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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 13, 1995.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

In our best moments, O God, we are aware that Your Word points the way to the purposes of life—those standards of peace and justice and fairness and freedom that should be the heritage of all. Yet we know too that we are expected to use the abilities that we have received to conceive and design programs that bring righteousness to people and to extend the gifts of living to our communities and to our world. As You have entrusted to us this responsibility, O God, so give us the wisdom and the grace to be good messengers of Your Word and discerning stewards of all Your gifts. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per each side.

SOME FRIENDLY ADVICE FOR THE DEMOCRATS

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

Mr. ARMEY. Mr. Speaker, last week the contest for California's 15th Congressional District was a national test of whether Americans had grown weary of this Congress' effort to balance the budget, reform welfare, and save Medicare from bankruptcy. One Democrat political consultant said, ''This is a test run, the sample for the campaigns of next year.''

This morning you would need a magnifying glass to find the results of what was only days ago a special election of national significance. Maybe it is because the Democrats ended up losing a seat they held for decades after waging one of the most negative campaigns in recent memory.

I have some friendly advice for my colleagues on the other side of the aisle. Stop the character assassination. Stop basing your campaigns on fear and fiction. Stop the boiler room operations that call senior citizens at night to scare them into voting Democrat.

Instead, tell people what you stand for. If my colleagues believe a bigger Federal Government is the key to prosperity, make their case.

If you think the proper role of government is to redistribute income through the tax system, make your case. I know that most Americans may not agree with that point of view in this day and age, but at least it makes for a honest public debate.

Tom Campbell told the voters of California what he stood for. He told them he wanted to come here to help balance the budget for the first time in 30 years and to save Medicare for the next generation. In the end, the people rejected the hatred and the negative attacks, and voted for a positive vision of the future. Do your party and the Nation a favor, and learn from his success.

PRESIDENT CLINTON, STAND STRONG ON MEDICAID COVERAGE FOR THOSE WHO ARE ENTITLED TO IT

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

Mr. PALLONE. Mr. Speaker, Democrats favor a balanced budget, but they also want to make sure the priorities such as Medicare, Medicaid, the environment, and education are protected during these budget negotiations. The President drew the line last week when he vetoed the Republican budget bill and unveiled a new plan of his own, but one of the things that President Clinton stressed is that we must have a Federal guarantee of Medicaid coverage for those low-income Americans, pregnant women, children, the disabled, who right now do have health care coverage under Medicaid.

Mr. Speaker, during these budget negotiations one of the most important things that must happen is that we

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guarantee health care for those low-income citizens. The Republicans' plan to eliminate that guarantee, and send money to the States in a block grant and give them the discretion to decide who will be eligible for Medicaid, and whether anyone, or what categories of people would be eligible for Medicaid is certainly the wrong way to go, and I want to commend the President and ask him to stand strong on the notion that we must guarantee Medicaid coverage for those who are entitled to it today.

STILL NO EXIT STRATEGY

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

Ms. DUNN of Washington. Mr. Speaker, yesterday I returned from Bosnia. Even a short visit left me with two powerful reactions. Seeing Sarajevo evoked a strong emotional response. The devastation is indescribable; it is surreal. Anyone seeing that firsthand would want to help end the suffering. The people want peace.

My second reaction was analytical. As a Member of Congress, my job is to try to strip away the emotion and ask legitimate questions so I can analyze the President's decision to deploy ground troops.

Here is what I found: First, we have no clear mission; second, the expectations of our troops are all over the map, some even expect our troops to be assigned the deadly task of finding 6 million land mines; and third, we still have no exit strategy at all.

Mr. Speaker, this is troubling beyond words. Our troops are being placed between warring factions on the unrealistic assumption that peace will suddenly break out in the next 12 months after centuries of fighting.

I implore the President, before signing an agreement in Paris, please define the mission, clarify the expectations, and develop a credible exit strategy. It is the least that should be done for the troops we are committing to this impossible task.

WHY WE NEED TO GET INVOLVED IN BOSNIA

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

Mr. RICHARDSON. Mr. Speaker, why get involved in Bosnia? The answer is that America's interests, values, and leadership are at stake. But we should ask the question, ''What if we don't?'' Then we surrender our leadership role. And we must ask the question, ''Are we still prepared to lead?''

Mr. Speaker, our troops are going to enforce a peace, not start a war. There are risks, but manageable risks.

What if we do not? NATO will be destroyed. Is it worth preserving? Yes. Balkan stability is important for Greece and Turkey. And what about Eastern Europe? What if Russia gets strong again and poses threats to Eastern Europe? How are they going to feel if we vote no today?

What happens if we do not vote with the President? War will break out again. There will be genocide, rapes, Srebrenicas.

Mr. Speaker, this is not a popular issue, and the President should not be accused of politics. This is a risk. This is America's moral leadership, and we should do the right thing and support our troops and support the President.

GINGRICH'S WAY IS NOT THE AMERICAN WAY

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

Ms. DELAURO. Mr. Speaker, we all remember last month when Speaker GINGRICH closed down the Government because he did not like his seats on Air Force One. Well, here we go again.

Yesterday, an aide to Speaker GINGRICH says that Mr. GINGRICH is prepared to shut down the Government again, if he does not get his way on the budget. The problem is that GINGRICH's way is not the American way.

America does not support the Gingrich budget priorities. The American people do not want a balanced budget which devastates Medicare, education, and the environment, in order to finance a massive tax break to the wealthy.

So, Mr. Speaker, spare us the theatrics and give the American people an early Christmas present: a balanced budget which reflects our priorities, not yours.

CBO'S NEW PLOY: RABBITS POPPING OUT OF A HAT

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

Mr. TRAFICANT. Mr. Speaker, when it comes to the budget, Congress has seen it all: smoke, mirrors. We have read lips. We have even dated Rosy Scenario around here.

But now there is a new ploy. Rabbits, Mr. Speaker. The Congressional Budget Office just announced that they have found $130 billion, $130 billion that just popped up like a rabbit out of the hat.

Now let us see if this adds up. We have a $5 trillion national debt, $300 billion annual budget deficits, and a Congressional Budget Office that at the very last minute just happens to find $130 billion that has been overlooked.

Beam me up, Mr. Speaker. Someone is inhaling around here all right. Someone is definitely inhaling. I say if they are going to find $130 billion and pull it out of a hat like a rabbit, why do we not just hire David Copperfield, Congress, and furlough all these workers at the Congressional Budget Office?

I yield back the balance of these ploys.

GET YOUR HANDS OUT OF OUR POCKETS

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2539, the ICC Termination Act of 1995, which passed the House and Senate and is now in conference committee, has as its noble purpose the deregulation of the trucking and rail industries. The shipping industry remains regulated, and for offshore areas like Guam, our consumers remain a captive market for the shipping lines.

Buried deep in the details of H.R. 2539, in the Senate version, is a provision that would raid the wallets of consumers in Guam and other offshore areas. The shipping companies cut some sort of deal to allow, by statute, rates to increase by 7.5 percent every year for these port to port movements. They created a loophole to allow the rates to be increased in a zone of reasonableness, which is so wide you can drive a ship through it.

The shipping companies are not hurting for profits in the captive domestic offshore markets. They are literally rolling in dough. They charge four times more for a shipment to Guam than they do to Japan.

Shame on the American President Lines, Sealand, and Matson. They should get their hands out of our pockets.

KEEP THE FEDERAL GOVERNMENT OPEN THROUGH THE HOLIDAY SEASON

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

Ms. JACKSON-LEE. Mr. Speaker, chestnuts roasting on an open fire, ''Silent Night'' humming in the background, and families embracing and loving during this holiday season. However, the Republican majority says no to all of that because they want to force another Government shutdown on the backs of working Americans. This will happen because of the Republicans' harsh refusal to stop the cuts of $270 billion in Medicare and the $182 billion cut of Medicaid. It is the American safety net for our children and seniors, and yet the Republicans want to force 9 million children and seniors off of a good health care. The Democratic budget plan, however, does continue to guarantee health care for our children, the elderly, and the disabled.

I would say to my colleagues, Mr. Speaker, that that is truly the spirit of this approaching season, and I would say to my colleagues again, Mr. Speaker, that we need to understand that the American people want to have the spirit of this holiday season to reflect on the least of those.

Might I add as well, Mr. Speaker, that the election held in California yesterday did not show that the Democrats lost. It is just that the Republican candidate that ran was prochoice and progun control—Democratic issues—and I would imagine he would also vote for the American children to have good health care.

Let us stop the cuts in Medicare and Medicaid. Let us make this season what it is. It is the season of giving and sharing, it is the season for all Americans. It is not what the Republican majority wants to do—cutting good health care for the elderly, the disabled, and our poor children.

Mr. Speaker, I urge my colleagues across the aisle to do the right and responsible thing and keep the Federal Government open. This is no time to let working people pay the price for petty partisan politics.

Let's pass another clean continuing resolution, if necessary, and work toward a balanced budget that is not built on the backs of the average, hard working Americans. A budget that protects the things we value: Medicare, Medicaid, education, and our environment.

Leaders in the other body have already agreed that there should not be another Government shutdown. We in the House need to join them in that agreement.

Mr. Speaker, don't be responsible for forcing thousands of decent, hard working people to wallow in doubt and uncertainty during what should be a joyous season. Don't make the American people pay because the Republican majority has not finished the budget work that should have been completed by them in October.

THE CRUEL REPUBLICAN AGENDA

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

Ms. BROWN of Florida. Mr. Speaker, the Republicans are now threatening to shut down the Government unless President Clinton signs on to the Republican plan to abandon our Nation's poorest, sickest, and most disabled citizens by repealing Medicaid.

This cruel Republican agenda will hurt children, veterans, pregnant women, and seniors. Two-thirds of Florida's nursing home residents get help from Medicaid. Almost a million children in Florida get emergency health care from Medicaid every year. These seniors, these children, and many of Florida's 2 million veterans may look to Medicaid in the next few years and find that they are out of luck.

When it comes to family values, the Republican Party talks the talk but they certainly do not walk the walk. And this budget proves it.

□ 1015

REPUBLICANS SHOULD SUPPORT A BALANCED BUDGET THAT PROTECTS THE ENVIRONMENT

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

Mr. OLVER. Mr. Speaker, in the continuing budget resolution agreement last month, the Republicans and the President committed to a balanced budget that ''must protect the environment,'' but the current Republican budget plan declares war on the environment. It gives away millions to mining companies in the West. It allows massive timber harvesting in the Tongass National Forest and oil drilling in the Arctic National Wildlife Refuge. The Republican plan guts the EPA's budget for enforcing our clean air and clean water laws and for continuing the cleanup of the Housatonic and Connecticut Rivers in my district, all this to give billions in tax breaks to the already wealthy who do not need them. Not a very good trade, Mr. Speaker.

Republicans should live up to their agreement and support a balanced budget that protects the environment, rather than sacrificing it.

EXTREME REPUBLICAN AGENDA

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

Mr. GENE GREEN of Texas. Mr. Speaker, on Friday, legislation temporarily funding the Government expires, and hundreds of thousands of Government workers may be given another paid vacation. Last month this cost us $800 million. Speaker GINGRICH and House Republicans have decided they want to use the threat of a Government shutdown as a leverage in the ongoing budget battle, flatly dismissing the importance of keeping many of our crucial programs up and running.

Let us make it absolutely clear the Republicans cannot force these mean-spirited cuts on the American people by holding the Government shutdown over our heads. They have targeted such programs as education cuts that help children, the COPS Program to help my Houston community hire over 375 new police officers, and veterans programs, which will result in 600 fewer VA medical center beds, 203,000 fewer inpatient visits, and 430,000 fewer outpatient visits at VA medical centers.

The American people do not want a Government shutdown. Let us extend this continuing resolution and finish the job we should have completed 2 months ago. Let us not hold another shutdown over our citizens' heads to try to pass these bills.

CALIFORNIANS AGREE WITH REPUBLICAN REFORMS

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

Mr. WELDON of Florida. Mr. Speaker, I rise this morning to talk about the results of an election in California that was held yesterday in a Democrat district where a Republican won by almost a 2 to 1 margin. Clearly, the people in that district, a Democrat district, understand that we are not cutting Medicare, we are slowing the rate of growth of Medicare, and they clearly understand that it is extremely important that the situation here in Washington has to change. We cannot continue to have runaway spending, runaway growth of programs. We have to balance our budget, and we have to balance our budget now.

In sending Tom Campbell to the U.S. Congress, the people of that Democrat district are saying the Democrats are not going to get the job done, they are going to continue to spend, we are going to continue to have deficits, and that we really do need to continue this change, this revolution that began in November 1994.

There will be one more voting with us beginning in a few days, and the people in California say they agree with what we are doing.

TRIAL AND SENTENCING OF WEI JINGSHENG IS GROSS VIOLATION OF IDEALS OF DEMOCRACY AND FREEDOM

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, it took a Chinese court less than 6 hours on Wednesday to convict 1995 Nobel Peace Prize nominee Wei Jingsheng of conspiring to subvert the Government. He was sentenced to 14 years in the gulag, following Henry Wu.

The trial and sentencing of Wei Jingsheng is a gross violation of the core ideals of democracy and freedom. In April 1994 Wei disappeared in the Beijing bureaucracy. For 19 months he was not allowed to communicate with his family, with legal counsel, or with his colleagues. In December 1995 Wei had only a few days to prepare a trial and obtain a lawyer.

The only crime that Wei had committed was calling for democracy and human rights in China. Despite international pressure and opposition, people in China continue to be detained and sentenced for standing up for their fundamental rights.

I applaud Wei's courage and strength to speak out in opposition to the tyranny of his government. I appeal to the Government of China to release this man, guilty only of believing in freedom and democracy. And I call on the President of the United States to continue to press for the release of Wei Jingsheng, and not to relent until he is freed.

REPUBLICANS STAND WITH THE AMERICAN PEOPLE FOR A BALANCED BUDGET AND LIMITED GOVERNMENT

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

Mr. PAXON. Mr. Speaker, the Democrats have tried to make an election in California a referendum on our Republican agenda of a balanced budget and limited government.

Their tactic was simple.

Offer a campaign of obstruction—devoid of ideas.

Mr. Speaker, I'm proud to report they failed miserably.

And they failed in a district that's been held by their party for 20 years.

There were two winners in yesterday's election:

Obviously Tom Campbell, but equally important, the American people. They won because we proved that you cannot win an election by screaming about what you are against—you must proclaim what you are for.

The truth is, Mr. Speaker, we won yesterday and we've been winning all year.

We started the 104th Congress with 230 Republicans. We now have 236.

We have five new Republicans—who like millions of Americans, left the Democrats because they have no ideas and no hope for the future.

We are going to continue to win Mr. Speaker, adding 20 to 30 seats to our majority because we stand with the American people for a balanced budget and limited Government while Democrats have no ideas and stand for nothing.

ANOTHER CLINTON FOREIGN POLICY MISTAKE AND TRAGEDY

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

Mr. FUNDERBURK. Mr. Speaker, last night I heard our Ambassador to the United Nations tell Americans that there is a ''moral imperative'' to send our soldiers into Bosnia. All I can say to the Ambassador is, your administration displays mighty selective morality.

The same officials who are now beating the war drums in Bosnia saw no such moral imperative in Kuwait, Panama, Cambodia, and Vietnam. In the last two cases millions died in wars which make Bosnia's troubles look like a picnic. Mrs. Albright, Bill Clinton, and Strobe Talbot were silent in seven languages when Vietnamese Communists forced their entire ethnic Chinese population into the sea. You heard not one word from them when Moscow and Beijing locked tens of millions away in the gulag. So their words today are hollow.

Mark it down, Christmastime 1995: the beginning of another Clinton foreign policy mistake and tragedy. I stand with the people in opposition to ground troops being in Bosnia.

EPA SECRETARY O'LEARY, A ''MATERIAL GIRL''

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

Mr. TIAHRT. Mr. Speaker, the President has a ''Material Girl'' in his Cabinet. Secretary O'Leary has leased the very same plane that Madonna used for a trip to South Africa. She took 51 of her staff and she took 68 guests, and they all got in first class and flew down to South Africa at a cost to the taxpayers of $560,000.

