.

Mr. President, I just hope that we can take example from his service, not

only in what he has accomplished in terms of things for the Nation, which have been very well detailed and, as I say, which constitute a legend in itself, but the quality of his character and the quality of his service and his relationship with his colleagues. If we could just somehow take that and bottle it and keep it and profit by it and emulate it, we would have a much better and different country and Senate.

I salute Senator PELL on his outstanding record of service to the Nation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I sought the floor a half hour ago in order to make some remarks about my friend, and I am delighted to have a chance to do so. I am reminded of a friend of mine who asked me once why we made these speeches in the Chamber when people make announcements, and he told me that I should be careful because "he ain't gone yet."

In terms of this announcement today, I share a lot of the remarks and feelings that have been expressed today. My experience goes back a long ways with Senator PELL. He will recall when we flew down to Caracas for the Law of the Sea Conference, with his bride Nuala sitting between us, and how we talked about a lot of things.

That is more years than either one of us can say, but I do remember that discussion. We talked about Social Security, Mr. President. And we were on our way to the Law of the Sea Conference. I remember talking to Senator PELL about other things—the National Endowment for the Arts—as we went to meetings of the Arms Control Observer Group in Geneva and how Senator PELL's great stature in the foreign relations area had led to so many successes in dealing with the Russians, the Soviets really at that time, with regard to arms control.

As we continue to deal with our friend here in these months ahead—and I do recognize the fact that the Senator from Rhode Island will be with us for well over a year—I want the Senate to know that many of us who came here as youngsters from the far west and me from the far north remember so well the great grace with which the Senator from Rhode Island and his wife from Rhode Island welcomed us here, how they have helped our wives and invited us to their home and made us feel part of the Senate family.

Notwithstanding all of the other accomplishments that have been mentioned on the floor today about Senator PELL, I think he will be remembered as a man who had great respect for the Senate, who wanted the Senate family to have a quality of life and make being in the Senate a different experience for those of us who come here with our wives from great distances. I congratulate him for making his statement today so far in advance so that we can all cherish the time we

will have with him in the months to come.

Mr. President, I think it is now time for the vote on my bill.

Ms. MOSELEY-BRAUN. Mr. President, will the Senator yield? Will the Senator yield for 2 minutes?

Mr. STEVENS. Mr. President, I might say to Senators, I have already extended time for a vote on the defense bill by a half hour in order for these proceedings, and I have agreed that we would not extend it further. It is time now for a vote on the defense appropriations bill. I call for a vote.

DEPARTMENT OF DEFENSE APPROPRIATIONS
ACT, 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1087. The bill clerk read as follows:

A bill (S. 1087) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resume consideration of the bill.

THE B-1 BOMBER—A COST EFFECTIVE
INVESTMENT

Mr. PRESSLER. Mr. President, today the Senate will pass S. 1087, the fiscal year 1996 Department of Defense [DOD] appropriations bill, and soon will pass S. 1026, the fiscal year 1996 DOD authorization bill. I am pleased to support both pieces of legislation. Both bills call for a full investment in the B-1 bomber in the coming fiscal year—a clear reflection of the Senate's wise and strong support for the bomber. As a strong supporter of this important component of our long-range bomber force, I believe this is great news for those who support both a strong national defense and a sound fiscal policy.

One of the critical military force structure issues that the U.S. Senate has considered in recent years is the funding level needed to sustain an effective heavy bomber force. In my view, the continued effectiveness of our long-range bomber fleet rests on a full investment in the Conventional Mission Upgrade Program [CMUP] for the B-1 bomber [B-1B]—the Lancer. The B-1B is critical to our Nation's bomber force structure.

As my colleagues know, the B-1B originally was designed as a multirole bomber during the cold war, with its primary mission being its capability to deliver a nuclear payload. Today, in response to these dramatic changes and new demands on our post-cold-war national security goals, the United States must commit fewer resources to nuclear deterrence in favor of advancing conventional capabilities. Our bomber force now must fill a dual role. First, it must continue its commitment to nuclear deterrence missions. Second, our bombers must adapt to serve conventional needs.

Of the three heavy bombers—the B-52, the B-1B, and the B-2—the B-1B has the greatest potential to serve both nuclear and conventional missions. I have

been a strong supporter of the B-1B throughout the years because it is one of the most versatile aircraft ever constructed. This was the view of the Department of Defense when, as part of its 1993 Bottom-Up Review, it concluded that the B-1B represented the backbone of the heavy bomber force. Further, the Pentagon believed that a full investment in the B-1B's conventional capabilities was the most cost-effective method to maintaining a bomber force structure capable of meeting our national security goals.

Over the years, I have talked to many associated with the B-1B—its designers, Pentagon strategists, and the dedicated men and women who fly and maintain this extraordinary aircraft. All believe in the B-1B and its place in our force structure. Yet, despite these glowing reviews, a skeptical Congress over the last several years has subjected the B-1B to a series of performance evaluations and studies. The B-1B has met each and every challenge.

The first congressionally mandated test was the Operational Readiness Assessment [ORA]. The purpose of this test—code-named the Dakota Challenge—was to determine if one B-1B wing, when provided fully with the necessary spare parts, maintenance equipment, support crews, and logistics equipment, could meet the Air Force mission availability rate goal of 75 percent. Tasked to take on the Dakota Challenge was the 28th Bomber Wing stationed at Ellsworth Air Force Base in Rapid City, SD. The 28th Bomber Wing more than met the goal of the Dakota Challenge, achieving an extraordinary 84-percent mission capable rate.

Additionally, improvements were seen in other readiness indicators, including the 12-hour fix rate—a measure of how often a malfunctioning aircraft can be repaired and returned to the air within one-half day. The enormous success of the Dakota Challenge prompted Gen. John Michael Loh, commander of the Air Combat Command to state that the B-1B has established its title as "a solid investment in our Nation's capability to project power on a global scale."

A second congressionally mandated study released this year was done by the Institute for Defense Analyses [IDA]. The IDA study represents perhaps the most in-depth, comprehensive analysis of the entire bomber fleet. This report examined the deployment options of our long-range heavy bomber forces—in association with additional tactical forces—under the circumstances of two hypothetical, nearly simultaneous world conflicts. Under these circumstances, the IDA study found that the B-1B is not just mission-effective but cost-effective as well. The study concluded that the B-1B could serve successfully as the centerpiece of American airpower projection, while producing the highest return on our defense investment.