Vice President GORE tried to defend this terrible waste of taxpayers' money by saying she is creating all these jobs in America and that there are lots of contracts being written. The truth is there are only signed letters of intent; no jobs, no contracts. This is just the tip of the iceberg.

The Department of Energy has terrible mismanagement. Vice President GORE himself, in the National Performance Review, says the environmental management is 40 percent inefficient and it is going to cost taxpayers $70 billion over the next 30 years. We need to do something about this. It is time to turn the lights out at the Department of Energy and it is time for Secretary O'Leary to resign.

CONGRATULATIONS TO TOM CAMPBELL AND THE NEW MAJORITY

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

Mr. BAKER of California. Mr. Speaker, what a beautiful day it is, because in California last night, despite 9 inches of rain, we had another Republican victory. I just want to congratulate Tom Campbell for his tremendous victory by over 23 points in an election that was supposed to be a Democrat victory, but was, instead, a victory for the new order here in the House.

Mr. Speaker, the victory was the American people saying, ''We want to go back to the basics. We don't want,'' in Ben Franklin's words, in George Washington's words, ''any more foreign entanglements.'' That means, Mr. President, get out of Bosnia. We do not want a government that continues to spend beyond its means. The American people in the 15th Congressional District in California said, ''Balance the Federal budget.''

Mr. Speaker, the elderly are not stingy in California. They want the Medicare system to be preserved and protected, not only for themselves but for future generations. Pass the Medicare reform, pass the free market reforms, not more government control and constraint. The American people in California are well ahead of us. Congratulations, Mr. Tom Campbell. Congratulations, new majority.

UPCOMING DEMOCRAT RETIREMENTS?

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

Mr. KINGSTON. Mr. Speaker, today, I anticipate a number of Democrat retirements because of Haley Barbour's offer. The offer, as Members of the House know, is for $1 million for any member of the public, including Members of the Democrat Party, who can prove that Republicans, in fact, do cut Medicare.

What is so interesting about this, Mr. Speaker, is that just about every Democrat we have heard this year says Republicans are going to cut Medicare. Since they have an outside income limitation, they will all have to retire to get their $1 million check. I do not think that is what Mr. Barbour intended, but it could be a very nice consequence of this generous offer.

I am confident that Democrat Members will be just flocking over to the NRCC today to meet with Mr. Barbour and collect their $1 million, because time after time from this well right here, Mr. Speaker they have told the American people, including their own mothers and fathers, that Republicans are cutting Medicare. Well, now it is time to put their money where their mouth is and go get their $1 million, Democrats. In case they cannot get it, we will continue to try to get them to help us on Medicare reform, because we need to preserve and protect it, instead of demagoguing it.

THE OUTCOME OF CALIFORNIA'S 15TH DISTRICT SPECIAL ELECTION

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

Mr. HERGER. Mr. Speaker, I rise today to commend the voters of California for looking behind the outrageous smear campaign run by the Democrats for California's 15th District special election. My colleagues across the aisle are in desperate straits these days and they, unfortunately, have resorted to desperate tactics. Nevertheless, California voters yesterday cast a strong vote for fiscal responsibility, for straight talk on the problems our country faces, and for a new vision.

Make no mistake, Tom Campbell won on the issues. His impressive victory reaffirms my belief that the big truth beats the big lie any day of the week, especially on election day. I would like to welcome Tom as the 236th member of the Republican Conference. I look forward to working with him to truly address the concerns of all Americans.

CALIFORNIANS SEE THE TRUTH ABOUT REPUBLICAN REFORMS

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

Mr. HOKE. Mr. Speaker, where are our friends this morning from the other side of the aisle? Where is the celebrating that they expected to be taking place? It was not 6 weeks ago that the head of the Democratic Congressional Campaign Committee, the gentleman from Texas [Mr. FROST], said, ''And we will, we do, expect to win in California.'' Did they have a bad day yesterday? Did they have a bad night? Was it a bad week? Has it been a bad year? Is it going to be a bad decade? I think it is, because the American people have spoken.

Maybe the media will wake up. Maybe the media will tell the truth. Twenty-three points, was that close? Is that a close election? Twenty-three points in what was supposedly going to be a Democratic victory. Why is it? Because the American people are too smart to be demagogued on this stuff. They are too smart to believe the pack of half-truths and distortions and untruths that are being fed to them. They will not buy it. They will not stand for it. They have spoken. Today we have something very great to celebrate in California.

□ 1030

SUPPORT OUR TROOPS IN BOSNIA

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

Mr. HASTINGS of Florida. Mr. Speaker, I came here to talk about Bosnia, but in response to my friend let me remind him that one election does not necessarily a majority make.

I congratulate the Republicans for their victory, but there are going to be some more, and in Florida we are going to have one evermore big-time fight. The question keeps being asked around here, what is the United States stake in Bosnia and why does the United States participation make a difference.

Let me answer through the words of Adm. Snuffy Smith. ''The question is about United States leadership in the world,'' he said. ''If we don't go in, our credibility goes to rock bottom. The next time when vital United States interests are engaged, are our allies and friends going to be with us? Probably not. If we don't go in there, there will be more killing, the war can spread. Do not underestimate the volatility of the Balkans.''

This gentleman is the commander in charge of our troops. Our troops are ready and well-trained. Let us support the United States troops that are being deployed to Bosnia.

FRIVOLOUS CHARGES CLOUD DEBATE ON REAL ISSUES

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

Mr. STEARNS. Mr. Speaker, let me first of all congratulate my colleague Tom Campbell from California for his stunning victory in California. He and I came in together in 1988 and I am just very pleased to have him return here to Congress.

Former Speaker Sam Rayburn quipped, ''A jackass can kick a barn down, but it takes a carpenter to build one.''

Well, the truth of Mr. Rayburn's words has never been more apparent as it is today. The donkeys are kicking at the barn doors, but we have a carpenter trying to work, trying to build a better form of government, and that carpenter is NEWT GINGRICH, our Speaker.

Despite all their efforts to the contrary, they are trying to offer these frivolous charges. Instead of working on the difficult issues ahead, they trump up another bogus ethics charge against the Speaker.

They, in fact, have fabricated a total of 65 charges against the Speaker. All but one of these charges have been dismissed. The remaining charge simply pertains to a technical section of the IRS code. In time it will be resolved.

The Democrats' attempt in the Campbell election to demonize the Speaker has not worked. I call on all our Members to welcome Tom Campbell again in to our fold.

REPUBLICAN BUDGET CUTS HEALTH CARE TO PAY FOR TAX BREAKS TO WELL OFF

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

Ms. MCKINNEY. Mr. Speaker, one only has to examine the priorities in the Gingrich budget to understand for whom the Republican Party stands. The $500 billion in corporate welfare is going untouched while seniors, pregnant women, and the disabled are expected to absorb $433 billion in health care cuts.

And yes, these are health care cuts because Medicare and Medicaid spending will not keep pace with medical inflation. When you consider that Medicare and Medicaid care for the oldest and sickest people in our society, any reductions that do not keep pace with medical inflation are cuts, plain and simple.

So now, Mr. Haley Barbour, please send your million dollars to Grady Hospital in Atlanta, with an explanation that the Gingrich budget does not cut Medicare and Medicaid to pay for tax breaks to the well off.

DISPOSING OF SENATE AMENDMENT 115 TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendment numbered 115 thereto, and to consider in the House the motion printed in section 2 of this resolution. The Senate amendment and the motion shall be considered as read. All points of order against the motion are waived. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on that motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. The motion to dispose of the amendment of the Senate numbered 115 is as follows:

Mr. Callahan (or his designee) moves that the House recede from its amendment to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

''Authorization of Population Planning

''SEC. 518A. Section 526 of this Act shall not apply to funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or to funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA).''.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

(Mr. GOSS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Mr. Speaker, this rule provides for a motion—to be offered by Foreign Operations Appropriations Subcommittee Chairman CALLAHAN or his designee—to dispose of the remaining amendment in disagreement to the conference report on H.R. 1868. This is a straightforward and fair rule, providing for an hour of debate and an up-or-down vote on the motion. As you recall, the House passed the Foreign Operations conference report on October 31. This legislation makes tremendous improvements in the way we allocate our limited tax dollars to overseas interests. H.R. 1868 significantly reduces

total foreign aid spending, and it takes steps to shrink the Government bureaucracy that has funded many wasteful and duplicative foreign aid projects. The Senate has also passed the conference report for H.R. 1868—and for the past 7 weeks, the two Chambers have been trying to resolve a single disagreement over Senate amendment No. 115, concerning funding for population planning.

Mr. Speaker, the House has voted four times in favor of its position on this issue. Each time the Senate has disagreed. Chairman CALLAHAN's motion would make the population planning funds in the bill subject to authorization—or a later waiver—allowing the ultimate decision on population planning policy to be made in the foreign aid authorization bill, which is after all, the appropriate place for it. Chairman CALLAHAN's notion is a reasonable effort to move beyond the stalemate and finally pave the way for the foreign operations bill to be sent to the President's desk.

Mr. Speaker, in light of the recent visit by Israeli Prime Minister Peres, I would also note that the funding for the Middle East peace process is contained in this bill. The negotiations are at a critical phase, and despite the tragic assassination of Prime Minister Rabin, there is real hope that further progress towards a lasting peace can be made. I urge my colleagues to support this rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I would like to commend my colleague from Florida [Mr. GOSS] for bringing this resolution to the floor.

House Resolution 296 is a rule which provides for the offering of a motion to dispose of the one amendment reported in disagreement by the conferees on the fiscal 1996, foreign operations appropriations bill.

As my colleague from Florida has ably described, this rule provides 1 hour general debate, equally divided between the proponent and an opponent of the motion.

The motion to be offered under this rule would require funds for the population planing activities of AID, and for the U.S. contribution to the U.N. Population Fund, to be authorized before they could be obligated.

Though the House has already passed the conference agreement and this morning's debate is over one narrow related issue, I want to take the opportunity to again thank Mr. CALLAHAN, the chairman of the Foreign Operations Appropriations Subcommittee, for the emphasis he placed on children throughout this appropriations process. I am pleased that the final conference agreement has paid special attention to children's programs such as child survival, UNICEF, and basic education.

While the conference report did not include many earmarks, there was a strong recommendation that UNICEF would receive $100 million. In response to my question during the Rules Committee hearing last night, Mr. CALLAHAN again reaffirmed the desire of the conferees that UNICEF should receive the recommended $100 million. I appreciate Mr. CALLAHAN's continued support on this matter.

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

Mr. GOSS. Mr. Speaker, I would advise the distinguished gentleman from Ohio that I have no requests for time, and I will reserve my time. If he has no requests, I would be prepared to yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, if one ever wanted an example of why this Congress has failed to pass its appropriation bills on time, necessitating plunging the country into a needless Government shutdown and silly political arguments about continuing resolutions, this bill, and the way it is being handled today, is a spectacular example.

First of all, in terms of scheduling, we were told this bill was going to be up this afternoon. Now with virtually no notice to the committee, we find it on the floor.

Second, we are told on this side of the aisle that the committee intended to offer a compromise proposal which contained compromise language. Instead, what we get is the most confrontational approach that could possibly be taken, virtually assuring that this turkey is going to go nowhere.

Now, we have a serious problem in this country. The problem is that this Congress has not finished a number of appropriation bills, and because of that, we face an imminent Government shutdown again on the 15th of this month.

I had thought that the proper way to address that problem would be to try to find ways to compromise out these bills so that you can get more of them signed by the President and reduce the lack of performance on the part of this Congress.

We have already had the Foreign Operations bill tied up for over 2 months because Republicans in the House have not been able to agree with the Republicans in the Senate on what to do on family planning. Now the wizards who put together this strategy this morning are now saying, ''Well, I'll tell you what we're going to do. What we're going to do is to send over, not compromise language to the Senate, but language which shuts down all family planning funds internationally.''

What is more, this rule proposes to make in order an amendment on international programs which the House already turned down on domestic programs by a vote of 221–207.

Obviously family planning programs are important within the borders of the United States, but they are even more important on a substantive basis internationally because population growth in many countries around the world is flatly out of control, and if we do not find a way to rationally reduce that curve, that upward curve, we are going to have an even greater hunger problem, an even greater environmental problem, an even greater problem of social disruption than you have today in many parts of the world. Yet today the wizards who proposed this language are saying the way out of it is to send over to the Senate language you know they will not accept in 100 years.

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There is not a chance of a snowball in you know where that this language is going to be approved by the Senate, and yet the House, at a time when we ought to be working out ways to compromise our differences is in essence throwing a ''Hail Mary'' to the Senate knowing full well that the Senate is not going to swallow it. That is not a constructive way to do business.

This rule is going to inflame the situation. This approach is going to inflame the situation. It is going to make it much harder to pass a bill than it has been to date, and I see absolutely no constructive purpose whatsoever for proceeding in this manner.

Now, I think my record shows that whether this House has been controlled by Republicans or Democrats I have tried to help further the passage of this legislation in a bipartisan way, but the approach that is being taken here this morning is tactically idiotic, and I would urge the Members of the majority, if you are interested in finding any way at all to reconcile your differences with Members of your own party in the other body, you ought not to be doing this this morning.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, Members, I agree largely with the points that the gentleman from Wisconsin made concerning procedure.

But just addressing the merits of this legislation as it is currently drafted would mean it would eliminate all family planning funds that the United States provides all over the world. Now, I remember our colleague, our ex-colleague, Mr. Lehman from Florida, one late night we were doing a markup, and he remarked that if you took the family planning money out of the foreign operations bill you might as well not have a foreign operations bill, because there is nothing more important in Third World countries bettering their standard of living than family planning. This would eliminate family planning for all of the Third World countries that have enormous birth rates and thereby hinder their economic growth and hinder their hope for

prosperity and their hope for a better way of life.

Finally, I would just like to say, in my opinion, this will actually slow down the progress of this legislation, because we absolutely know we are certain that the Senate will not accept it, and we are certain that if the Senate did accept it that is would be vetoed. So to me it is sort of an exercise in futility without any logical purpose.

So, therefore, I would urge a vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from Alabama [Mr. CALLAHAN] a question or two. I understand that the legislation before us today is simply to address one issue. However, I wish to clarify one aspect of the conference report, the funding level for UNICEF and for basic education.

The gentleman has been a leader with respect to children with this particular subcommittee appropriation bill, and I know that there has been some very strong language that has gone back and forth in the committee report, and one of the things that was put in the conference committee report that was pretty firm in both the Senate and House, that UNICEF would get $100 million and that basic education would get a substantial appropriation of about $108 million, as I remember, and I just want to ask you: Is it still your intention to push for that?

Mr. CALLAHAN. If the gentleman will yield, certainly, it is my full intention to support both. I had not heard before our conversation just yesterday that there might be a plan under foot to do otherwise. But the bill very clearly states that it is the intent to send $100 million to UNICEF and $108 million for child education.

Mr. HALL of Ohio. I thank the gentleman for his assurance. I appreciate very much his support.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 296, the resolution now under consideration.

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

There was no objection.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 849]

YEAS—241

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—178

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—13

Brewster
Brown (OH)
Engel
Lewis (CA)
McInnis
Mfume
Morella
Olver
Roth
Stockman
Tucker
Velazquez
Vento

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Messrs. FROST, BOEHLERT, SHAYS, and HOBSON changed their vote from ''yea'' to ''nay.''

Ms. DANNER and Mr. LAFALCE changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT (H. REPT. 104–406)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 1996''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Federal Acquisition Reform.

(5) Division E—Information Technology Management Reform.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Procurement of OH–58D Armed Kiowa Warrior helicopters.
Sec. 112. Repeal of requirements for armored vehicle upgrades.
Sec. 113. Multiyear procurement of helicopters.
Sec. 114. Report on AH–64D engine upgrades.
Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

Sec. 131. Nuclear attack submarines.
Sec. 132. Research for advanced submarine technology.
Sec. 133. Cost limitation for Seawolf submarine program.
Sec. 134. Repeal of prohibition on backfit of Trident submarines.
Sec. 135. Arleigh Burke class destroyer program.
Sec. 136. Acquisition program for crash attenuating seats.
Sec. 137. T–39N trainer aircraft.
Sec. 138. Pioneer unmanned aerial vehicle program.

Subtitle D—Air Force Programs

Sec. 141. B–2 aircraft program.
Sec. 142. Procurement of B–2 bombers.
Sec. 143. MC–130H aircraft program.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 153. Administration of chemical demilitarization program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Modifications to Strategic Environmental Research and Development Program.
Sec. 204. Defense dual use technology initiative.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Tactical manned reconnaissance.
Sec. 213. Joint Advanced Strike Technology (JAST) program.
Sec. 214. Development of laser program.
Sec. 215. Navy mine countermeasures program.
Sec. 216. Space-based infrared system.
Sec. 217. Defense Nuclear Agency programs.
Sec. 218. Counterproliferation support program.
Sec. 219. Nonlethal weapons study.
Sec. 220. Federally funded research and development centers and university-affiliated research centers.
Sec. 221. Joint seismic program and global seismic network.
Sec. 222. Hydra–70 rocket product improvement program.
Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.
Sec. 224. Obligation of certain funds delayed until receipt of report on science and technology rescissions.
Sec. 225. Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation.
Sec. 226. Advanced Field Artillery System (Crusader).
Sec. 227. Demilitarization of conventional munitions, rockets, and explosives.
Sec. 228. Defense Airborne Reconnaissance program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.
Sec. 232. Findings.
Sec. 233. Ballistic Missile Defense policy.
Sec. 234. Theater Missile Defense architecture.
Sec. 235. National Missile Defense system architecture.
Sec. 236. Policy regarding the ABM Treaty.
Sec. 237. Prohibition on use of funds to implement an international agreement concerning Theater Missile Defense systems.
Sec. 238. Ballistic Missile Defense cooperation with allies.
Sec. 239. ABM Treaty defined.
Sec. 240. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 251. Ballistic Missile Defense program elements.
Sec. 252. Testing of Theater Missile Defense interceptors.
Sec. 253. Repeal of missile defense provisions.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Sec. 261. Precision-guided munitions.
Sec. 262. Review of C^4I by National Research Council.
Sec. 263. Analysis of consolidation of basic research accounts of military departments.
Sec. 264. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 265. Aeronautical research and test capabilities assessment.

Subtitle F—Other Matters

Sec. 271. Advanced lithography program.
Sec. 272. Enhanced fiber optic guided missile (EFOG-M) system .
Sec. 273. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 274. Cruise missile defense initiative.
Sec. 275. Modification to university research initiative support program.
Sec. 276. Manufacturing technology program.
Sec. 277. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 278. Limitation on T–38 avionics upgrade program.
Sec. 279. Global Positioning System.
Sec. 280. Revision of authority for providing Army support for the National Science Center for Communications and Electronics.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.

Subtitle B—Depot-Level Activities

Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.
Sec. 312. Management of depot employees.
Sec. 313. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 314. Modification of notification requirement regarding use of core logistics functions waiver.

Subtitle C—Environmental Provisions

Sec. 321. Revision of requirements for agreements for services under environmental restoration program.

Sec. 322. Addition of amounts creditable to Defense Environmental Restoration Account.
Sec. 323. Use of Defense Environmental Restoration Account.
Sec. 324. Revision of authorities relating to restoration advisory boards.
Sec. 325. Discharges from vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Operation of commissary system.
Sec. 332. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
Sec. 333. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 334. Transportation by commissaries and exchanges to overseas locations.
Sec. 335. Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 336. Operation of combined exchange and commissary stores.
Sec. 337. Deferred payment programs of military exchanges.
Sec. 338. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
Sec. 339. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 340. Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities.
Sec. 341. Disposition of excess morale, welfare, and recreation funds.
Sec. 342. Clarification of entitlement to use of morale, welfare, and recreation facilities by members of reserve components and dependents.

Subtitle E—Performance of Functions by Private-Sector Sources

Sec. 351. Competitive procurement of printing and duplication services.
Sec. 352. Direct vendor delivery system for consumable inventory items of Department of Defense.
Sec. 353. Payroll, finance, and accounting functions of the Department of Defense.
Sec. 354. Demonstration program to identify overpayments made to vendors.
Sec. 355. Pilot program on private operation of defense dependents' schools.
Sec. 356. Program for improved travel process for the Department of Defense.
Sec. 357. Increased reliance on private-sector sources for commercial products and services.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Sec. 361. Quarterly readiness reports.
Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 363. Report regarding reduction of costs associated with contract management oversight.
Sec. 364. Reviews of management of inventory control points and Material Management Standard System.
Sec. 365. Report on private performance of certain functions performed by military aircraft.
Sec. 366. Strategy and report on automated information systems of Department of Defense.

Subtitle G—Other Matters

Sec. 371. Codification of Defense Business Operations Fund.
Sec. 372. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 373. Prohibition on capital lease for Defense Business Management University.
Sec. 374. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.
Sec. 375. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.
Sec. 376. Personnel services and logistical support for certain activities held on military installations.
Sec. 377. Retention of monetary awards.
Sec. 378. Provision of equipment and facilities to assist in emergency response actions.
Sec. 379. Report on Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.
Sec. 403. Certain general and flag officers awaiting retirement not to be counted.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Counting of certain active component personnel assigned in support of reserve component training.
Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Reserves on active duty in support of cooperative threat reduction programs not to be counted.
Sec. 416. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Joint officer management.
Sec. 502. Retired grade for officers in grades above major general and rear admiral
Sec. 503. Wearing of insignia for higher grade before promotion.
Sec. 504. Authority to extend transition period for officers selected for early retirement.
Sec. 505. Army officer manning levels.
Sec. 506. Authority for medical department officers other than physicians to be appointed as Surgeon General.
Sec. 507. Deputy Judge Advocate General of the Air Force.
Sec. 508. Authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 509. Retirement for years of service of Directors of Admissions of Military and Air Force academies.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Extension of certain Reserve officer management authorities.
Sec. 512. Mobilization income insurance program for members of Ready Reserve.
Sec. 513. Military technician full-time support program for Army and Air Force reserve components.
Sec. 514. Revisions to Army Guard Combat Reform Initiative to include Army Reserve under certain provisions and make certain revisions.
Sec. 515. Active duty associate unit responsibility.
Sec. 516. Leave for members of reserve components performing public safety duty.
Sec. 517. Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises.

Subtitle C—Decorations and Awards

Sec. 521. Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962.
Sec. 522. Authority to award decorations recognizing acts of valor performed in combat during the Vietnam conflict.
Sec. 523. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
Sec. 524. Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.
Sec. 525. Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.
Sec. 526. Procedure for consideration of military decorations not previously submitted in timely fashion.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $1,558,805,000.

(2) For missiles, $865,555,000.

(3) For weapons and tracked combat vehicles, $1,652,745,000.

(4) For ammunition, $1,093,991,000.

(5) For other procurement, $2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $4,572,394,000.

(2) For weapons, including missiles and torpedoes, $1,659,827,000.

(3) For shipbuilding and conversion, $6,643,958,000.

(4) For other procurement, $2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $458,947,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of $430,053,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $7,349,783,000.

(2) For missiles, $2,938,883,000.

(3) For ammunition, $343,848,000.

(4) For other procurement, $6,268,430,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,124,379,000.

SEC. 105. RESERVE COMPONENTS.

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

(1) For the Army National Guard, $160,000,000.

(2) For the Air National Guard, $255,000,000.

(3) For the Army Reserve, $85,700,000.

(4) For the Naval Reserve, $67,000,000.

(5) For the Air Force Reserve, $135,600,000.

(6) For the Marine Corps Reserve, $73,700,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $672,250,000 for—

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

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

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF OH–58D ARMED KIOWA WARRIOR HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $140,000,000 for the procurement of not more than 20 OH–58D Armed Kiowa Warrior aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of the following:

(1) AH–64D Longbow Apache attack helicopters.

(2) UH–60 Black Hawk utility helicopters.

SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996; and

(2) a detailed timeline and statement of funding requirements for the engine upgrade program described in paragraph (1).

SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AUTHORIZED MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY SMALL ARMS PROCUREMENT.

(a) REQUIREMENT.—The Secretary of the Army (subject to the provision of authority in an appropriations Act) shall enter into a multiyear procurement contract during fiscal year 1997 in accordance with section 115(b)(2) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681).

1(b) TECHNICAL AMENDMENT.—Section 115(b)(1) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681) is amended by striking out ''2306(h)'' and inserting in lieu thereof ''2306b''.

Subtitle C—Navy Programs

SEC. 131. NUCLEAR ATTACK SUBMARINES.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1996—

(A) $700,000,000 is available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class; and

(B) $804,498,000 is available for long-lead and advance construction and procurement of components for construction of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the New Attack Submarine), of which—

(i) $704,498,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which shall be built by Electric Boat Division; and

(ii) $100,000,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which shall be built by Newport News Shipbuilding.

(2) Of the amount authorized by section 201(2), $10,000,000 shall be available only for participation of Newport News Shipbuilding in the design of the submarine previously designated by the Navy as the New Attack Submarine.

(b) COMPETITION, REPORT, AND BUDGET REVISION LIMITATIONS.—(1) Of the amounts specified in subsection (a)(1), not more than $200,000,000 may be obligated or expended until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines to be constructed beginning—

(A) after fiscal year 1999, or

(B) if four submarines are procured as provided for in the plan described in subsection (c), after fiscal year 2001,

will be under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (k)) in which the Secretary solicits competitive proposals and awards the contract or contracts on the basis of price.

(2) Of the amounts specified in subsection (a)(1), not more than $1,000,000,000 may be obligated or expended until the Secretary of Defense, not later than March 15, 1996, accomplishes each of the following:

(A) Submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives

in accordance with subsection (c) the plan required by that subsection for a program to produce a more capable, less expensive nuclear attack submarine than the submarine design previously designated by the Navy as the New Attack Submarine.

(B) Notwithstanding any other provision of law, or the funding level in the President's budget for each year after fiscal year 1996, the Under Secretary of Defense (Comptroller) shall incorporate the costs of the plan required by subsection (c) in the Future Years Defense Program (FYDP) even if the total cost of that Program exceeds the President's budget.

(C) Directs that the Under Secretary of Defense for Acquisition and Technology conduct oversight over the development and improvement of the nuclear attack submarine program of the Navy. Officials of the Department of the Navy exercising management oversight of the program shall report to the Under Secretary of Defense for Acquisition and Technology with respect to that program.

(c) PLAN FOR FISCAL YEAR 1998, 1999, 2000, AND 2001 SUBMARINES.—(1) The Secretary of Defense shall, not later than March 15, 1996, develop (and submit to the committees specified in subsection (b)(2)(A)) a detailed plan for development of a program that will lead to production of a more capable, less expensive submarine than the submarine previously designated as the New Attack Submarine.

(2) As part of such plan, the Secretary shall provide for a program for the design, development, and procurement of four nuclear attack submarines to be procured during fiscal years 1998 through 2001, the purpose of which shall be to develop and demonstrate new technologies that will result in each successive submarine of those four being a more capable and more affordable submarine than the submarine that preceded it. The program shall be structured so that—

(A) one of the four submarines is to be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(B) in order to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines are to be constructed by the Electric Boat Division and the fiscal year 1999 and the fiscal year 2001 submarines are to be constructed by Newport News Shipbuilding;

(C) the design designated by the Navy for the submarine previously designated as the New Attack Submarine will be used as the base design by both contractors;

(D) each contractor shall be called upon to propose improvements, including design improvements, for each successive submarine as new and better technology is demonstrated and matures so that—

(i) each successive submarine is more capable and more affordable; and

(ii) the design for a future class of nuclear attack submarines will incorporate the latest, best, and most affordable technology; and

(E) the fifth and subsequent nuclear attack submarines to be built after the SSN–23 submarine shall be procured as required by subsection (b)(1).

(3) The plan under paragraph (1) shall—

(A) set forth a program to accomplish the design, development, and construction of the four submarines taking maximum advantage of a streamlined acquisition process, as provided under subsection (d);

(B) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003, with such submarine to be procured as required by subsection (b)(1);

(C) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates to be incorporated into the plan to design, develop, and procure the submarines;

(D) designate the fifth submarine to be procured as the lead ship in the next generation submarine class, unless the Secretary of the Navy, in consultation with the special submarine review panel described in subsection (f), determines that more submarines should be built before the design of the new class of submarines is fixed, in which case each such additional submarine shall be procured in the same manner as is required by subsection (b)(1); and

(E) identify the impact of the submarine program described in paragraph (1) on the remainder of the appropriation account known as ''Shipbuilding and Conversion, Navy'', as such impact relates to—

(i) force structure levels required by the October 1993 Department of Defense report entitled ''Report on the Bottom-Up Review'';

(ii) force structure levels required by the 1995 report on the Surface Ship Combatant Study that was carried out for the Department of Defense; and

(iii) the funding requirements for submarine construction, as a percentage of the total ship construction account, for each fiscal year throughout the FYDP.

(d) STREAMLINED ACQUISITION PROCESS.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of the submarine program under this section.

(e) ANNUAL REVISIONS TO PLAN.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual update to the plan required to be submitted under subsection (b). Each such update shall be submitted concurrent with the President's budget submission to Congress for each of fiscal years 1998 through 2002.

(f) SPECIAL SUBMARINE REVIEW PANEL.—(1) The plan under subsection (c) and each annual update under subsection (e) shall be reviewed by a special bipartisan congressional panel working with the Navy. The panel shall consist of three members of the Committee on Armed Services of the Senate, who shall be designated by the chairman of that committee, and three members of the Committee on National Security of the House of Representatives, who shall be designated by the chairman of that committee. The members of the panel shall be briefed by the Secretary of the Navy on the status of the submarine modernization program and the status of submarine-related research and development under this section.

(2) Not later than May 1 of each year, the panel shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the panel's findings and recommendations regarding the progress of the Secretary in procuring a more capable, less expensive submarine. The panel may recommend any funding adjustments it believes appropriate to achieve this objective.

(g) LINKAGE OF FISCAL YEAR 1998 AND 1999 SUBMARINES.—Funds referred to in subsection (a)(1)(B) that are available for the fiscal year 1998 and fiscal year 1999 submarines under this section may not be expended during fiscal year 1996 for the fiscal year 1998 submarine (other than for design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the fiscal year 1999 submarine.

(h) CONTRACTS AUTHORIZED.—The Secretary of the Navy is authorized, using funds available pursuant to paragraph (1)(B) of subsection (a), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1996 for—

(1) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

(2) advance construction of such components and other components for such submarines.

(i) ADVANCED RESEARCH PROJECTS AGENCY DEVELOPMENT OF ADVANCED TECHNOLOGIES.—(1) Of the amount provided in section 201(4) for the Advanced Research Projects Agency, $100,000,000 is available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the plan developed under subsection (c). Such advanced technologies shall include the following:

(A) Electric drive.
(B) Hydrodynamic quieting.
(C) Ship control automation.
(D) Solid-state power electronics.
(E) Wake reduction technologies.
(F) Superconductor technologies.
(G) Torpedo defense technologies.
(H) Advanced control concept.
(I) Fuel cell technologies.
(J) Propulsors.

(2) The Director of the Advanced Research Projects Agency shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies under paragraph (1). Such acquisition strategy shall be developed and implemented in concert with Electric Boat Division and Newport News Shipbuilding and the Navy.

(j) REFERENCES TO CONTRACTORS.—For purposes of this section—

(1) the contractor referred to as ''Electric Boat Division'' is the Electric Boat Division of the General Dynamics Corporation; and

(2) the contractor referred to as ''Newport News Shipbuilding'' is the Newport News Shipbuilding and Drydock Company.

(k) POTENTIAL COMPETITOR DEFINED.—For purposes of this section, the term ''potential competitor'' means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Of the amount appropriated for fiscal year 1996 for the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—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 $7,223,659,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased 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 September 30, 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1995.

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

SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

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

SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORIZATION FOR PROCUREMENT OF SIX VESSELS.—The Secretary of the Navy is authorized to construct six Arleigh Burke class destroyers in accordance with this section. Within the amount authorized to be appropriated pursuant to section 102(a)(3), $2,169,257,000 is authorized to be appropriated for construction (including advance procurement) for the Arleigh Burke class destroyers.

(b) CONTRACTS.—(1) The Secretary is authorized to enter into contracts in fiscal year 1996 for the construction of three Arleigh Burke class destroyers.