The Dakota Challenge and the IDA study together made clear that an investment in the B-1B's conventional capabilities was the best investment in fiscal and national security terms. These congressionally mandated tests have changed the congressional view of the B-1B from one of skepticism to support. The DOD authorization and appropriations bills before us today reflect this wise shift. Specifically, the DOD appropriations bill would provide \$407 million for the B-1B. This funding includes support for research and development, modification programs and of course, the Conventional Mission Upgrade Program.

What would all this funding do? It would enhance the B-1B in three key ways. First of all, the B-1B would be outfitted with new precision weapons to bring added conventional lethality to the bomber. Second, computer upgrades would enable the B-1B to be ultimately capable of carrying the new generation of smart weapons. Third, the B-1B would be equipped with state-of-the-art jam-resistant radio to allow the aircraft to communicate with fighters and other support aircraft. In addition, upgrades would be provided to improve the B-1B's survivability in medium-high threat areas.

The end of the cold war has brought a world environment of unpredictability. New regional threats could occur with very little warning. In this environment, we must look to our bomber force to quickly respond to conventional threats. By fully funding the CMUP for fiscal year 1996 and providing additional enhancements to make up for prior year delays, we can provide our bomber force better prepared to respond to this dynamic world environment.

Mr. President, the people of Rapid City, SD, know well of the effectiveness and the importance of the B-1B to our national security. Many civilians in Rapid City have a family member, a friend, or a neighbor who serves in the 28th Bomber Wing—the men and women who collectively are the backbone of our bomber fleet's backbone. They do more than just keep the B-1B's flying. They firmly believe that the B-1B is a high quality aircraft, capable of being the centerpiece of the bomber fleet in the years to come. They were willing to put their beliefs in their bomber to the test. Through the Dakota Challenge, they proved what they believed. And today, the 28th Bomber Wing's success is being recognized by the U.S. Senate, which will show its strongest support yet for the future conventional success of the B-1 bomber.

Mr. LAUTENBERG. Mr. President, I intend to vote against the fiscal year 1996 Department of Defense appropriations bill.

When most people talk about the budget, they talk about the cuts it contains—cuts in programs that will hurt middle- and lower-income Americans, cuts in taxes which will benefit the

richest among us, cuts in education programs that will hinder our children's ability to carry America into the 21st century.

While most areas of spending have been cut in the budget for next year, the defense budget will receive a huge increase. President Clinton recommended a budget which increased defense spending by roughly \$25 billion over what we were told we needed just 1 year ago.

Apparently it was not enough. Even though the cold war has ended, the United States is the only superpower left in the world, and democracy is flourishing where communism once prevailed, the House version of the budget resolution boosted defense spending by another \$7 billion for next year. During conference, the House number survived. No "compromise by splitting the difference," just a total victory for the House position. And so, in line with the budget resolution, this appropriations bill spends nearly \$7 billion more on the defense budget than the President requested.

This bill, Mr. President, underscores the misguided direction in which the new congressional leadership wants to take our Nation. It is a direction which places a higher value on buying weapons we do not need than on books for our children's education. It is a direction which says that buying more aircraft and helicopters than the Pentagon has requested is more important for the American people than cleaning the environment or preserving Medicare benefits.

We do need a strong national defense, but we can have one without the excessive \$7 billion increase in spending included in this bill.

The strength of our Nation, Mr. President, depends on more than the number of missiles we build and the aircraft we procure. It depends on having a well-educated work force, a clean environment, safe streets, a sound and strong economy.

We cannot afford to starve domestic needs so we can spend a billion-plus on an amphibious assault ship that isn't budgeted until the turn of the century, spend hundreds of millions more than the administration requested for a national missile defense system, and spend billions of tax dollars for unrequested helicopters, aircraft, and other military equipment.

Where is our sense of priorities? What happened to our common sense?

The American people deserve better. And we need to make better choices with their tax dollars.

We can and should start by opposing this bill.

ELECTRONIC COMMERCE RESOURCE CENTERS

Mr. ROBB. Mr. President, if the chairman will allow me, I would like to engage him in a brief colloquy concerning the Electronic Commerce Resource Center Program.

Mr. STEVENS. Mr. President, I would be happy to engage in a colloquy with the Senator from Virginia.

Mr. ROBB. Mr. President, I would say to the chairman that it has come to my attention that the House report accompanying the fiscal year 1996 Defense appropriations bill includes language which directs the Secretary of Defense to enter into a 5-year sole-source contract for the establishment of a single, consolidated National Electronic Commerce Resource Center. Under the current program structure, two nonprofit organizations act as system integrators to coordinate activities at the various Electronic Commerce Resource Centers located across the country.

Mr. STEVENS. Mr. President, I am familiar with the program and the House language has been brought to my attention as well.

Mr. ROBB. Mr. President, I would say to the chairman that, as he knows, the current ECRC program is working well and has enabled the development of successful programs to transfer electronic commerce [EC] and electronic data interchange [EDI] technologies and processes to small and medium-sized enterprises. In the first quarter of 1995, for example, the network trained over 4,000 business personnel and 1,300 government personnel and provided services to approximately 1,800 business and Department of Defense clients. Based on industry standards for training and consulting services, it is estimated that this program has saved U.S. businesses over \$6 million during the first quarter of 1995 alone.

Mr. President, I am concerned about the House effort, on a sole-source basis, to alter the management and reporting relations that have successfully served this program. While a single, consolidated National Electronic Commerce Resource Center is needed to coordinate the program's activities, such a center should be established on a competitive basis, not sole-sourced. Competition will ensure that the interests of both the Department of Defense and the American taxpayer are best served.

As the chairman knows, I have an amendment I was planning to offer that would require full and open competition in the establishment of a National Electronic Commerce Resource Center. I will not offer that amendment on this bill, but I would like to seek some assurances from the chairman that this issue will be revisited when the Defense appropriations bill goes to conference.

Mr. STEVENS. Mr. President, the Senator from Virginia has raised a valid concern. I am familiar with the program and am aware that many of the Electronic Commerce Resource Centers around the country were established through full and open competition. Furthermore, I recognize your valid arguments about the importance of full and open competition in the establishment of a national ECRC. I assure the Senator that this will be an issue we raise during our conference with the House. Furthermore, I will ask my staff to arrange a briefing on

this program from the Department of Defense and to seek assurances from the Department that they intend to use full and open competition if a single, consolidated National ECRC is established.