(2) The Secretary is authorized, in fiscal year 1997, to enter into contracts for the construction of the other three Arleigh Burke class destroyers covered by subsection (a), subject to the availability of appropriations for such destroyers.

(3) In awarding contracts for the six vessels covered by subsection (a), the Secretary shall continue the contract award pattern and sequence used by the Secretary for the procurement of Arleigh Burke class destroyers during fiscal years 1994 and 1995.

(4) A contract for construction of a vessel or vessels that is entered into in accordance with paragraph (1) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessel or vessels.

(c) USE OF AVAILABLE FUNDS.—(1) Subject to paragraph (2), the Secretary may take appropriate actions to use for full funding of a contract entered into in accordance with subsection (b)—

(A) any funds that, having been appropriated for shipbuilding and conversion programs of the Navy other than Arleigh Burke class destroyer programs pursuant to the authorization in section 102(a)(3), become excess to the needs of the Navy for such programs by reason of cost savings achieved for such programs;

(B) any unobligated funds that are available to the Secretary for shipbuilding and conversion for any fiscal year before fiscal year 1996; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1996, to complete the full funding of the contract.

(2) The Secretary may not, in the exercise of authority provided in subparagraph (A) or (B) of paragraph (1), obligate funds for a contract entered into in accordance with subsection (b) until 30 days after the date on which the Secretary submits to the congressional defense committees in writing a notification of the intent to obligate the funds. The notification shall set forth the source or sources of the funds and the amount of the funds from each such source that is to be so obligated.

SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUATING SEATS.

(a) PROGRAM AUTHORIZED.—The Secretary of the Navy shall establish a program to procure for, and install in, H–53E military transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) FUNDING.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

SEC. 137. T–39N TRAINER AIRCRAFT.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(1) an analysis of the proposed acquisition of such aircraft; and

(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.

(b) COVERED AIRCRAFT.—Subsection (a) applies to certain T–39 trainer aircraft that as of November 1, 1995 (1) are used by the Navy under a lease arrangement for the training of naval flight officers, and (2) are offered for sale to the Government.

SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than one-sixth of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before fiscal year 1996 for the activities and operations of such office, may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that funds have been obligated to equip nine Pioneer Unmanned Aerial Vehicle systems with the Common Automatic Landing and Recovery System (CARS).

Subtitle D—Air Force Programs

SEC. 141. B–2 AIRCRAFT PROGRAM.

(a) REPEAL OF LIMITATIONS.—The following provisions of law are repealed:

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

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

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

(b) CONVERSION OF LIMITATION TO ANNUAL REPORT REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) is amended—

(1) by striking out subsection (a);

(2) by striking out the matter in subsection (b) preceding paragraph (1) and inserting in lieu thereof the following:

''(a) ANNUAL REPORTING REQUIREMENT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that sets forth the finding of the Secretary (as of January 1 of such year) on each of the following matters:'';

(3) by striking out ''That'' in paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof ''Whether'';

(4) in paragraph (1), by striking out ''latest'' and all that follows through ''100–180'' and inserting in lieu thereof ''Requirements Correlation Matrix found in the user-defined Operational Requirements Document (as contained in Attachment B to a letter from the Secretary of Defense to Congress dated October 14, 1993)'';

(5) in paragraph (3), by striking out ''congressional defense'';

(6) in paragraph (4), by striking out ''such certification to be submitted'';

(7) by adding at the end the following:

''(b) FIRST REPORT.—The Secretary shall submit the first annual report under subsection (a) not later than March 1, 1996.''; and

(8) by amending the section heading to read as follows:

''SEC. 112. ANNUAL REPORT ON B–2 BOMBER AIRCRAFT PROGRAM.''.

(c) REPEAL OF CONDITION ON OBLIGATION OF FUNDS IN ENHANCED BOMBER CAPABILITY FUND.—Section 133(d)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688) is amended by striking out ''If,'' and all that follows through ''bombers, the Secretary'' and inserting in lieu thereof ''The Secretary''.

SEC. 142. PROCUREMENT OF B–2 BOMBERS.

Of the amount authorized to be appropriated by section 103 for the B–2 bomber procurement program, not more than $279,921,000 may be obligated or expended before March 31, 1996.

SEC. 143. MC–130H AIRCRAFT PROGRAM.

The limitation on the obligation of funds for payment of an award fee and the procurement of contractor-furnished equipment for the MC–130H Combat Talon aircraft set forth in section 161(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1388) shall cease to apply upon determination by the Director of Operational Test and Evaluation (and submission of a certification of that determination to the congressional defense committees) that, based on the operational test and evaluation and the analysis conducted on that aircraft to the date of that determination, such aircraft is operationally effective and meets the needs of its intended users.

Subtitle E—Chemical Demilitarization Program

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

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

SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) ASSESSMENT OF ALTERNATIVES.— (1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with the National Research Council.

(3) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

(4) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the

Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.

(d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.—(1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.

(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

(3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—Section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note) is amended to read as follows:

''(g) PAY AND EXPENSES.—Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for Citizens' Advisory Commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).''.

(b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS' ADVISORY COMMISSIONERS.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out ''(g) ANNUAL REPORT.—'' and inserting in lieu thereof ''(g) PERIODIC REPORTS.—'';

(2) in paragraph (2)—

(A) by striking out ''Each such report shall contain—'' and inserting in lieu thereof ''Each annual report shall contain—''

(B) in subparagraph (B)—

(i) by striking out ''and'' at the end of clause (iv);

(ii) by striking out the period at the end of clause (v) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).'';

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

(4) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report.''; and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out ''this subsection'' and inserting in lieu thereof ''paragraph (1)''; and

(B) by adding at the end the following: ''No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).''.

(c) DIRECTOR OF PROGRAM.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting ''or civilian equivalent'' after ''general officer''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $4,737,581,000.

(2) For the Navy, $8,474,783,000.

(3) For the Air Force, $12,914,868,000.

(4) For Defense-wide activities, $9,693,180,000, of which—

(A) $251,082,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,088,879,000 shall be available for basic research and exploratory development projects.

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

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

(a) COUNCIL MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

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

(2) by striking out paragraph (3);

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

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

(b) ANNUAL REPORT.—(1) Section 2902 of such title is amended in subsection (d)—

(A) by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) To prepare an annual report that contains the following:

''(A) A description of activities of the strategic environmental research and development program carried out during the fiscal year before the fiscal year in which the report is prepared.

''(B) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

''(C) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.''; and

(B) in paragraph (4), by striking out ''Federal Coordinating Council on Science, Engineering, and Technology'' and inserting in lieu thereof ''National Science and Technology Council''.

(2) Section 2902 of such title is further amended—

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

(B) by redesignating subsection (g) as subsection (f); and

(C) by adding at the end the following new subsection:

''(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense the annual report prepared pursuant to subsection (d)(3).

''(2) Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.''.

(3) The amendments made by this subsection shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.

(c) POLICIES AND PROCEDURES.—Section 2902(e) of such title is amended in paragraph (3) by striking out ''programs, particularly'' and all that follows through the end of the paragraph and inserting in lieu thereof ''programs;''.

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

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

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

(e) CONTINUATION OF EXPIRING AUTHORITY.—(1) Section 2903(d) of such title is amended in paragraph (2) by striking out the last sentence.

(2) The amendment made by paragraph (1) shall take effect as of September 29, 1995.

SEC. 204. DEFENSE DUAL USE TECHNOLOGY INITIATIVE.

(a) FISCAL YEAR 1996 AMOUNT.—Of the amount authorized to be appropriated in section 201(4), $195,000,000 shall be available for the defense dual use technology initiative conducted under chapter 148 of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR EXISTING TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense shall use amounts made available for the defense dual use technology initiative under subsection (a) only for the purpose of continuing or completing technology reinvestment projects that were initiated before October 1, 1995.

(c) NOTICE CONCERNING PROJECTS TO BE CARRIED OUT.—Of the amounts made available for the defense dual use technology initiative under subsection (a)—

(1) $145,000,000 shall be available for obligation only after the date on which the Secretary of Defense notifies the congressional defense committees regarding the defense reinvestment projects to be funded using such funds; and

(2) the remaining $50,000,000 shall be available for obligation only after the date on which the Secretary of Defense certifies to the congressional defense committees that the defense reinvestment projects to be funded using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable rocket technology program.

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

SEC. 212. TACTICAL MANNED RECONNAISSANCE.

(a) LIMITATION.—None of the amounts appropriated or otherwise made available pursuant to

an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission until the report required by subsection (b) is submitted to the congressional defense committees.

(b) REPORT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth in detail information about the manner in which the funds authorized by section 201 of this Act and section 201 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2690) are planned to be used during fiscal year 1996 for research, development, test, and evaluation for the Air Force tactical manned reconnaissance mission. At a minimum, the report shall include the sources, by program element, of the funds and the purposes for which the funds are planned to be used.

SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $200,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $83,795,000 shall be available for program element 63800N in the budget of the Department of Defense for fiscal year 1996;

(2) $85,686,000 shall be available for program element 63800F in such budget; and

(3) $30,675,000 shall be available for program element 63800E in such budget.

(b) ADDITIONAL ALLOCATION.—Of the amounts made available under paragraphs (1), (2), and (3) of subsection (a)—

(1) $25,000,000 shall be available from the amount authorized to be appropriated pursuant to the authorization in section 201(2) for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F–117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $7,000,000 shall be available to provide for competitive engine concepts.

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

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

(1) The total joint requirement, assuming the capability to successfully conduct two nearly simultaneous major regional contingencies, for the following:

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

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

(C) Cruise missiles.

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

(2) The warning time assumptions for two nearly simultaneous major regional contingencies, and the effects on future tactical attack/fighter aircraft requirements using other warning time assumptions.

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

SEC. 214. DEVELOPMENT OF LASER PROGRAM.

Of the amount authorized to be appropriated by section 201(2), $9,000,000 shall be used for the development by the Naval High Energy Laser Office of a continuous wave, superconducting radio frequency free electron laser program.

SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) by striking out ''Director, Defense Research and Engineering'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(2) by striking out ''fiscal years 1995 through 1999'' and inserting in lieu thereof ''fiscal years 1996 through 1999''.

SEC. 216. SPACE-BASED INFRARED SYSTEM.

(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Such baseline shall—

(1) include—

(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscal year in which such activities are planned to be carried out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;

(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and

(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).

(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space-Based Infrared System shall be set forth in accordance with the following program elements:

(1) Space Segment High.

(2) Space Segment Low (Space and Missile Tracking System).

(3) Ground Segment.

(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:

(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.

(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.

SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $241,703,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount made available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount made available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;

(B) sustaining the supporting industrial base; and

(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

(d) ELECTROTHERMAL GUN TECHNOLOGY PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the electrothermal gun technology program of the Defense Nuclear Agency.

SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $138,237,000 shall be available for the Counterproliferation Support Program, of which $30,000,000 shall be available for a tactical antisatellite technologies program.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1845). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 219. NONLETHAL WEAPONS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) The role of the United States military in operations other than war has increased.

(2) Weapons and instruments that are nonlethal in application yet immobilizing could

have widespread operational utility and application.

(3) The use of nonlethal weapons in operations other than war poses a number of important doctrine, legal, policy, and operations questions which should be addressed in a comprehensive and coordinated manner.

(4) The development of nonlethal technologies continues to spread across military and agency budgets.

(5) The Department of Defense should provide improved budgetary focus and management direction to the nonlethal weapons program.

(b) RESPONSIBILITY FOR DEVELOPMENT OF NONLETHAL WEAPONS TECHNOLOGY.—Not later than February 15, 1996, the Secretary of Defense shall assign centralized responsibility for development (and any other functional responsibility the Secretary considers appropriate) of nonlethal weapons technology to an existing office within the Office of the Secretary of Defense or to a military service as the executive agent.

(c) REPORT.—Not later than February 15, 1996, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The name of the office or military service assigned responsibility for the nonlethal weapons program by the Secretary of Defense pursuant to subsection (b) and a discussion of the rationale for such assignment.

(2) The degree to which nonlethal weapons are required by more than one of the armed forces.

(3) The time frame for the development and deployment of such weapons.

(4) The appropriate role of the military departments and defense agencies in the development of such weapons.

(5) The military doctrine, legal, policy, and operational issues that must be addressed by the Department of Defense before such weapons achieve operational capability.

(d) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for nonlethal weapons programs and nonlethal technologies programs.

(e) DEFINITION.—For purposes of this section, the term ''nonlethal weapon'' means a weapon or instrument the effect of which on human targets is less than fatal.

SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an ''FFRDC'') or a university-affiliated research center (in this section referred to as a ''UARC'') only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.

(2) The plan shall—

(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and

(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection.

SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

Of the amount authorized to be appropriated under section 201(3), $9,500,000 shall be available for fiscal year 1996 (in program element 61101F in the budget of the Department of Defense for fiscal year 1996) for continuation of the Joint Seismic Program and Global Seismic Network.

SEC. 222. HYDRA–70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(1) for Other Missile Product Improvement Programs, $10,000,000 is authorized to be appropriated for a Hydra–70 rocket product improvement program and to be made available under such program for full qualification and operational platform certification of a Hydra–70 rocket described in subsection (b) for use on the Apache attack helicopter.

(b) HYDRA–70 ROCKET COVERED.—The Hydra–70 rocket referred to in subsection (a) is any Hydra–70 rocket that has as its propulsion component a 2.75-inch rocket motor that is a nondevelopmental item and uses a composite propellant.

(c) COMPETITION REQUIRED.—The Secretary of the Army shall conduct the product improvement program referred to in subsection (a) with full and open competition.

(d) SUBMISSION OF TECHNICAL DATA PACKAGE REQUIRED.—Upon the full qualification and operational platform certification of a Hydra–70 rocket as described in subsection (a), the contractor providing the rocket so qualified and certified shall submit the technical data package for the rocket to the Secretary of the Army. The Secretary shall use the technical data package in competitions for contracts for the procurement of Hydra–70 rockets described in subsection (b) for the Army.

(e) DEFINITIONS.—For purposes of this section, the terms ''full and open competition'' and ''nondevelopmental item'' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL RECEIPT OF ELECTRONIC COMBAT CONSOLIDATION MASTER PLAN.

(a) LIMITATION.—Not more than 75 percent of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for test and evaluation program elements 65896A, 65864N, 65807F, and 65804D in the budget of the Department of Defense for fiscal year 1996 may be obligated until 14 days after the date on which the congressional defense committees receive the plan specified in subsection (b).

(b) PLAN.—The plan referred to in subsection (a) is the master plan for electronic combat consolidation described under Defense-Wide Programs under Research, Development, Test, and Evaluation in the Report of the Committee on Armed Services of the House of Representatives on H.R. 4301 (House Report 103–499), dated May 10, 1994.

SEC. 224. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON SCIENCE AND TECHNOLOGY RESCISSIONS.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—None of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of rescissions for science and technology described in subsection (b).

(b) DESCRIPTION OF RESCISSIONS.—The rescissions for science and technology covered by subsection (a) are the Army, Navy, Air Force, and Defense-wide science and technology (1995/1996) rescissions that are made by the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6), as set forth in the Joint Explanatory Statement of the Committee of Conference in the conference report accompanying that Act (House Report 104–101).

SEC. 225. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—Not more than 50 percent of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.

(2) Reductions to reflect savings from revised economic assumptions.

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.

(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 226. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader; and

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader program after August 15, 1996, unless—

(1) the report required by subsection (c) has been submitted by that date; and

(2) such report includes documentation of significant progress, as determined by the Secretary, toward meeting the objectives for the liquid propellant portion of the program, as set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995.

(c) REPORT REQUIRED.—Not later than August 1, 1996, the Secretary of the Army shall submit to the congressional defense committees a report containing documentation of the progress being made in meeting the objectives set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995. The report shall specifically address the progress being made toward meeting the following objectives:

(1) Establishment of breech and ignition design criteria for rate of fire for the cannon of the Crusader.

(2) Selection of a satisfactory ignition concept for the next prototype of the cannon.

(3) Selection, on the basis of modeling and simulation, of design concepts to prevent chamber piston reversals, and validation of the selected concepts by gun and mock chamber firings.