Mr. ROBB. Mr. President, I appreciate those assurances from the chairman and thank him for his consideration.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

Mr. LEVIN. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy regarding the Strategic Environmental Research and Development Program (SERDP). As he knows, these funds have been and continue to be used for investigating and demonstrating innovative environmental clean-up technologies. He may also know that the U.S. Army Corps of Engineers Research Laboratory [USACERL] has been a very active component of DOD's efforts in this area. Through USACERL's work, many of these private/public sector technologies are now available for commercialization, stimulating small company creation, economic development, and environmental protection.

I would urge that the Committee support continuation of USACERL's excellent work, particularly remediation activities at the Army production plants.

Mr. STEVENS. I am aware of the application of innovative remediation technologies at numerous DOD sites throughout the country. I appreciate the thoughtful comments of the Senator from Michigan on the Army Corps' work and bringing it to my attention.

Mr. LEVIN. Very briefly, I would like to provide the Senator from Alaska with two specific examples that demonstrate just how effective USACERL has been.

The first example is an innovative air control technology being implemented at the Lake City Army Ammunition Plant in Independence, MO. A full-scale demonstration biofilter is being installed that will reduce air emissions by more than 80 percent. This will allow the plant to double production and continue to emit less than its current air quality control requirements.

The second example is a manufactured wastewater treatment project at the Radford Army Ammunitions Plant in Radford, VA. This is a full-scale demonstration of granular activated carbon-fluidized bed technology for treating DNT by-products in wastewater. This type of wastewater has proven resistant to any other type of treatment technology available today.

I hope the committee will continue to support the development of cost-effective technologies, such as these, for treating DOD wastes.

Mr. STEVENS. The technologies the Senator has mentioned sound promising. I commend DOD and USACERL for their work in this area and encourage the Department to continue such innovative work.

Mr. PRESSLER. Mr. President, I see the chairman of the Appropriations

Subcommittee for Defense, my friend from Alaska, on the floor, and I wanted to be sure he is aware of concerns brought to my attention by the South Dakota National Guard. The concerns involve a funding difference for multiple launch rocket systems [MLRS] between S. 1087, the fiscal year [FY] 1996 Department of Defense [DOD] appropriations bill and S. 1026, the fiscal year 1996 DOD authorization bill.

Any addition of MLRS batteries to National Guard units would be an important contribution. Over the next several decades, our national security increasingly will need to respond rapidly and decisively to regional security threats. The post-cold-war defense drawdown will result in an increased reliance on the National Guard and the reserve forces to meet our national security needs. The opportunity for the South Dakota National Guard to be fielded an MLRS battery would improve greatly its readiness and capability to respond rapidly to time critical targets.

I urge the chairman and the appointed conferees to consider going to the authorized funding level for MLRS launchers, as S. 1087 proceeds to conference. I believe doing so would ensure the successful reconditioning and fielding of 29 MLRS launchers important to our reserve forces.

Mr. STEVENS. Mr. President, I appreciate the senior Senator from South Dakota bringing this matter to my attention. As he knows, we faced a number of difficult funding decisions in this bill. A number of programs were not funded at the proposed authorized level. I would bring to the Senator's attention that S. 1087 provides \$100 million for the Army National Guard to allocate to meet its foremost modernization priorities. I am confident that the MLRS needs of the South Dakota National Guard will be carefully considered this year.

Mr. PRESSLER. Mr. President, I thank my friend from Alaska. I appreciate his consideration of my request and look forward to working with him on this matter of importance to the South Dakota National Guard.

Mr. CONRAD. Mr. President, I intend to oppose S. 1087, the Department of Defense appropriations for fiscal year 1996.

Although I recognize the need to provide for a strong national defense, I cannot support this legislation because it spends too much money. The cold war is over, the Soviet Union has collapsed, and we already spend more money than the next nine biggest military spenders combined. If we are serious about balancing the budget without unnecessary cuts in programs that benefit average American families, it simply does not make sense to spend more money than the administration requested for defense.

Earlier this year, when we debated the budget in the Senate there was broad bipartisan agreement that we should freeze defense spending at the

administration's request. On most issues, I disagreed with the priorities in the budget put forward by the Republican majority, and I offered an alternative that was both fairer and more ambitious than the Republican proposal. But on defense my fair share plan contained a hard freeze at the administration's fiscal year 1996 request just like the Republican proposal.

Unfortunately, the budget that came back from conference increased defense spending by more than \$7 billion in fiscal year 1996 alone over the level in my fair share plan and the Senate-passed budget. This increase in defense spending comes at the expense of greater cuts in other areas important to hard working American families, such as agriculture, Medicare, and student loans.

Where does the extra \$7 billion added to the fiscal year 1996 defense appropriations act go? Does it go to fund the priorities of our military leaders, such as ongoing operations in Iraq, Bosnia, and Haiti where we know we will have added expenses this year? Does it go to improving readiness through increased operations and maintenance funding? Or does it go toward closing the bomber gap between the number of bombers the military estimates it will need to fight one major regional conflict and the bombers actually funded in the President's budget? No, no, and again no.

The extra funding above the amounts our military leadership requested goes largely to fund major new weapons procurement of questionable value to our immediate national security. The appropriators have added \$1.4 billion for two extra DDG-51 Aegis destroyers, an extra \$1.3 billion for one LHD-7 amphibious ship, \$600 million for ballistic missile defenses, and \$575 million for F-18 fighters. These weapons are not needed this year, and this wave of new procurement sets the stage for future increases to the defense budget because this pace will be unsustainable in the outyears unless we dramatically cut funding for readiness.

I am especially concerned that, despite this added funding for procuring new weapons, the bill does nothing to close the bomber gap. This bill funds only 93 deployable bombers, but the Pentagon's Bottom-Up Review concluded that 100 deployable bombers are needed to fight just one major regional conflict, let alone a second nearly simultaneous conflict. The Air Force estimates that a mere \$130 million would be sufficient to maintain a fourth combat coded squadron of B-52 bombers, six additional trainers and all remaining B-52's in attrition reserve. Although the Senate defense authorization bill contains language prohibiting the retirement of B-52 bombers—the most capable bombers in our inventory and a vital element in our strategy to win two nearly simultaneous conflicts—the appropriations bill fails to

fund additional B-52 operations and maintenance.

Although I cannot support the bill as a whole, I do want to note the provision in the bill maintaining the size of Air National Guard fighter wings at 15 aircraft. In view of the increasing importance of air power in our warfighting capabilities and the enhanced role for the Guard in light of overall military downsizing, I believe it is very important to maintain our ANG assets. I congratulate the chairman and ranking member for their attention to this issue.

But when I look at the bill as a whole, the bottom line is that it spend too much money. I cannot support it.

Mr. DODD. Mr. President, I rise this evening to speak against final passage of the 1996 Defense appropriations bill. And let me tell my colleagues, I do so with a very heavy heart.

In the 15 years that I have served here in the U.S. Senate, I have never once voted against final passage of a Defense appropriations bill. Regrettably, it will no longer be possible for me to make that claim.

The bill before us is truly unique. In an era of wholesale budget reductions, this bill contains an overall spending increase of nearly \$7 billion above what the President and the Pentagon requested. That is a significant increase for any agency budget, however, it is particularly troublesome because of the tremendous cuts that other agencies have suffered. It is an injustice that is too great to ignore.

For example, the 1996 Department of Labor and Health and Human Services appropriations bill was reduced by almost \$4 billion for the Department of Labor, and another \$3.5 billion for other related agencies. Simply put, that directly affects the hard working men and women of Connecticut who rely on important programs in time of need.

Since the mid-1980's almost 200,000 Defense-related jobs have been lost in my home State. The current reductions in the Department of Labor's job retraining programs directly cuts into the very heart of job training programs that are essential for the survival of more than 500,000 displaced working Americans. That simply is not fair.

The 1996 Department of Defense appropriations bill provides almost \$3.0 billion as a so called investment for advanced missile defenses. That unrequested increase comes at the expense of medical care for the elderly, Goals 2000, and early childhood education programs. If ever there was a need for an increase in a national investment program, we should be focusing our eyes on the youth of our Nation and programs such as Headstart.

Let me restate for the RECORD, this bill contains spending increases that were neither requested by the Pentagon, nor budgeted for by the President. However, vital future programs such as the F-22 fighter aircraft and the *Seawolf* submarine were fully fund-

ed in the President's initial budget submission. Let me remind my colleagues, those programs were requested by the leadership or our armed services and deserve and requested funding. I fully support those programs.

However, it seems fundamentally wrong in an era of severe fiscal constraint to increase defense spending in areas not specifically requested by the Joint Chiefs of Staff or their respective services. With so much at stake in so many other critical programs in our national infrastructure, I cannot in good conscience support this bill.

I thank my colleagues.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber who desire to vote?

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is absent because of attending a funeral.

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—62

Abraham	Gorton	Mikulski
Ashcroft	Gramm	Moynihan
Bennett	Grams	Murray
Bond	Grassley	Nickles
Breaux	Gregg	Nunn
Bryan	Hatch	Packwood
Burns	Heflin	Pressler
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Santorum
Cochran	Inouye	Shelby
Cohen	Jeffords	Simpson
Coverdell	Johnston	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kyl	Stevens
Dole	Lieberman	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Ford	Mack	Warner
Frist	McConnell	

NAYS—35

Baucus	Exon	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	McCain
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Pell
Brown	Harkin	Pryor
Bumpers	Hatfield	Rockefeller
Byrd	Kennedy	Roth
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	

NOT VOTING—3

Akaka	Helms	Murkowski
-------	-------	-----------

So the bill (S. 1087), as amended, was passed, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums

are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$19,776,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$16,979,209,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$5,886,540,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,156,443,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$2,102,466,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,349,323,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$364,551,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$783,861,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$3,222,422,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,259,627,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$17,947,229,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than \$388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of the funds provided under this heading, \$1,418,000,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further*, That not less than \$15,000,000 shall be made available only for the implementation and execution of the 1988 agreement between the Department of the Army and National Presto Industries Inc. for the remediation of environmental contamination at the National Presto Industries Inc. site at Eau Claire, WI. These funds shall be made available no later than sixty days following the enactment of this Act: *Provided further*, That of the funds provided under this heading, \$500,000 may be available for the Life Sciences Equipment Laboratory, Kelly Air Force Base, Texas, for work in support of the Joint Task Force—Full Accounting.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$21,195,301,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds provided under this heading, \$1,150,000,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further*, That, of the funds appropriated under this heading, not more than \$12,200,000 shall be available only for paying the costs of terminating Project ELF.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$2,341,737,000: *Provided*, That of the funds provided under this heading, \$366,800,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$18,202,437,000 and, in addition, \$50,000,000 shall be derived by transfer from the Na-

tional Defense Stockpile Transaction Fund: *Provided*, That the Secretary of the Air Force may acquire all right, title, and interest of any party in and to parcels of real property, including improvements thereon, consisting of not more than 92 acres, located near King Salmon Air Force Station for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program: *Provided further*, That of the funds provided under this heading, \$1,633,000,000 shall be available only for Real Property Maintenance activities, and shall be available for obligation until September 30, 1997: *Provided further*, That from within the funds appropriated under this heading, the Air Force may enter into a long-term lease or purchase agreement to replace the existing fleet of VC-137 aircraft.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$9,804,068,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the funds appropriated under this heading, \$20,000,000 shall be made available only for use in federally owned education facilities located on military installations for the purpose of transferring title of such facilities to the local education agency: *Provided further*, That of the funds provided under this heading, \$169,800,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further*, That of the funds appropriated in this paragraph, \$11,200,000 shall be available for the Joint Analytic Model Improvement Program: *Provided further*, That of the funds appropriated in this paragraph, \$10,000,000 shall be available for the Troops-to-Cops program: *Provided further*, That of the funds provided under this heading, \$42,000,000 shall be available for the Troops-to-Teachers program.