(4) Achievement of an understanding of the chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone, and achievement, on the basis of modeling and simulation, of an ignition process that is predictable.

(5) Completion of an analysis of the management of heat dissipation for the full range of performance requirements for the cannon, completion of concept designs supported by that analysis, and proposal of such concept designs for engineering.

(6) Development, for integration into the next prototype of the cannon, of engineering designs to control pressure oscillations in the chamber of the cannon during firing.

(7) Completion of an assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon, and documentation of predictable reactions of contaminated or sensitized liquid propellant.

(d) ADDITIONAL MATTERS TO BE COVERED BY REPORT.—The report required by subsection (c) also shall contain the following:

(1) An assertion that all the known hazards associated with liquid propellant have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader (the cannon, vehicle, and crew module), including, for each performance goal of the Crusader program (including the goal for total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader after August 1, 1996, and the cost of each unit of the Crusader in the year the Crusader will be completed.

SEC. 227. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for explosives demilitarization technology, $15,000,000 shall be available to establish an integrated program for the development and demonstration of conventional munitions and explosives demilitarization technologies that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives.

SEC. 228. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) LIMITATION.—Not more than three percent of the total amount appropriated for research and development under the Defense Airborne Reconnaissance program pursuant to the authorizations of appropriations in section 201 may be obligated for systems engineering and technical assistance (SETA) contracts until—

(1) funds are obligated (out of such appropriated funds) for—

(A) the upgrade of U–2 aircraft senior year electro-optical reconnaissance sensors to the newest configuration; and

(B) the upgrade of the U–2 SIGINT system; and

(2) the Under Secretary of Defense for Acquisition and Technology submits the report required under subsection (b).

(b) REPORT ON U–2-RELATED UPGRADES.—(1) Not later than April 1, 1996, the Under Secretary of Defense for Acquisition and Technology shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on obligations of funds for upgrades relating to airborne reconnaissance by U–2 aircraft.

(2) The report shall set forth the specific purposes under the general purposes described in subparagraphs (A) and (B) of subsection (a)(1) for which funds have been obligated (as of the date of the report) and the amounts that have been obligated (as of such date) for those specific purposes.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.

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

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The emerging threat that is posed to the national security interests of the United States by the proliferation of ballistic missiles is significant and growing, both in terms of numbers of missiles and in terms of the technical capabilities of those missiles.

(2) The deployment of ballistic missile defenses is a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of the means of their delivery and to defend against the consequences of such proliferation.

(3) The deployment of effective Theater Missile Defense systems can deter potential adversaries of the United States from escalating a conflict by threatening or attacking United States forces or the forces or territory of coalition partners or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(4) United States intelligence officials have provided intelligence estimates to congressional committees that (A) the trend in missile proliferation is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new, indigenously developed ballastic missile threat to the continental United States is not foreseen within the next ten years, determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(5) The development and deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(6) The concept of mutual assured destruction (based upon an offense-only form of deterrence), which is the major philosophical rationale underlying the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) The development and deployment of a National Missile Defense system against the threat of limited ballistic missile attacks—

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

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

(8) The distinction made during the Cold War, based upon the technology of the time, between strategic ballistic missiles and nonstrategic ballistic missiles, which resulted in the distinction made in the ABM Treaty between strategic defense and nonstrategic defense, has become obsolete because of technological advancement (including the development by North Korea of long-range Taepo-Dong I and Taepo-Dong II missiles) and, therefore, that distinction in the ABM Treaty should be reviewed.

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States;

(2) to—

(A) deploy a National Missile Defense system that—

(i) is affordable and operationally effective against limited, accidental, or unauthorized ballistic missile attacks on the territory of the United States; and

(ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;

(B) initiate negotiations with the Russian Federation as necessary to provide for the National Missile Defense system specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty, subject to consultations between the President and the Congress;

(3) to ensure congressional review, before deployment of the system specified in paragraph (2), of (A) the affordability and operational effectiveness of such system, (B) the threat to be countered by such a system, and (C) ABM Treaty considerations with respect to such a system; and

(4) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and

(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and follow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with respect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered.

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM TREATY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular Theater Missile Defense system with the ABM Treaty, the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall be made not later than 60 days after the date of the enactment of this Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM Treaty that differs from the policy of the United States specified in section 237(b)(1), the Secretary shall include with the transmittal under that paragraph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy of the United States specified in section 237(b)(1); and

(B) how the application of that policy (rather than the policy specified in section 237(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in paragraph (2) of section 233, the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the type of space-based sensors known as ABM-adjunct sensors (and specifically including the system known as the Space and Missile Tracking System), such ABM-adjunct sensors—

(A) not being prohibited by the ABM Treaty; and

(B) being capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

(4) Battle management, command, control, and communications (BM/C³).

(c) IMPLEMENTATION.—The Secretary shall—

(1) during fiscal year 1996 initiate required preparatory and planning actions (such as initial site surveys and selection and planning for the necessary environmental impact studies) that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in subsection (a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C³ elements) that are representative of and traceable to the national missile defense system architecture specified in subsection (b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in subsection (b); and

(4) develop an affordable NMD follow-on program which—

(A) leverages off of the NMD system specified in subsection (a), and

(B) can augment that system, as the threat changes, to provide for a layered defense.

(d) REPORT ON PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary's plan for carrying out this section.

(2) The Secretary's estimate of the appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in subsection (a).

(3) A sensitivity analysis of options to improve the effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(4) A determination of the point at which any activity that is required to be carried out under this section and section 233(2) would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in subsection (a).

SEC. 236. POLICY REGARDING THE ABM TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(2) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(3) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(4) The policies, programs, and requirements of this subtitle can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

(5) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

(b) ABM TREATY NEGOTIATIONS.—In light of the findings in subsection (a), Congress urges the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow—

(1) deployment of multiple ground-based ABM sites to provide effective defense of the territory of the United States against limited ballistic missile attack;

(2) the unrestricted exploitation of sensors based within the atmosphere and in space; and

(3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

SEC. 237. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty ; and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

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

SEC. 238. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

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

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

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

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

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

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

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

SEC. 239. ABM TREATY DEFINED.

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

SEC. 240. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) The Corps Surface-to-Air Missile (SAM) system.

(6) Other Theater Missile Defense Activities.

(7) National Missile Defense.

(8) Follow-On and Support Technologies.

(b) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.

(c) BM/C³I PROGRAMS.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C³I) shall be included in the ''Other Theater Missile Defense Activities'' program element or the ''National Missile Defense'' program element, as determined on the basis of the primary objectives involved.

(d) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

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

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

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

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

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

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

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

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

SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

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

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

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

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

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

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

(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).

(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

(9) Section 2609 of title 10, United States Code.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 261. PRECISION-GUIDED MUNITIONS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall perform an analysis of the full range of precision-guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision-guided munitions that are needed to provide complementary capabilities against each target class.

(2) The feasibility of carrying out joint development and procurement of additional types of munitions by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision-guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing the acquisition of—

(A) interim precision-guided munitions; or

(B) precision-guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) REPORT.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision-guided munitions;

(B) avoids duplication and redundancy in the precision-guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision-guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision-guided munition for initial low-rate production.

(c) FUNDING LIMITATION.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision-guided munitions after April 15, 1996, unless the Secretary of Defense has submitted the report under subsection (b).

(d) INTERIM PRECISION-GUIDED MUNITION DEFINED.—For purposes of subsection (c), a precision-guided munition is an interim precision-guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 that are covered by the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.

SEC. 262. REVIEW OF C⁴I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C⁴I) with a special focus on cross-service and inter-service issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide C⁴I programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide C⁴I systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for C⁴I.

(4) Proposed strategies for ensuring that future C⁴I acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the C⁴I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

(d) REPORTS.—(1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C⁴I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

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

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

SEC. 264. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out ''calendar year'' and inserting in lieu thereof ''fiscal year''; and

(2) by striking out ''the year after the year'' and inserting in lieu thereof ''the fiscal year after the fiscal year''.

SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the Nation's long-term national security interests for the United States to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) It is in the national security and economic interests of the United States and the budgetary interests of the Department of Defense for the department to encourage the establishment of active partnerships between the department and other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities.

(b) REVIEW.—The Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b).

(2) The report shall include the following:

(A) The options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry.

(B) The projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(C) Recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

Subtitle F—Other Matters

SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.

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

(1) in subsection (a), by striking out ''to help achieve'' and all that follows through the end of the subsection and inserting in lieu thereof ''to ensure that lithographic processes being developed by United States-owned companies or United States-incorporated companies operating in the United States will lead to superior performance electronics systems for the Department of Defense.'';

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

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

(3) in subsection (c)—

(A) by inserting ''Defense'' before ''Advanced''; and

(B) by striking out ''ARPA'' both places it appears and inserting in lieu thereof ''DARPA''; and

(4) by adding at the end the following:

''(d) DEFINITIONS.—In this section:

''(1) The term 'United States-owned company' means a company the majority ownership or control of which is held by citizens of the United States.

''(2) The term 'United States-incorporated company' means a company that the Secretary of Defense finds is incorporated in the United States and has a parent company that is incorporated in a country—

''(A) that affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in

any joint venture similar to those authorized under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

''(B) that affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

''(C) that affords adequate and effective protection for the intellectual property rights of United States-owned companies.''.

SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG-M) SYSTEM.

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

(A) 44 enhanced fiber optic guided test missiles.

(B) 256 fully operational enhanced fiber optic guided missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG-M) system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

(3) The Secretary of the Army may not enter into an advanced development phase for the EFOG-M system unless—

(A) an advanced concept technology demonstration of the system has been successfully completed; and

(B) the Secretary certifies to the congressional defense committees that there is a requirement for the EFOG-M system that is supported by a cost and operational effectiveness analysis.

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

SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

''(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be (to be determined in consultation with the Secretary of Defense);''.

SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EFFORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.

(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

(d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.

(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

(f) DEFINITION.—For the purposes of this section, the term ''cruise missile defense programs'' means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

SEC. 275. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out ''shall'' both places it appears and inserting in lieu thereof ''may''; and

(2) in subsection (e), by striking out the sentence beginning with ''Such selection process''.

SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended—

(A) by striking out ''Science and''; and

(B) by inserting after the first sentence the following: ''The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.''.

(3) Subsection (c) is amended—

(A) by inserting ''(1)'' after ''(c) EXECUTION.—''; and

(B) by adding at the end the following:

''(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.''.

(4) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out ''or'' at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) will be carried out by an institution of higher education.''; and

(B) by adding at the end the following new paragraphs:

''(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost is two to one.''

''(4) If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of subchapter IV of chapter 148 of title 10, United States Code, is amended to read as follows:

''2525. Manufacturing Technology Program.''.

SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense, acting through the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, and the Vice Chief of Staff of the Air Force (in their roles as test and evaluation executive agent board of directors) shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) PREVIOUSLY DEVELOPED DATA REQUIRED TO BE USED.—In developing the plan, the Secretary shall use the following:

(1) Data and results obtained by the Test and Evaluation Joint Cross-Service Group and the Laboratory Joint Cross-Service Group in developing recommendations for the 1995 report of the Defense Base Closure and Realignment Commission.

(2) The report dated March 1994 on the consolidation and streamlining of the test and evaluation infrastructure, commissioned by the test and evaluation board of directors, along with all supporting data and reports.

(d) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider, at a minimum, the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary) support.

(B) Weapons support.

(C) Space systems support.

(D) Support of command, control, communications, computers, and intelligence.

(2) The extent to which any military construction, acquisition of equipment, or modernization of equipment is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The total cost to the Federal Government of continuing to operate the laboratories and centers.

(5) The cost savings and program effectiveness of locating laboratories and centers at the same sites.

(6) Any loss of expertise resulting from the consolidations.

(7) Whether any legislation is neccessary to provide the Secretary with any additional authority necessary to accomplish the downsizing and consolidation of the laboratories and centers.

(e) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan. The report shall include an identification of any additional legislation that the Secretary considers necessary in order for the Secretary to accomplish the downsizing and consolidation of the laboratories and centers.

(f) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization of appropriations in section 201 for the central test and evaluation investment development program, not more than 75 percent may be obligated before the report required by subsection (e) is submitted to Congress.

SEC. 278. LIMITATION ON T–38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T–38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term ''United States entity'' means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 279. GLOBAL POSITIONING SYSTEM.

(a) CONDITIONAL PROHIBITION ON USE OF SELECTIVE AVAILABILITY FEATURE.—Except as provided in subsection (b), after May 1, 1996, the Secretary of Defense may not (through use of the feature known as ''selective availability'') deny access of non-Department of Defense users to the full capabilities of the Global Positioning System.

(b) PLAN.—Subsection (a) shall cease to apply upon submission by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of a plan for enhancement of the Global Positioning System that provides for—

(1) development and acquisition of effective capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system, together with a specific date by which those capabilities could be operational; and

(2) development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption, together with a specific date by which those receivers and other techniques could be operational with United States military forces.

SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 763) is amended by striking out ''to make available'' and all that follows and inserting in lieu thereof ''to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of those areas in the center that are designated for general use.''.

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read as follows:

''(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

''(2) The Foundation, or NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design, renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials for the center.''.

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—Subsection (d) of such section is amended to read as follows:

''(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional or unconditional donation of money or property that is made for the benefit of, or in connection with, the center.

''(2) Notwithstanding any other provision of law, the Secretary may endorse, promote, and assist the efforts of the Foundation and NSC Discovery Center, Incorporated, to obtain—

''(A) funds for the management, operation, and maintenance of the center; and

''(B) donations of exhibits, equipment, and other property for use in the center.

''(3) The Secretary may not accept a donation under this subsection that is made subject to—

''(A) any condition that is inconsistent with an applicable law or regulation; or

''(B) except to the extent provided in appropriations Acts, any condition that would necessitate an expenditure of appropriated funds.

''(4) The Secretary shall prescribe in regulations the criteria to be used in determining whether to accept a donation. The Secretary shall include criteria to ensure that acceptance of a donation does not establish an unfavorable appearance regarding the fairness and objectivity with which the Secretary or any other officer or employee of the Department of Defense performs official responsibilities and does not compromise or appear to compromise the integrity of a Government program or any official involved in that program.''.

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in paragraph (1) of subsection (f), as redesignated by paragraph (2), by inserting ''areas designated for use by the Army in'' after ''The Secretary may make''.

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGEMENT.—Such section, as amended by subsection (d), is further amended by adding at the end the following:

''(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGEMENT OF THE CENTER.—(1) The Secretary may enter into an agreement with NSC Discovery Center, Incorporated, to develop, manage, and maintain a national science center under this section. In entering into an agreement with NSC Discovery Center, Incorporated, the Secretary may agree to any term or condition to which the Secretary is authorized under this section to agree for purposes of entering into an agreement with the Foundation.

''(2) The Secretary may exercise the authority under paragraph (1) in addition to, or instead of, exercising the authority provided under this section to enter into an agreement with the Foundation.''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,746,695,000.

(2) For the Navy, $21,493,155,000.

(3) For the Marine Corps, $2,521,822,000.

(4) For the Air Force, $18,719,277,000.

(5) For Defense-wide activities, $9,910,476,000.

(6) For the Army Reserve, $1,129,191,000.

(7) For the Naval Reserve, $868,342,000.

(8) For the Marine Corps Reserve, $100,283,000.

(9) For the Air Force Reserve, $1,516,287,000.

(10) For the Army National Guard, $2,361,808,000.

(11) For the Air National Guard, $2,760,121,000.

(12) For the Defense Inspector General, $138,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,422,200,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,876,525,000.

(17) For support for the 1996 Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $300,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.

(2) For the National Defense Sealift Fund, $1,024,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.

Of the amounts authorized to be appropriated pursuant to this Act, there shall be made available to the Civil Air Patrol $24,500,000, of which $14,704,000 shall be made available for the Civil Air Patrol Corporation.

Subtitle B—Depot-Level Activities

SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense does not have a comprehensive policy regarding the performance of depot-level maintenance and repair of military equipment.

(2) The absence of such a policy has caused the Congress to establish guidelines for the performance of such functions.