OPERATION AND MAINTENANCE, ARMY

RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,068,312,000: *Provided*, That of the funds provided under this heading, \$47,589,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$826,042,000: *Provided*, That of the funds provided under this heading, \$31,954,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$90,283,000: *Provided*, That of the funds provided under this heading, \$4,911,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,485,947,000: *Provided*, That of the funds provided under this heading, \$63,062,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$2,361,708,000: *Provided*, That of the funds provided under this heading, \$150,188,000 shall be available only for Real Property Maintenance activities, and shall be available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$2,724,021,000: *Provided*, That of the funds provided under this heading, \$85,571,000 shall be

available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; \$6,521,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; \$1,487,000,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same period as the appropriations of funds to which transferred, as follows:

Operation and Maintenance, Army, \$659,000,000;

Operation and Maintenance, Navy, \$405,000,000;

Operation and Maintenance, Air Force, \$368,000,000; and

Operation and Maintenance, Defense-wide, \$55,000,000.

Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; \$15,000,000: *Provided*, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

HUMANITARIAN ASSISTANCE

For training and activities related to the clearing of landmines for humanitarian purposes, \$60,000,000.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; \$325,000,000 to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground

handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,498,623,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$846,555,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,396,264,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,090,891,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein,

may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,760,002,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$4,897,393,000, to remain available for obligation until September 30, 1998.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$1,771,421,000, to remain available for obligation until September 30, 1998.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefore, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN-21 attack submarine program, \$700,000,000;
 NSSN-1 (AP) \$704,498,000;
 NSSN-2 (AP) \$100,000,000;
 CVN Refuelings, \$221,988,000;
 DDG-51 destroyer program, \$3,586,800,000;
 LHD-1 amphibious assault ship program, \$1,300,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, \$448,715,000;

in all: \$7,062,001,000, to remain available for obligation until September 30, 2000: *Provided*, That additional obligations may be incurred after September 30, 2000, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 252 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$2,394,260,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 194 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$597,139,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$7,163,258,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, ammunition, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$3,550,192,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; the purchase

of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$260,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$6,540,951,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$2,114,824,000, to remain available for obligation until September 30, 1998.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; \$777,000,000, to remain available for obligation until September 30, 1998: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than December 1, 1995, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$4,639,131,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph for the Other Missile Product Improvement Program element, \$10,000,000 is provided only for the full qualification and operational platform certification of Non-Developmental Item (NDI) composite 2.75 inch rocket motors and composite propellant pursuant to the initiation of a Product Improvement Program (PIP) for the Hydra-70 rocket.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$8,282,051,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds provided in Public Law 103-355, in title IV, under the heading Research, Development, Test and Evaluation, Navy, \$5,000,000 shall be made available as a grant only to the Marine and Environmental Research and Training Station (MERTS) for laboratory and other efforts associated with

research, development, and other programs of major importance to the Department of Defense: *Provided further*, That of the funds appropriated under this heading, \$45,458,000 shall be made available for the Intercooled Recuperative Turbine Engine Project.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$13,087,389,000, to remain available for obligation until September 30, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$9,196,784,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, \$35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) program: *Provided further*, That of the funds appropriated in this paragraph, \$3,000,000 shall be available for the Large Millimeter Telescope project: *Provided further*, That of the funds appropriated in this paragraph, not more than \$48,505,000 shall be available for the Strategic Environmental Research Program program element activities and not more than \$34,302,000 shall be available for Technical Studies, Support and Analysis program element activities: *Provided further*, That of the \$475,470,000 appropriated in this paragraph for the Other Theater Missile Defense, up to \$25,000,000 may be available for the operation of the Battlefield Integration Center: *Provided further*, That the funds made available under the second proviso under this heading in Public Law 103-335 (108 Stat. 2613) shall also be available to cover the reasonable costs of the administration of loan guarantees referred to in that proviso and shall be available to cover such costs of administration and the costs of such loan guarantees until September 30, 1998: *Provided further*, That of the funds appropriated in this paragraph for the Ballistic Missile Defense Organization, \$10,000,000 shall only be available to continue program activities and launch preparation efforts under the Strategic Target System (STARS) program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; \$246,082,000, to remain available for obligation until September 30, 1997.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; \$22,587,000, to remain available for obligation until September 30, 1997.

TITLE V

REVOLVING AND MANAGEMENT FUNDS
DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; \$1,178,700,000: *Provided*, That of the funds appropriated under this heading, \$300,000,000 shall be available only to support the national defense missions of the Coast Guard, while operating in conjunction with and in support of the Navy: *Provided further*, That pursuant to the authorities provided under this heading, the Secretary of the Navy shall make available to the Coast Guard ship and aviation fuel, spare parts, munitions, ship stores, commissary goods, ship and aircraft repair services to ensure the national defense capabilities and preparedness of the Coast Guard.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774); \$1,024,220,000, to remain available until expended: *Provided*, That the Secretary of the Navy may obligate not to exceed \$110,000,000 from available appropriations to the Navy for the procurement of one additional MPS ship.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; \$10,196,558,000, of which \$9,908,525,000 shall be for Operation and maintenance, of which \$288,033,000, to remain available for obligation until September 30, 1998, shall be for Procurement: *Provided*, That of the funds appropriated under this heading, \$14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law.

CHEMICAL AGENTS AND MUNITIONS
DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$631,698,000, of which \$353,850,000 shall be for Operation and maintenance, \$224,448,000 shall be for Procurement to remain available until September 30, 1998, and \$53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; \$680,432,000: *Provided*, That of the funds provided under this heading, \$5,000,000 shall be available for conversion of surplus helicopters of the Department of Defense for procurement by State and local governments for counter-drug activities: *Provided further*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which trans-

ferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; \$139,226,000, of which \$138,226,000 shall be for Operation and maintenance, of which not to exceed \$400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 1998, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$213,900,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$7,500,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; \$98,283,000.

KAHO'OLAWA ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, \$25,000,000, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal

year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,400,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source: *Provided further*, That none of the funds available to the Department of Defense in this Act shall be

used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations, Armed Services, and National Security of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

UH-60 Blackhawk helicopter;
Apache Longbow helicopter; and
M1A2 tank upgrade.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United

States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. None of the funds provided in this Act shall be available either to return any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1996 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1996, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1996.

SEC. 8014. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated by this Act, during the current fiscal year and hereafter, shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other

than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the

House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8021. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8022. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1996, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1997, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and sub-activity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1997.