(3) It is essential to the national security of the United States that the Department of Defense maintain an organic capability within the department, including skilled personnel, technical competencies, equipment, and facilities, to perform depot-level maintenance and repair of military equipment in order to ensure that the Armed Forces of the United States are able to meet training, operational, mobilization, and emergency requirements without impediment.

(4) The organic capability of the Department of Defense to perform depot-level maintenance and repair of military equipment must satisfy known and anticipated core maintenance and repair requirements across the full range of peacetime and wartime scenarios.

(5) Although it is possible that savings can be achieved by contracting with private-sector sources for the performance of some work currently performed by Department of Defense depots, the Department of Defense has not determined the type or amount of work that should be performed under contract with private-sector sources nor the relative costs and benefits of contracting for the performance of such work by those sources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a compelling need for the Department of Defense to articulate known and anticipated core maintenance and repair requirements, to organize the resources of the Department of Defense to meet those requirements economically and efficiently, and to determine what work should be performed by the private sector and how such work should be managed.

(c) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense that maintains the capability described in section 2464 of title 10, United States Code.

(d) CONTENT OF POLICY.—In developing the policy, the Secretary of Defense shall do each of the following:

(1) Identify for each military department, with the concurrence of the Secretary of that military department, those depot-level maintenance and repair activities that are necessary to ensure the depot-level maintenance and repair capability as required by section 2464 of title 10, United States Code.

(2) Provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(3) Provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities that—

(A) is of the proper size (i) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to mobilizations and military contingencies, and (ii) to provide for rapid augmentation in time of emergency; and

(B) is assigned sufficient workload to ensure cost efficiency and technical proficiency in time of peace.

(4) Address environmental liability.

(5) In the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private-sector competition and technical capabilities.

(6) Address issues concerning exchange of technical data between the Federal Government and the private sector.

(7) Provide for, in the Secretary's discretion and after consultation with the Secretaries of the military departments, the transfer from one military department to another, in accordance with merit-based selection processes, workload that supports the core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(8) Require that, in any competition for a workload (whether among private-sector sources or between depot-level activities of the Department of Defense and private-sector sources), bids are evaluated under a methodology that ensures that appropriate costs to the Government and the private sector are identified.

(9) Provide for the performance of maintenance and repair for any new weapons systems defined as core, under section 2464 of title 10, United States Code, in facilities owned and operated by the United States.

(e) CONSIDERATIONS.—In developing the policy, the Secretary shall take into consideration the following matters:

(1) The national security interests of the United States.

(2) The capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(3) Any applicable recommendations of the Defense Base Closure and Realignment Commission that are required to be implemented under the Defense Base Closure and Realignment Act of 1990.

(4) The extent to which the readiness of the Armed Forces would be affected by a necessity to construct new facilities to accommodate any redistribution of depot-level maintenance and repair workloads that is made in accordance with the recommendation of the Defense Base Closure and Realignment Commission, under the Defense Base Closure and Realignment Act of 1990, that such workloads be consolidated at Department of Defense depots or private-sector facilities.

(5) Analyses of costs and benefits of alternatives, including a comparative analysis of—

(A) the costs and benefits, including any readiness implications, of any proposed policy to convert to contractor performance of depot-level maintenance and repair workloads where the workload is being performed by Department of Defense personnel; and

(B) the costs and benefits, including any readiness implications, of a policy to transfer depot-level maintenance and repair workloads among depots.

(f) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking out the items relating to sections 2466 and 2469.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision that specifically states one of the following:

(A) ''The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved.''; or

(B) ''The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:'' (with the modifications being stated in matter appearing after the colon).

(g) ANNUAL REPORT.—If legislation referred to in subsection (f)(3) is enacted, the Secretary of Defense shall, not later than March 1 of each year (beginning with the year after the year in which such legislation is enacted), submit to Congress a report that—

(1) specifies depot maintenance core capability requirements determined in accordance with the procedures established to comply with the policy prescribed pursuant to subsections (d)(2) and (d)(3);

(2) specifies the planned amount of workload to be accomplished by the depot-level activities of each military department in support of those requirements for the following fiscal year; and

(3) identifies the planned amount of workload, which—

(A) shall be measured by direct labor hours and by amounts to be expended; and

(B) shall be shown separately for each commodity group.

(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (c) through (e) of this section.

(2) Not later than 45 days after the date on which the Secretary submits to Congress the report required by subsection (c), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under such subsection.

(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall, to the maximum extent practicable, include the following:

(1) An analysis of the need for and effect of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Governmental personnel, including a description of the effect on military readiness and the national security resulting from that requirement and a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(2) An analysis of the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution.

(3) A projection of the distribution during the five fiscal years beginning with fiscal year 1997

of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution that would be accomplished under a new policy as required under subsection (c).

(j) OTHER REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (i). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than 45 days after the date on which the Secretary of Defense submits to Congress the report required under subsection (i), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the report submitted under that subsection.

SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2472. Management of depot employees

''(b) ANNUAL REPORT.—Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees.''.

(b) TRANSFER OF SUBSECTION.—Subsection (b) of section 2466 of title 10, United States Code, is transferred to section 2472 of such title, as added by subsection (a), redesignated as subsection (a), and inserted after the section heading.

(c) SUBMISSION OF INITIAL REPORT.—The report under subsection (b) of section 2472 of title 10, United States Code, as added by subsection (a), for fiscal year 1996 shall be submitted not later than March 15, 1996 (notwithstanding the date specified in such subsection).

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2472. Management of depot employees.''.

SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

''(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

Subtitle C—Environmental Provisions

SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

''(d) SERVICES OF OTHER AGENCIES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

''(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities.''.

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $10,000,000.

(B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year 1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code is amended to read as follows:

''(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

''(1) Amounts recovered under CERCLA for response actions of the Secretary.

''(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.''.

SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It shall be the goal of the Secretary of Defense to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to Congress a report that contains specific, detailed information on—

(1) the extent to which the Secretary has attained the goal described in subsection (a) as of the date of the submission of the report; and

(2) if the Secretary has not attained such goal by such date, the actions the Secretary plans to take to attain the goal.

SEC. 324. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

''(2)(A) The Secretary shall prescribe regulations regarding the establishment, characteristics, composition, and funding of restoration advisory boards pursuant to this subsection.

''(B) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.''.

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

''(3) The Secretary may authorize the commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).''.

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

''(e) TECHNICAL ASSISTANCE.—(1) The Secretary may, upon the request of the technical review committee or restoration advisory board for an installation, authorize the commander of the installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and the restoration activities conducted, or proposed to be conducted, at the installation. The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

''(2) The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

''(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained; or

''(B) the technical assistance—

''(i) is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

''(ii) is likely to contribute to community acceptance of environmental restoration activities at the installation.''.

(d) FUNDING.—(1) Such section is further amended by adding at the end the following new subsection:

''(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available for administrative expenses and technical assistance under this section using funds in the following accounts:

''(1) In the case of a military installation not approved for closure pursuant to a base closure

law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

''(2) In the case of an installation approved for closure pursuant to such a law, the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $6,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding after subsection (g) (as added by subsection (d)) the following new subsection:

''(h) DEFINITION.—In this section, the term 'base closure law' means the following:

''(1) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(3) Section 2687 of this title.''.

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:

''(J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.''.

SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

''(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

''(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with such section. The Secretary of Defense shall require the use of a marine pollution control device on board a vessel of the Armed Forces in any case in which it is determined that the use of such a device is reasonable and practicable.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using the marine pollution control device;

''(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

''(v) applicable United States law;

''(vi) applicable international standards; and

''(vii) the economic costs of the installation and use of the marine pollution control device.

''(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

''(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with such section.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

''(5) DEADLINES; EFFECTIVE DATE.—

''(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

''(i) make the initial determinations under paragraph (2) not later than 2 years after the date of the enactment of this subsection; and

''(ii) every 5 years—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on significant new information.

''(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

''(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

''(ii) every 5 years—

''(I) review the standards; and

''(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

''(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

''(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

''(6) EFFECT ON OTHER LAWS.—

''(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

''(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control discharges from a vessel of the Armed Forces.

''(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

''(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

''(A) STATE PROHIBITION.—

''(i) IN GENERAL.—After the effective date of—

''(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

''(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

''(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

''(B) PROHIBITION BY THE ADMINISTRATOR.—

''(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

''(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

''(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

''(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

''(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

''(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

''(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

''(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

''(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

''(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

''(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

''(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking ''or''; and

(ii) by inserting ''or agency of the United States,'' after ''association,'';

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(12) 'discharge incidental to the normal operation of a vessel'—

''(A) means a discharge, including—

''(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

''(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

''(B) does not include—

''(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

''(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

''(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of the enactment of subsection (n));

''(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

''(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

''(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

''(14) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).''.

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking ''of this section or'' and inserting a comma; and

(B) by striking ''of this section shall'' and inserting '', or subsection (n)(8) shall''.

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking '''sewage from vessels''' and inserting '''sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces'''.

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources—

(1) to determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) to establish performance standards for marine pollution control devices on vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. OPERATION OF COMMISSARY SYSTEM.

(a) COOPERATION WITH OTHER ENTITIES.—Section 2482 of title 10, United States Code, is amended—

(1) in the section heading, by striking out ''**private**'';

(2) by inserting ''(a) PRIVATE OPERATION.—'' before ''Private persons''; and

(3) by adding at the end the following new subsection:

''(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) The Defense Commissary Agency, and any other agency of the Department of Defense that supports the operation of the commissary system, may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide services beneficial to the efficient management and operation of the commissary system.

''(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

''2482. Commissary stores: operation.''.

SEC. 332. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: ''unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor''.

SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after ''most competitive source'' the following: ''and distributed in the most economical manner''.

(b) DETERMINATION OF MOST ECONOMICAL DISTRIBUTION METHOD.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense provides the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including costs associated with management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

''(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).

''(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.''.

SEC. 334. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2643. Commissary and exchange services: transportation overseas

''The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2643. Commissary and exchange services: transportation overseas.''.

SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROJECT REQUIRED.—(1) The Secretary of Defense shall conduct a demonstration project to evaluate the feasibility of using only nonappropriated funds to support morale, welfare, and recreation programs at military installations in order to facilitate the procurement of property and services for those programs and the management of employees used to carry out those programs.

(2) Under the demonstration project—

(A) procurements of property and services for programs referred to in paragraph (1) may be carried out in accordance with laws and regulations applicable to procurements paid for with nonappropriated funds; and

(B) appropriated funds available for such programs may be expended in accordance with laws applicable to expenditures of nonappropriated funds as if the appropriated funds were nonappropriated funds.

(3) The Secretary shall prescribe regulations to carry out paragraph (2). The regulations shall provide for financial management and accounting of appropriated funds expended in accordance with subparagraph (B) of such paragraph.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary shall select not less than three and not more than six military installations to participate in the demonstration project.

(c) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project shall terminate not later than September 30, 1998.

(d) EFFECT ON EMPLOYEES.—For the purpose of testing fiscal accounting procedures, the Secretary may convert, for the duration of the demonstration project, the status of an employee who carries out a program referred to in subsection (a)(1) from the status of an employee paid by appropriated funds to the status of a nonappropriated fund instrumentality employee, except that such conversion may occur only—

(1) if the employee whose status is to be converted—

(A) is fully informed of the effects of such conversion on the terms and conditions of the employment of that employee for purposes of title 5, United States Code, and on the benefits provided to that employee under such title; and

(B) consents to such conversion; or

(2) in a manner which does not affect such terms and conditions of employment or such benefits.

(e) REPORTS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the implementation of this section.

(2) Not later than December 31, 1998, the Secretary shall submit to Congress a final report on the results of the demonstration project. The report shall include a comparison of—

(A) the cost incurred under the demonstration project in using employees paid by appropriated funds together with nonappropriated fund instrumentality employees to carry out the programs referred to in subsection (a)(1); and

(B) an estimate of the cost that would have been incurred if only nonappropriated fund instrumentality employees had been used to carry out such programs.

SEC. 336. OPERATION OF COMBINED EXCHANGE AND COMMISSARY STORES.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2490a. Combined exchange and commissary stores

''(a) AUTHORITY.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to operate a military exchange and a commissary store as a combined exchange and commissary store on a military installation.

''(b) LIMITATIONS.—(1) Not more than ten combined exchange and commissary stores may be operated pursuant to this section.

''(2) The Secretary may select a military installation for the operation of a combined exchange and commissary store under this section only if—

''(A) the installation is to be closed, or has been or is to be realigned, under a base closure law; or

''(B) a military exchange and a commissary store are operated at the installation by separate entities at the time of, or immediately before, such selection and it is not economically feasible to continue that separate operation.

''(c) OPERATION AT CARSWELL FIELD.—Combined exchange and commissary stores operated under this section shall include the combined exchange and commissary store that is operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas, under the authority provided in section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

''(d) ADJUSTMENTS AND SURCHARGES.—Adjustments to, and surcharges on, the sales price of a grocery food item sold in a combined exchange and commissary store under this section shall be provided for in accordance with the same laws that govern such adjustments and surcharges for items sold in a commissary store of the Defense Commissary Agency.

''(e) USE OF APPROPRIATED FUNDS.—(1) If a nonappropriated fund instrumentality incurs a loss in operating a combined exchange and commissary store at a military installation under this section as a result of the requirement set forth in subsection (d), the Secretary may authorize a transfer of funds available for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss.

''(2) The total amount of appropriated funds transferred during a fiscal year to support the operation of a combined exchange and commissary store at a military installation under this section may not exceed an amount that is equal to 25 percent of the amount of appropriated funds that was provided for the operation of the commissary store of the Defense Commissary Agency on that installation during the last full fiscal year of operation of that commissary store.

''(f) DEFINITIONS.—In this section:

''(1) The term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

''(2) The term 'base closure law' has the meaning given such term by section 2667(g) of this title.''.

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

''2490a. Combined exchange and commissary stores.''.

(b) CONFORMING AMENDMENT.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out '', until December 31, 1995,''.

SEC. 337. DEFERRED PAYMENT PROGRAMS OF MILITARY EXCHANGES.

(a) USE OF COMMERCIAL BANKING INSTITUTION.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a commercial banking institution under which the institution agrees to finance and operate the deferred payment program of the Army and Air Force Exchange Service and the deferred payment program of the Navy Exchange Service Command. The Secretary shall use competitive procedures to enter into an agreement under this paragraph.

(2) In order to facilitate the transition of the operation of the programs referred to in paragraph (1) to commercial operation under an agreement described in that paragraph, the Secretary may initially limit the scope of any such agreement so as to apply to only one of the programs.

(b) REPORT.—Not later than December 31, 1995, the Secretary shall submit to Congress a report on the implementation of this section. The report shall also include an analysis of the impact of the deferred payment programs referred to in subsection (a)(1), including the impact of the default and collection procedures under such programs, on members of the Armed Forces and their families.

SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not less than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement options identified in the study to achieve the greater efficiencies referred to in subsection (a).

SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report that reviews the report on the costs and benefits of converting to operation of Navy ships' stores by nonappropriated fund instrumentalities that the Navy Audit Agency prepared in connection with the postponement of the deadline for the conversion provided for in section 374(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''a military department'' and inserting in lieu thereof ''an armed force'';

(2) in the second sentence—

(A) by striking out '', department-wide''; and

(B) by striking out ''of the military department'' and inserting in lieu thereof ''for that armed force''; and

(3) by adding at the end the following: ''This section does not apply to the Coast Guard.''.

SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS.

(a) IN GENERAL.—Section 1065 of title 10, United States Code, is amended to read as follows:

''§ 1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents

''(a) MEMBERS OF THE SELECTED RESERVE.—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.

''(b) MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

''(c) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

''(d) DEPENDENTS.—(1) Dependents of a member who is permitted under subsection (a) or (b) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members on active duty.

''(2) Dependents of a member who is permitted under subsection (c) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

''(e) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 54 of such title is amended to read as follows:

''1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.''.

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) REQUIREMENT FOR COMPETITIVE PROCUREMENT.—Except as provided in subsection (b), the Secretary of Defense shall, during fiscal year 1996 and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

(b) EXCEPTION FOR CLASSIFIED INFORMATION.—The requirement of subsection (a) shall not apply to the procurement of services for printing and duplicating classified documents and information.

SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

(a) IMPLEMENTATION OF DIRECT VENDOR DELIVERY SYSTEM.—Not later than September 30, 1997, the Secretary of Defense shall, to the maximum extent practicable, implement a system under which consumable inventory items referred to in subsection (b) are delivered to military installations throughout the United States directly by the vendors of those items. The purpose for implementing the system is to reduce the expense and necessity of maintaining extensive warehouses for those items within the Department of Defense.

(b) COVERED ITEMS.—The items referred to in subsection (a) are the following:

(1) Food and clothing.

(2) Medical and pharmaceutical supplies.

(3) Automotive, electrical, fuel, and construction supplies.

(4) Other consumable inventory items the Secretary considers appropriate.

SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) PLAN FOR PRIVATE OPERATION OF CERTAIN FUNCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan for the performance by private-sector sources of payroll functions for civilian employees of the Department of Defense other than employees paid from nonappropriated funds.

(2)(A) The Secretary shall implement the plan referred to in paragraph (1) if the Secretary determines that the cost of performance by private-sector sources of the functions referred to in that paragraph does not exceed the cost of performance of those functions by employees of the Federal Government.

(B) In computing the total cost of performance of such functions by employees of the Federal Government, the Secretary shall include the following:

(i) Managerial and administrative costs.

(ii) Personnel costs, including the cost of providing retirement benefits for such personnel.

(iii) Costs associated with the provision of facilities and other support by Federal agencies.

(C) The Defense Contract Audit Agency shall verify the costs computed for the Secretary under this paragraph by others.

(3) Subject to paragraph (2), the Secretary shall implement the plan not later than October 1, 1996.

(4) At the same time the Secretary submits the plan required by paragraph (1), the Secretary shall submit to Congress a report on other accounting and finance functions of the Department that are appropriate for performance by private-sector sources.

(b) PILOT PROGRAM FOR PRIVATE OPERATION OF NAFI FUNCTIONS.—(1) The Secretary shall carry out a pilot program to test the performance by private-sector sources of payroll and other accounting and finance functions of nonappropriated fund instrumentalities and to evaluate the extent to which cost savings and efficiencies would result from the performance of such functions by those sources.

(2) The payroll and other accounting and finance functions designated by the Secretary for performance by private-sector sources under the pilot program shall include at least one major payroll, accounting, or finance function.

(3) To carry out the pilot program, the Secretary shall enter into discussions with private-sector sources for the purpose of developing a request for proposals to be issued for performance by those sources of functions designated by the Secretary under paragraph (2). The discussions shall be conducted on a schedule that accommodates issuance of a request for proposals within 60 days after the date of the enactment of this Act.

(4) A goal of the pilot program is to reduce by at least 25 percent the total costs incurred by the Department annually for the performance of a function referred to in paragraph (2) through the performance of that function by a private-sector source.

(5) Before conducting the pilot program, the Secretary shall develop a plan for the program that addresses the following:

(A) The purposes of the program.

(B) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in paragraph (4).

(C) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(D) A mechanism to evaluate the program.

(E) A provision for all payroll, accounting, and finance functions of nonappropriated fund instrumentalities of the Department of Defense to be performed by private-sector sources, if determined advisable on the basis of a final assessment of the results of the program.

(6) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this subsection.

(c) LIMITATION ON OPENING OF NEW OPERATING LOCATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.—(1) Except as provided in paragraph (2), the Secretary may not establish a new operating location for the Defense Finance and Accounting Service during fiscal year 1996.

(2) The Secretary may establish a new operating location for the Defense Finance and Accounting Service if—

(A) for a new operating location that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary reconsiders the need for establishing that new operating location; and

(B) for each new operating location, including a new operating location referred to in subparagraph (A)—

(i) the Secretary submits to Congress, as part of the report required by subsection (a)(4), an analysis of the need for establishing the new operating location; and

(ii) a period of 30 days elapses after the Congress receives the report.

(3) In this subsection, the term ''new operating location'' means an operating location that is not in operation on the date of the enactment of this Act, except that such term does not include an operating location for which, as of such date—

(A) the Secretary has established a date for the commencement of operations; and

(B) funds have been expended for the purpose of its establishment.

SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense in order to identify overpayments made to vendors by the Department. The demonstration program shall be conducted for the Defense Logistics Agency and include the Defense Personnel Support Center.

(b) PROGRAM REQUIREMENTS.—(1) Under the demonstration program, the Secretary shall, by contract, provide for one or more persons to audit the accounting and procurement records of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995. The Secretary may enter into more than one contract under the program.

(2) A contract under the demonstration program shall require the contractor to use data processing techniques that are generally used in audits of private-sector records similar to the records audited under the contract.

(c) AUDIT REQUIREMENTS.—In conducting an audit under the demonstration program, a contractor shall compare Department of Defense purchase agreements (and related documents) with invoices submitted by vendors under the purchase agreements. A purpose of the comparison is to identify, in the case of each audited purchase agreement, the following:

(1) Any payments to the vendor for costs that are not allowable under the terms of the purchase agreement or by law.

(2) Any amounts not deducted from the total amount paid to the vendor under the purchase agreement that should have been deducted from that amount on account of goods and services provided to the vendor by the Department.

(3) Duplicate payments.

(4) Unauthorized charges.

(5) Other discrepancies between the amount paid to the vendor and the amount actually due the vendor under the purchase agreement.

(d) BONUS PAYMENT.—To the extent provided for in a contract under the demonstration program, the Secretary may pay the contractor a bonus in addition to any other amount paid for performance of the contract. The amount of such bonus may not exceed the amount that is equal to 25 percent of all amounts recovered by the United States on the basis of information obtained as a result of the audit performed under the contract. Any such bonus shall be paid out of amounts made available pursuant to subsection (e).

(e) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available for the demonstration program.

SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS' SCHOOLS.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) The Secretary of Defense shall conduct a program to evaluate options to improve the Department of Defense travel process. To carry out the program, the Secretary shall compare the results of the tests conducted under subsection (b) to determine which travel process tested under such subsection is the better option to effectively manage travel of Department personnel.

(2) The program shall be conducted at not less than three and not more than six military installations, except that an installation may be the subject of only one test conducted under the program.

(3) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this section.

(b) CONDUCT OF TESTS.—(1) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) implements the changes proposed to be made with respect to the Department of Defense travel process by the task force on travel management that was established by the Secretary in July 1994;

(B) manages and uniformly applies that travel process (including the implemented changes) throughout the Department; and

(C) provides opportunities for private-sector sources to provide travel reservation services and credit card services to facilitate that travel process.

(2) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) enters into one or more contracts with a private-sector source pursuant to which the private-sector source manages the Department of Defense travel process (except for functions referred to in subparagraph (B)), provides for responsive, reasonably priced services as part of the travel process, and uniformly applies the travel process throughout the Department; and

(B) provides for the performance by employees of the Department of only those travel functions, such as travel authorization, that the Secretary considers to be necessary to be performed by such employees.

(3) Each test required by this subsection shall begin not later than 60 days after the date of the enactment of this Act and end two years after the date on which it began. Each such test shall also be conducted in accordance with the guidelines for travel management issued for the Department by the Under Secretary of Defense (Comptroller).

(c) EVALUATION CRITERIA.—The Secretary shall establish criteria to evaluate the travel processes tested under subsection (b). The criteria shall, at a minimum, include the extent to which a travel process provides for the following:

(1) The coordination, at the time of a travel reservation, of travel policy and cost estimates with the mission which necessitates the travel.

(2) The use of fully integrated travel solutions envisioned by the travel reengineering report of the Department of Defense dated January 1995.

(3) The coordination of credit card data and travel reservation data with cost estimate data.

(4) The elimination of the need for multiple travel approvals through the coordination of such data with proposed travel plans.

(5) A responsive and flexible management information system that enables the Under Secretary of Defense (Comptroller) to monitor travel expenses throughout the year, accurately plan travel budgets for future years, and assess, in the case of travel of an employee on temporary duty, the relationship between the cost of the travel and the value of the travel to the accomplishment of the mission which necessitates the travel.

(d) PLAN FOR PROGRAM.—Before conducting the program, the Secretary shall develop a plan for the program that addresses the following:

(1) The purposes of the program, including the achievement of an objective of reducing by at least 50 percent the total cost incurred by the Department annually to manage the Department of Defense travel process.

(2) The methodology and anticipated cost of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount that does not exceed 50 percent of the total amount saved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation criteria established pursuant to subsection (c).

(5) A provision for implementing throughout the Department the travel process determined to be the better option to effectively manage travel of Department personnel on the basis of a final assessment of the results of the program.

(e) REPORT.—After the first full year of the conduct of the tests required by subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the implementation of the program. The report shall include an analysis of the evaluation criteria established pursuant to subsection (c).

SEC. 357. INCREASED RELIANCE ON PRIVATE-SECTOR SOURCES FOR COMMERCIAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—The Secretary of Defense shall endeavor to carry out through a private-sector source any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided adequately through such a source; and

(2) an adequate competitive environment exists to provide for economical performance of the activity by such a source.

(b) APPLICABILITY.—(1) Subsection (a) shall not apply to any commercial product or service with respect to which the Secretary determines that production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) REPORT.—(1) The Secretary shall identify activities of the Department (other than activities specified by the Secretary pursuant to subsection (b)) that are carried out by employees of the Department to provide commercial-type products or services for the Department.

(2) Not later than April 15, 1996, the Secretary shall transmit to the congressional defense committees a report on opportunities for increased use of private-sector sources to provide commercial products and services for the Department.

(3) The report required by paragraph (2) shall include the following:

(A) A list of activities identified under paragraph (1) indicating, for each activity, whether the Secretary proposes to convert the performance of that activity to performance by private-sector sources and, if not, the reasons why.

(B) An assessment of the advantages and disadvantages of using private-sector sources, rather than employees of the Department, to provide commercial products and services for the Department that are not essential to the warfighting mission of the Armed Forces.

(C) A specification of all legislative and regulatory impediments to converting the performance of activities identified under paragraph (1) to performance by private-sector sources.

(D) The views of the Secretary on the desirability of terminating the applicability of OMB Circular A–76 to the Department.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

SEC. 361. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 452. Quarterly readiness reports

''(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

''(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

''(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

''(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

''(b) MATTERS TO BE INCLUDED.—Each such report shall—

''(1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and

''(2) include the key indicators and other relevant data related to the identified problem or deficiency.

''(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.''.

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

''452. Quarterly readiness reports.''.

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

"SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

''(a) ANNUAL REPORTS.—During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for each budget activity specified in subsection (d) (hereinafter in this section referred to as 'covered budget activities'). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

''(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

''(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include for each covered budget activity the following:

''(1) A statement, for the period covered by the report, of—

''(A) the total amount of transfers into funds available for that activity;

''(B) the total amount of transfers from funds available for that activity; and

''(C) the net amount of transfers into, or out of, funds available for that activity.

''(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

''(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

''(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

''(A) Combat Units.

''(B) Tactical Support.

''(C) Force-Related Training/Special Activities.

''(D) Depot Maintenance.

''(E) JCS Exercises.

''(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

''(A) Mission and Other Flight Operations.

''(B) Mission and Other Ship Operations.

''(C) Fleet Air Training.

''(D) Ship Operational Support and Training.

''(E) Aircraft Depot Maintenance.

''(F) Ship Depot Maintenance.

''(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

''(A) Primary Combat Forces.

''(B) Primary Combat Weapons.

''(C) Global and Early Warning.

''(D) Air Operations Training.

''(E) Depot Maintenance.

''(F) JCS Exercises.''.

SEC. 363. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CONTROL POINTS AND MATERIEL MANAGEMENT STANDARD SYSTEM.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—(1) The Secretary of Defense shall conduct a review of the management by the Defense Logistics Agency of all inventory control points of the Department of Defense. In conducting the review, the Secretary shall examine the management and acquisition practices of the Defense Logistics Agency for inventory of repairable spare parts.

(2) Not later than March 31, 1996, the Secretary shall submit to the Comptroller General of the United States and the congressional defense committees a report on the results the review conducted under paragraph (1).

(b) REVIEW OF MATERIEL MANAGEMENT STANDARD SYSTEM.—(1) The Comptroller General of the United States shall conduct a review of the automated data processing system of the Department of Defense known as the Materiel Management Standard System.

(2) Not later than May 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the results of the review conducted under paragraph (1).

SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility of providing for the performance by private-sector sources of functions necessary to be performed to fulfill the requirements of the Department of Defense for air transportation of personnel and cargo.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A cost-benefit analysis with respect to the performance by private-sector sources of functions described in subsection (a), including an explanation of the assumptions used in the cost-benefit analysis.

(2) An assessment of the issues raised by providing for such performance by means of a contract entered into with a private-sector source.

(3) An assessment of the issues raised by providing for such performance by means of converting functions described in subsection (a) to private ownership and operation, in whole or in part.

(4) A discussion of the requirements for the performance of such functions in order to fulfill the requirements referred to in subsection (a) during wartime.

(5) The effect on military personnel and facilities of using private-sector sources to fulfill the requirements referred to in such subsection.

(6) The performance by private-sector sources of any other military aircraft functions (such as non-combat inflight fueling of aircraft) the Secretary considers appropriate.

SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

(b) MATTERS TO CONSIDER.—In developing the strategy required under subsection (a), the Secretary shall consider the following:

(1) The use of performance measures and management controls.

(2) Findings of the Functional Management Review conducted by the Secretary.

(3) Program management actions planned by the Secretary.

(4) Actions and milestones necessary for completion of functional and economic analyses for—

(A) the Automated System for Transportation data;

(B) continuous acquisition and life cycle support;

(C) electronic data interchange;

(D) flexible computer integrated manufacturing;

(E) the Navy Tactical Command Support System; and

(F) the Defense Information System Network.

(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON STRATEGY.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance

under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2739).

(3) The report required by paragraph (1) shall also include the following:

(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for—

(i) the Base Level System Modernization and the Sustaining Base Information System; and

(ii) the Standard Installation/Division Personnel System-3.

(C) An assessment of the implementation of migration systems and applications, including—

(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

(ii) identification of the legacy systems and applications that will be terminated;

(iii) the cost of and schedules for implementing the migration systems and applications; and

(iv) termination schedules.

(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee.

Subtitle G—Other Matters

SEC. 371. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§ 2216. Defense Business Operations Fund

''(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed or converted to management through the Fund.

''(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are the following:

''(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

''(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

''(3) The Defense Finance and Accounting Service.

''(4) The Defense Commissary Agency.

''(5) The Defense Reutilization and Marketing Service.

''(6) The Joint Logistics Systems Center.

''(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

''(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity.

''(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

''(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following:

''(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

''(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

''(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

''(2) Charges for goods and services provided through the Fund may not include the following:

''(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

''(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

''(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

''(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

''(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

''(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches $100,000,000; and

''(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches $100,000,000.

''(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

''(i) An explanation of the reason for the advance billing.

''(ii) An analysis of the impact of the advance billing on readiness.

''(iii) An analysis of the impact of the advance billing on the customer so billed.

''(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

''(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

''(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

''(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

''(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

''(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

''(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

''(3) A comparison of the amounts actually expended for the operation of the Fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

''(4) A report on the capital asset subaccount of the Fund that contains the following information:

''(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

''(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

''(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

''(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

''(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $50,000:

''(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

''(B) Automatic data processing equipment, software.

''(C) Equipment other than equipment described in subparagraph (B).

''(D) Other capital improvements.

''(2) The term 'Fund' means the Defense Business Operations Fund.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:

''2216. Defense Business Operations Fund.''.

(b) CONFORMING REPEALS.—The following provisions of law are hereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b)(1) of title 10, United States Code, is amended by striking out ''not needed by the armed forces'' and all that follows through the end of the paragraph and inserting in lieu thereof the following: ''not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

''(A) Similar items held by any individual, organization, institution, agency, or nation.

''(B) Conservation supplies, equipment, facilities, or systems.

''(C) Search, salvage, or transportation services.

''(D) Restoration, conservation, or preservation services.

''(E) Educational programs.''.

SEC. 373. PROHIBITION ON CAPITAL LEASE FOR DEFENSE BUSINESS MANAGEMENT UNIVERSITY.