SEC. 8023. Of the funds made available by this Act in title III, Procurement, \$8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8024. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: *Provided*, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

(TRANSFER OF FUNDS)

SEC. 8025. Notwithstanding any other provision of law, the Department of Defense

may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8026. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8027. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8028. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8029. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis,

to American Samoa: *Provided*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a non-reimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8030. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1997 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8031. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M-1 Garand rifles and M-1 Carbines.

SEC. 8032. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8033. None of the funds appropriated during the current fiscal year and hereafter, may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8034. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1996 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8035. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits

of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave: *Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8036. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8037. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8038. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8039. Of the funds made available in this Act, not less than \$24,197,000 shall be available for the Civil Air Patrol, of which \$14,259,000 shall be available for Operation and Maintenance.

SEC. 8040. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8041. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means

a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8042. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8043. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year and hereafter, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8044. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8045. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8046. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8047. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the

military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8048. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8049. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8050. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8052. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States to Johnston Atoll: *Provided*, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8053. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to trav-

el and transportation allowances and who occupies transient government housing while performing active duty for training or active duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8054. For fiscal year 1996, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to \$329,000,000, of which not more than \$300,000,000 may be provided by the funds appropriated by this Act.

SEC. 8055. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8056. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8057. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8058. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8059. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8060. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1997.

SEC. 8061. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8062. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to

the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8063. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8064. None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8065. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8066. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work,

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8067. To the extent authorized in law, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issues under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to

the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees of Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program.

SEC. 8068. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1996 until the enactment of the Intelligence Authorization Act for fiscal year 1996.

SEC. 8069. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8070. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 3686(2) and 8686(2) of title 10, United States Code.

SEC. 8071. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances, and other expenses which would otherwise be incurred against appropriations of the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8072. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(RESCISSION)

SEC. 8073. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Procurement of Ammunition, Army, 1993/1995", \$15,000,000;

"Aircraft Procurement, Air Force, 1994/1996", \$53,654,000;

"Aircraft Procurement, Air Force, 1995/1997", \$53,100,000;

"Shipbuilding and Conversion, Navy, 1991/1995", \$13,570,000;

"Other Procurement, Navy, 1995/1997", \$8,600,000;

"Research, Development, Test and Evaluation, Army, 1994/1995", \$242,000;

"Research, Development, Test and Evaluation, Army, 1995/1996", \$11,156,000;

"Research, Development, Test and Evaluation, Navy, 1994/1995", \$4,416,000;

"Research, Development, Test and Evaluation, Navy, 1995/1996", \$10,150,000;

"Research, Development, Test and Evaluation, Air Force, 1994/1995", \$46,589,000; and

"Research, Development, Test and Evaluation, Air Force, 1995/1996", \$15,767,000.

SEC. 8074. None of the funds in this or any other Act may be used to implement the

plan to reorganize the regional headquarters and basic camps structure of the Reserve Officer Training Corps program of the Army until the Comptroller General of the United States has certified to the congressional defense committees that the methodology and evaluation of the potential sites were consistent with the established criteria for the consolidation, that all data used by the Army in the evaluation was accurate and complete, and that the conclusions reached are based upon the total costs of the Army's final plan to establish the Eastern Reserve Officer Training Corps Headquarters at Fort Benning, Georgia: *Provided*, That all cost, including Military Construction, shall be considered as well as an analysis of the impact of the consolidation on the surrounding communities for all affected installations.

SEC. 8075. During the current fiscal year, the minimum number of personnel employed as military reserve technicians (as defined in section 8401(30) of title 5, United States Code) for reserve components as of the last day of the fiscal year shall be as follows:

For the Army National Guard, 25,750;

For the Army Reserve, 7,000;

For the Air National Guard, 23,250; and

For the Air Force Reserve, 10,000:

Provided, That in addition to funds provided elsewhere in this Act, the following amounts are appropriated to the following accounts only for the pay of military reserve technicians (as defined in section 8401(30) of title 5, United States Code):

Operation and Maintenance, Army Reserve, \$24,822,000;

Operation and Maintenance, Air Force Reserve, \$12,800,000;

Operation and Maintenance, Army National Guard, \$27,628,000; and

Operation and Maintenance, Air National Guard, \$30,800,000.

SEC. 8076. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of North Korea unless specifically appropriated for that purpose: *Provided*, That the Secretary of Defense and the Secretaries of the military services must notify the congressional defense committees within 24 hours of any obligation, transfer, or expenditure of funds in excess of \$500,000 pursuant to authorities granted for emergency and extraordinary requirements provided in title II of this Act.

SEC. 8077. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment

of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than \$1,162,650,000 may be obligated for financing activities of defense FFRDCs: *Provided*, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by \$90,000,000 to reflect the funding ceiling contained in this subsection.

SEC. 8078. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1995 level.

(TRANSFER OF FUNDS)

SEC. 8079. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, \$5,051,000;

CG-47 cruiser program, \$2,500,000;

BB battleship reactivation, \$4,000,000;

T-AGOS SURTASS ship program, \$2,135,000;

LCAC landing craft air cushion program, \$4,800,000;

For craft, outfitting, post delivery, and cost growth, \$8,660,000;

Weapons Procurement, Navy, 1994/1996, \$30,900,000;

Other Procurement, Navy, 1994/1996, \$9,200,000;

Aircraft procurement, Navy, 1994/1996, \$2,056,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

MSH coastal mine hunter program, \$69,302,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

SSN-688 attack submarine program, \$1,500,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

T-ACS auxiliary crane ship program, \$1,500,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN-688 attack submarine program, \$23,535,000;

DDG-51 destroyer program, \$33,700,000;

T-AO fleet oiler program, \$38,969,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN-21 attack submarine program, \$65,886,000;

MHC coastal mine hunter program, \$30,318,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, \$1,907,000;

DDG-51 destroyer program, \$22,669,000;

For craft, outfitting and post delivery, \$3,900,000;

Aircraft Procurement, Navy, 1994/1996, \$17,944,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, \$5,116,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

MHC coastal mine hunter, \$9,536,000;

T-AGOS surveillance ship program, \$42,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN-21 attack submarine program, \$18,330,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

LHD-1 amphibious assault ship program, \$6,178,000;

MHC coastal mine hunter program, \$12,152,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG-51 destroyer program, \$5,315,000;

For craft, outfitting, post delivery, and DBOF transfer, \$9,675,000;

For escalation, \$3,347,000;

Weapons Procurement, Navy, 1995/1997, \$7,500,000;

Procurement, Marine Corps, 1995/1997, \$378,000;

Other Procurement, Navy, 1995/1997, \$355,000;

Aircraft Procurement, Navy, 1995/1997, \$3,600,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, \$5,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

MHC coastal mine hunter program, \$35,770,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

LSD-41 cargo variant ship program, \$1,600,000;

For craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, \$5,627,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, \$1,784,000;

Other Procurement, Navy, 1995/1997, \$645,000.

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG-51 destroyer program, \$7,356,000;

AOE combat support ship program, \$2,300,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

MCS(C) program, \$5,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1995/1999":

Nuclear submarine main steam condenser industrial base, \$900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD program, \$6,200,000.

SEC. 8080. The Department shall include, in the operation of TRICARE Regions 7/8, a region-wide wraparound care package that requires providers of residential treatment services to share financial risk through case rate reimbursement, to include planning and individualized wraparound services to prevent recidivism.

SEC. 8081. None of the funds available to the Department of Defense shall be available to make progress payments based on costs to large business concerns at rates lower than 85 percent on contract solicitations issued after enactment of this Act.

SEC. 8082. Notwithstanding any other provision of law, the Department of Defense

shall execute payment in not more than 24 days after receipt of a proper invoice.

SEC. 8083. Funds provided in title II of this Act for real Property Maintenance may be obligated and expended for the renovation, refurbishment and modernization of bachelor enlisted living quarters up to a level of \$1,000,000 per facility project.

SEC. 8084. None of the funds appropriated by this Act may be used to carry out the ship depot maintenance solicitation policy issued by the Secretary of the Navy in a memorandum dated 16 June 1995.

SEC. 8085. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin.

SEC. 8086. None of the funds appropriated or otherwise made available under this Act may be used for the destruction of pentaborane currently stored at Edwards Air Force Base, California, until the Secretary of Energy certifies to the congressional defense committees that the Secretary does not intend to use the pentaborane or the by-products of such destruction at the Idaho National Engineering Laboratory for—

(1) environmental remediation of high level, liquid radioactive waste; or

(2) as a source of raw materials for boron drugs for Boron Neutron Capture Therapy.

SEC. 8087. (a) ENERGY SAVINGS AT FEDERAL FACILITIES.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

SEC. 8088. (a)(1) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$1,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than September 30, 1996, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$500,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided

into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

SEC. 8089. (a) Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines may not exceed \$7,223,695,000.

(b) The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

SEC. 8090. RESTRICTION ON REIMBURSEMENT OF COSTS.

None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of \$250,000 per year.

SEC. 8091. None of the funds available to the Department of Defense during fiscal year 1996 may be obligated or expended to support or finance the activities of the Defense Policy Advisory Committee on Trade.

SEC. 8092. PROHIBITION OF PAY AND ALLOWANCES FOR MILITARY PERSONNEL CONVICTED OF SERIOUS CRIMES.

(a) Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be obligated for the pay or allowances of any member of the Armed Forces who has been sentenced by a court-martial to any sentence that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal during any period of confinement or parole.

(b) In a case involving an accused who has dependents, the convening authority or other person acting under title 10, section 860, may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

SEC. 8093. None of the funds made available in this Act under the heading "Procurement of Ammunition, Army" may be obligated or expended for the procurement of munitions unless such acquisition fully complies with the Competition in Contracting Act.

SEC. 8094. Six months after the date of enactment of this Act the General Accounting Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on any changes in Department of Defense commissary access policy, including providing reservists additional or new privileges, and addressing the financial impact on the commissaries as a result of any policy changes.

SEC. 8095. The Secretary of Defense shall develop and provide to the congressional defense committees an Electronic Combat Master Plan to establish an optimum infrastructure for electronic combat assets no later than March 31, 1996.

SEC. 8096. The Secretary of Defense and the Secretary of the Army shall reconsider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pays are provided under the Selected Reserve Incentive Program.

SEC. 8097. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

"(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

"(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

"(i) significantly effect the quality of the human environment; or

"(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned."

SEC. 8098. (a) If, on February 18, 1996, the Secretary of the Navy has not certified in writing to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) the Secretary has restructured the new attack submarine program to provide for—

(A) procurement of the lead vessel under the program from General Dynamics Corporation Electric Boat Division (hereafter in this section referred to as "Electric Boat Division") beginning in fiscal year 1998 (subject to the price offered by Electric Boat Division being determined fair and reasonable by the Secretary), and

(B) procurement of the second vessel under the program from Newport News Shipbuilding and Drydock Company beginning in fiscal year 1999 (subject to the price offered by Newport News Shipbuilding and Drydock Company being determined fair and reasonable by the Secretary), and

(C) procurement of other vessels under the program under one or more contracts that

are entered into after competition between Electric Boat Division and Newport News Shipbuilding and Drydock Company for which the Secretary shall solicit competitive proposals and award the contract or contracts on the basis of price, and

(2) the Secretary has directed, as set forth in detail in such certification that—

(A) no action is to be taken to terminate or to fail to extend either the existing Planning Yard contract for the Trident class submarines or the existing Planning Yard contract for the SSN-688 Los Angeles class submarines except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(B) no action is to be taken to terminate any existing Lead Design Yard contract for the SSN-21 Seawolf class submarines or for the SSN-688 Los Angeles class submarines, except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(C) both Electric Boat Division and Newport News Shipbuilding and Drydock Company are to have access to sufficient information concerning the design of the new attack submarine to ensure that each is capable of constructing the new attack submarine, and

(D) no action is to be taken to impair the design, engineering, construction, and maintenance competencies of either Electric Boat Division or Newport News Shipbuilding and Drydock Company to construct the new attack submarine,

then, funds appropriated in title III under the heading "SHIPBUILDING AND CONVERSION, NAVY" may not be obligated for the SSN-21 attack submarine program or for the new attack submarine program (NSSN-1 and NSSN-2).

(b) Funds referred to in subsection (a) for procurement of the lead and second vessels under the new attack submarine program may not be expended during fiscal year 1996 for the lead vessel under that program (other than for class design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the second vessel under the program.

SEC. 8099. LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.

(a) LIMITATION.—Of the funds available under title II under the heading "FORMER SOVIET UNION THREAT REDUCTION" for dismantlement and destruction of chemical weapons, not more than \$52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia is in the process of preparing, with the assistance of the United States as necessary, a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term "1989 Wyoming Memorandum of Understanding" means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term "1990 Bilateral Destruction Agreement" means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

SEC. 8100. SENSE OF SENATE REGARDING UNDERGROUND NUCLEAR TESTING.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.

(2) The People's Republic of China continues to conduct underground nuclear weapons tests.

(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states.

(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of a Comprehensive Test Ban Treaty.

SEC. 8101. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) APPROVAL BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense may not approve a theater missile defense interceptor program beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that the program—

(1) has successfully completed initial operational test and evaluation; and

(2) involves a suitable and effective system.

(b) CERTIFICATION REQUIREMENTS.—(1) In order to be certified under subsection (a), the initial operational test and evaluation conducted with respect to a program shall include 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 of baseline performance thresholds by such interceptors.

(2) The Director of Operational Test and Evaluation shall specify the number of flight tests required with respect to a program under paragraph (1) in order to make a certification referred to in subsection (a).

(3) The Secretary may utilize modeling and simulation validated by ground and flight testing in order to augment flight testing to demonstrate weapons system performance

for purposes of a certification under subsection (a).

(c) REPORTS.—(1) The Director of Operational Test and Evaluation and the head of the Ballistic Missile Defense Organization shall include in the annual reports to Congress of such officials plans to test adequately theater missile defense interceptor programs throughout the acquisition process.

(2) As each theater missile defense system progresses through the acquisition process, the officials referred to in paragraph (1) shall include in the annual reports to Congress of such officials an assessment of the extent to which such programs satisfy the planned test objectives for such programs.

(d) DEFINITION.—For purposes of this section, the baseline performance thresholds for a program are the weapon system performance thresholds specified in the baseline description for the weapon system established pursuant to section 2435(a)(1) of title 10, United States Code, before the program entered into the engineering and manufacturing development stage.

SEC. 8102. ELIGIBILITY FOR DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524(e) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking out “at least 25 percent of the value of the borrower’s sales during the preceding year” in the matter preceding subparagraph (A) and inserting in lieu thereof “at least 25 percent of the amount equal to the average value of the borrower’s sales during the preceding 5 fiscal years”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) A borrower that meets the selection criteria set forth in paragraph (2) and subsection (f) is also eligible for a loan guarantee under subsection (b)(3) if the borrower is a former defense worker whose employment as such a worker was terminated as a result of a reduction in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.”.

This Act may be cited as the “Department of Defense Appropriations Act, 1996”.

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

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I say to the Democratic leader, I thought I would announce what I intend to propose. Maybe it is not doable. I would like to propose that the only amendments remaining in order to S. 1026 be those cleared by the two managers of the bill and the missile defense amendment, and that the vote occur on or in relation to the missile defense amendment begin at 9:30 a.m. Wednesday, immediately to be followed by a vote on passage of the Defense authorization bill, pursuant to consent agreement of August 11.

So what I am suggesting is that there is going to be a period of debate of two,

maybe 3 hours, and there will be a number of Members involved in that debate. In the meantime, unless there is some objection, if we could have that vote on that amendment and final passage at 9:30 tomorrow morning, other Members would be free to leave.

Mr. LEVIN. If the majority leader will yield, I had an amendment left on the list which I do not believe has yet been cleared. We are still hoping to clear that amendment.

Mr. DOLE. I will make it subject to that.

Mr. DASCHLE. Reserving the right to object—

Mr. DOLE. I have an amendment on welfare that probably will not be relevant, but it will be tomorrow when we take up welfare.

Mr. DASCHLE. If the majority leader will yield, I know that we have a list of amendments that may require rollcall votes. Does this anticipate then that other amendments, which would be offered either tonight or tomorrow morning, would still be in order and would be subject to a vote following disposition of the amendment?

Mr. DOLE. It is my understanding that there—I did not know about the amendment of the Senator from Michigan [Mr. LEVIN]. I have been told that, otherwise, everything had been dealt with. What we might do is suggest the absence of a quorum for a few minutes and see if we can work it out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—S. 1026

Mr. DOLE. Mr. President, I think we have an agreement. It is cleared with the Democratic leader and also the two managers, so I will make the request.

I ask unanimous consent that the only amendments remaining in order to S. 1026 be those amendments cleared by the two managers of the bill and one amendment to be offered by Senator THURMOND, relevant, and one amendment to be offered by Senator NUNN, relevant; and if a vote is required on or in relation to the Levin amendment, it occur first in the voting sequence beginning at 9:30 Wednesday, a.m.; further, that the vote occur on or in relation to the missile defense amendment second in the voting sequence, to immediately be followed by a vote on the passage of the Defense authorization bill, H.R. 1530, pursuant to the agreement of August 11.

So there could be as many as five votes; the votes could be as few as two votes. If the Senator from Georgia offers a relevant amendment, or the Sen-

ator from South Carolina, or the amendment of the Senator from Michigan or anything in relation—a motion to table—if that requires a vote, that could be three votes and then on the amendment itself and final passage.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. So I announce to my colleagues there will be no more votes this evening but there will be debate. There are a number of Members on each side interested in this issue, so I assume the debate will probably take at least 2 hours, maybe 3 hours.

So, I ask unanimous consent the vote at 9:30 Wednesday be 15 minutes in length, with second and subsequent votes being limited to 10 minutes in length.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from Georgia.

AMENDMENT NO. 2425

(Purpose: To amend subtitle C of title II of the National Defense Authorization Act for fiscal year 1996)

Mr. NUNN. Mr. President, I believe there is an amendment, No. 2425, which is an amendment to the Missile Defense Act, pending at the desk. I ask that amendment be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself, Mr. WARNER, Mr. LEVIN, and Mr. COHEN, proposes an amendment numbered 2425.

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

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

The amendment is as follows:

On page 49, strike out line 15 and all that follows through line 9 on page 69 and insert the following in lieu thereof:

SUBTITLE C—MISSILE DEFENSE

SEC. 231. SHORT TITLE.

This subtitle may be cited as the “Missile Defense Act of 1995”.

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.

(2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or attacking United