None of the funds appropriated to the Department of Defense for fiscal year 1996 may be used to enter into any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University if the lease would be treated as a capital lease for budgetary purposes.

SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) PERMANENT AUTHORITY.—Section 2575 of title 10 is amended—

(1) by striking out subsection (b) and inserting in lieu thereof the following:

''(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

''(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

''(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

''(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts.''; and

(2) by adding at the end the following:

''(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from the morale, welfare, and recreation account for the installation that received the proceeds.

''(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Comptroller General of the United States for proceeds covered into the Treasury under subsection (b)(2).

''(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Comptroller General of the United States (in the case of a claim filed under paragraph (2)).''.

(b) REPEAL OF AUTHORITY FOR DEMONSTRATION PROGRAM.—Section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is repealed.

SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

''(a)(1) The Secretary of the Navy shall procure and sell, for cash or credit—

''(A) articles designated by the Secretary to members of the Navy and Marine Corps; and

''(B) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

''(2) An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

''(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

''(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

''(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

''(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged honorably or under honorable conditions from the Navy or Marine Corps, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

''(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

''(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

''(A) at military installations outside the United States; and

''(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

''(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to civilian officers and employees residing within military installations.

''(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of such members and their families.''.

(2) The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

''7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.''.

(b) CONFORMING AMENDMENTS FOR OTHER ARMED FORCES.—(1) Section 4621 of such title is amended—

(A) by striking out ''The branch, office, or officer designated by the Secretary of the Army'' in subsection (a) and inserting in lieu thereof ''The Secretary of the Army'';

(B) by striking out ''The branch, office, or officer designated by the Secretary'' both places it appears in subsections (b) and (c) and inserting in lieu thereof ''The Secretary''; and

(C) by inserting before the period at the end of subsection (f) the following: ''or by commercial credit''.

(2) Section 9621 of such title is amended—

(A) by striking out ''The Air Force shall'' in subsection (b) and inserting in lieu thereof ''The Secretary shall''; and

(B) by inserting before the period at the end of subsection (f) the following: ''or by commercial credit''.

SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) In the case of a Boy Scout Jamboree held on a military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).''.

SEC. 377. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2610. Competitions for excellence: acceptance of monetary awards

''(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept a monetary award given to the Department of Defense by a nongovernmental entity as a result of the participation of the Department in a competition carried out to recognize excellence or innovation in providing services or administering programs.

''(b) DISPOSITION OF AWARDS.—A monetary award accepted under subsection (a) shall be credited to one or more nonappropriated fund accounts supporting morale, welfare, and recreation activities for the command, installation, or other activity that is recognized for the award. Amounts so credited may be expended only for such activities.

''(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred by the Department to participate in a competition described in subsection (a) or to accept a monetary award under this section.

''(d) REGULATIONS AND REPORTING.—(1) The Secretary shall prescribe regulations to determine the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

''(2) At the end of each year, the Secretary shall submit to Congress a report for that year describing the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

''(e) TERMINATION.—The authority of the Secretary under this section shall expire two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2610. Competitions for excellence: acceptance of monetary awards.''.

SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) EMERGENCIES INVOLVING CHEMICAL AND BIOLOGICAL AGENTS.—(1) In addition to equipment and facilities described in subsection (a), the Secretary may provide an item referred to in paragraph (2) to a Federal, State, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents if the Secretary

determines that the item is not reasonably available from another source.

''(2) An item referred to in paragraph (1) is any material or expertise of the Department of Defense appropriate for use in preparing for or responding to an emergency involving chemical or biological agents, including the following:

''(A) Training facilities.

''(B) Sensors.

''(C) Protective clothing.

''(D) Antidotes.''.

SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILITARY AND CIVIL DEFENSE PREPAREDNESS TO RESPOND TO EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on the military and civil defense plans and programs of the Department of Defense to prepare for and respond to the effects of an emergency in the United States resulting from a chemical, biological, radiological, or nuclear attack on the United States (hereinafter in this section referred to as an ''attack-related civil defense emergency'').

(2) The report shall be prepared in consultation with the Director of the Federal Emergency Management Agency.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and responding to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has a primary responsibility to respond.

(2) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and providing a response to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has responsibility to provide a supporting response.

(3) A description of any actions, and any recommended legislation, that the Secretaries consider necessary for improving the preparedness of the Department of Defense to respond effectively to an attack-related civil defense emergency.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:

(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.

(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FLOOR ON END STRENGTHS.—(1) Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 691. Permanent end strength levels to support two major regional contingencies

''(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

''(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

''(1) For the Army, 495,000.

''(2) For the Navy, 395,000.

''(3) For the Marine Corps, 174,000.

''(4) For the Air Force, 381,000.

''(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.

''(d) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.

''(e) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.''.

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

''691. Permanent end strength levels to support two major regional contingencies.''.

(c) ACTIVE COMPONENT END STRENGTH FLEXIBILITY.—Section 115(c)(1) of title 10, United States Code, is amended by striking out ''0.5 percent'' and ''inserting in lieu thereof ''1 percent''.

SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Air Force serving on active duty in the grades of major, lieutenant colonel, and colonel shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

(b) NAVY OFFICERS.—In the administration of the limitation under section 523(a)(2) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Navy serving on active duty in the grades of lieutenant commander, commander, and captain shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant commander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.''.

(c) CLARIFICATION.—Section 601(b) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out ''of importance and responsibility designated'' and inserting in lieu thereof ''designated under subsection (a) or by law'';

(2) in paragraph (1), by striking out ''of importance and responsibility'';

(3) in paragraph (2), by striking out ''designating'' and inserting in lieu thereof ''designated under subsection (a) or by law''; and

(4) in paragraph (4), by inserting ''under subsection (a) or by law'' after ''designated''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,894.

(4) The Marine Corps Reserve, 42,274.

(5) The Air National Guard of the United States, 112,707.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,587.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,066.

(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.''.

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	643	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	412	188	274	30''.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	603	202	366	20
E–8	2,585	429	890	94''.

SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIVE THREAT REDUCTION PROGRAMS NOT TO BE COUNTED.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following:

''(8) Members of the Selected Reserve of the Ready Reserve on active duty for more that 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(b)).''.

SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

''(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

''(B) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

''(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

''(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.''.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) SCOPE.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $69,191,008,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) EFFECT ON END STRENGTHS.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

[Title V—Mil Pers Policy]

Subtitle A—Officer Personnel Policy

SEC. 501. JOINT OFFICER MANAGEMENT.

(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out ''1,000'' and inserting in lieu thereof ''800''.

(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Section 664 of such title is amended by adding at the end the following:

''(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—(1) In the case of an officer who completes service in a qualifying temporary joint task force assignment, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, may (subject to the criteria prescribed under paragraph (4)) grant the officer—

''(A) credit for having completed a full tour of duty in a joint duty assignment; or

''(B) credit countable for determining cumulative service in joint duty assignments.

''(2)(A) For purposes of paragraph (1), a qualifying temporary joint task force assignment of an officer is a temporary assignment, any part of which is performed by the officer on or after the date of the enactment of this subsection—

''(i) to the headquarters staff of a United States joint task force that is part of a unified command or the United States element of the headquarters staff of a multinational force; and

''(ii) with respect to which the Secretary of Defense determines that service of the officer in that assignment is equivalent to that which would be gained by the officer in a joint duty assignment.

''(B) An officer may not be granted credit under this subsection unless the officer is recommended for such credit by the Chairman of the Joint Chiefs of Staff.

''(3) Credit under paragraph (1) (including a determination under paragraph (2)(A)(ii) and a recommendation under paragraph (2)(B) with respect to such credit) may be granted only on a case-by-case basis in the case of an individual officer.

''(4) The Secretary of Defense shall prescribe by regulation criteria for determining whether an officer may be granted credit under paragraph (1) with respect to service in a qualifying temporary joint task force assignment. The criteria shall apply uniformly among the armed forces and shall include the following requirements:

''(A) For an officer to be credited as having completed a full tour of duty in a joint duty assignment, the length of the officer's service in the qualifying temporary joint task force assignment must meet the requirements of subsection (a) or (c).

''(B) For an officer to be credited with service for purposes of determining cumulative service in joint duty assignments, the officer must serve at least 90 consecutive days in the qualifying temporary joint task force assignment.

''(C) The service must be performed in support of a mission that is directed by the President or that is assigned by the President to United States forces in the joint task force involved.

''(D) The joint task force must be constituted or designated by the Secretary of Defense or by the commander of a combatant command or of another force.

''(E) The joint task force must conduct combat or combat-related operations in a unified action under joint or multinational command and control.

''(5) Officers for whom joint duty credit is granted pursuant to this subsection may not be taken into account for the purposes of any of the following provisions of this title: section 661(d)(1), section 662(a)(3), section 662(b), subsection (a) of this section, and paragraphs (7), (8), (9), (11), and (12) of section 667.

''(6) In the case of an officer credited with having completed a full tour of duty in a joint duty assignment pursuant to this subsection, the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of this title that the tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section. The provisions of subparagraphs (C) and (D) of section 661(c)(3) of this title shall apply to such a waiver in the same manner as to a waiver under subparagraph (A) of that section.''.

(c) INFORMATION IN ANNUAL REPORT.—Section 667 of such title is amended by striking out paragraph (16) and inserting after paragraph (15) the following new paragraph (16):

''(16) The number of officers granted credit for service in joint duty assignments under section 664(i) of this title and—

''(A) of those officers—

''(i) the number of officers credited with having completed a tour of duty in a joint duty assignment; and

''(ii) the number of officers granted credit for purposes of determining cumulative service in joint duty assignments; and

''(B) the identity of each operation for which an officer has been granted credit pursuant to section 664(i) of this title and a brief description of the mission of the operation.''.

(d) APPLICABILITY OF LIMITATION ON WAIVER AUTHORITY.—Section 661(c)(3) of such title is amended—

(1) in the third sentence of subparagraph (D), by striking out ''The total number'' and inserting in lieu thereof ''In the case of officers in grades below brigadier general and rear admiral (lower half), the total number''; and

(2) by adding at the end the following new subparagraph:

''(E) There may not be more than 32 general and flag officers on active duty at the same time who were selected for the joint specialty while holding a general or flag officer grade and for whom a waiver was granted under this subparagraph.''.

(e) LENGTH OF SECOND JOINT TOUR.—Section 664 of such title is amended—

(1) in subsection (e)(2), by inserting after subparagraph (B) the following:

''(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.''; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking out ''completion of—'' and inserting in lieu thereof ''completion of any of the following:'';

(B) by striking out ''a'' at the beginning of paragraphs (1), (2), (4), and (5) and inserting in lieu thereof ''A'';

(C) by striking out ''cumulative'' in paragraph (3) and inserting in lieu thereof ''Cumulative'';

(D) by striking out the semicolon at the end of paragraphs (1), (2), and (3) and ''; or'' at the end of paragraph (4) and inserting in lieu thereof a period; and

(E) by adding at the end the following:

''(6) A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).''.

(f) TECHNICAL AMENDMENT.—Section 664(e)(1) of such title is amended by striking out ''(after fiscal year 1990)''.

SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out ''and below lieutenant general or vice admiral''; and

(2) in the first sentence of subsection (d)(2)(B), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''and below lieutenant general or vice admiral''.

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Subsection (c) of such section is amended to read as follows:

''(c) OFFICERS IN O–9 AND O–10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

''(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

''(A) while the officer is under investigation for alleged misconduct; or

''(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.''.

(c) REPEAL OF SUPERSEDED PROVISIONS.—Sections 3962(a), 5034, 5043(c), and 8962(a) of such title are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out ''(b) Upon'' and inserting in lieu thereof ''Upon''.

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENT TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

(f) PRESERVATION OF APPLICABILITY OF LIMITATION.—Section 1370(a)(2)(C) of title 10, United States Code, is amended by striking out ''The number of officers in an armed force in a grade'' and inserting in lieu thereof ''In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade''.

(g) STYLISTIC AMENDMENTS.—Section 1370 of title 10, United States Code, is further amended—

(1) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—(1)'';

(2) in subsection (b), by inserting ''RETIREMENT IN NEXT LOWER GRADE.—'' after ''(b)''; and

(3) in subsection (d), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''(d)(1)'' and inserting in lieu thereof ''(d) RESERVE OFFICERS.—(1)''.

SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) AUTHORITY AND LIMITATIONS.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions

''(a) AUTHORITY.—An officer who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that next higher grade. An officer who is so authorized to wear the insignia of the next higher grade is said to be 'frocked' to that grade.

''(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

''(1) the Senate has given its advice and consent to the appointment of the officer to that grade; and

''(2) the officer is serving in, or has received orders to serve in, a position for which that grade is authorized.

''(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of the next higher grade may not be construed as conferring authority for that officer to—

''(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

''(B) assume any legal authority associated with that grade.

''(2) The period for which an officer wears the insignia of the next higher grade under such authority may not be taken into account for any of the following purposes:

''(A) Seniority in that grade.

''(B) Time of service in that grade.

''(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels and Navy captains on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the grade of brigadier general or rear admiral (lower half), as the case may be, may not exceed the following:

''(A) During fiscal years 1996 and 1997, 75.

''(B) During fiscal year 1998, 55.

''(C) After fiscal year 1998, 35.

''(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.''.

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

''777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions.''.

(b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS OF FROCKED OFFICERS.—In the administration of section 777(d)(2) of title 10, United States Code (as added by subsection (a)), the percent limitation applied under that section for fiscal year 1996 shall be 2 percent (instead of 1 percent).

(c) REPORT.—Not later than September 1, 1996, the Secretary of Defense shall submit to Congress a report providing the assessment of the Secretary on the practice, known as ''frocking'', of authorizing an officer who has been selected for promotion to the next higher grade to wear the insignia for that next higher grade. The report shall include the Secretary's assessment of the appropriate number, if any, of colonels and Navy captains to be eligible under section 777(d)(1) of title 10, United States Code (as added by subsection (a)), to wear the insignia for the grade of brigadier general or rear admiral (lower half).

SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

SEC. 505. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 3201. Officers on active duty: minimum strength based on requirements

''(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

''(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

''(c) In this section:

''(1) The term 'programmed manpower structure' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

''(2) The term 'programmed force structure' means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after ''Sec.'' the following new item:

''3201. Officers on active duty: minimum strength based on requirements.''.

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFICERS OTHER THAN PHYSICIANS TO BE APPOINTED AS SURGEON GENERAL.

(a) SURGEON GENERAL OF THE ARMY.—The third sentence of section 3036(b) of title 10, United States Code, is amended by inserting after ''The Surgeon General'' the following: ''may be appointed from officers in any corps of the Army Medical Department and''.

(b) SURGEON GENERAL OF THE NAVY.—Section 5137 of such title is amended—

(1) in the first sentence of subsection (a), by striking out ''in the Medical Corps'' and inserting in lieu thereof ''in any corps of the Navy Medical Department''; and

(2) in subsection (b), by striking out ''in the Medical Corps'' and inserting in lieu thereof ''who is qualified to be the Chief of the Bureau of Medicine and Surgery''.

(c) SURGEON GENERAL OF THE AIR FORCE.—The first sentence of section 8036 of such title is amended by striking out ''designated as medical officers under section 8067(a) of this title'' and inserting in lieu thereof ''in the Air Force medical department''.

SEC. 507. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) in the second sentence, by striking out ''two years'' and inserting in lieu thereof ''four years''; and

(2) by striking out the last sentence and inserting in lieu thereof the following: ''An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act.

SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 5721 of title 10, United States Code, is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(b) LIMITATION.—Such section is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—(1) An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

''(2) Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.''.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report providing the Secretary's assessment of that continuing need for the promotion authority under section 5721 of title 10, United States Code. The Secretary shall include in the report the following:

(1) The nature and grade structure of the positions for which such authority has been used.

(2) The cause or causes of the reported chronic shortages of qualified personnel in the required grade to fill the positions specified under paragraph (1).

(3) The reasons for the perceived inadequacy of the officer promotion system (including ''below-the-zone'' selections) to provide sufficient officers in the required grade to fill those positions.

(4) The extent to which a bonus program or some other program would be a more appropriate means of resolving the reported chronic shortages in engineering positions.

(d) CLERICAL AMENDMENTS.—Section 5721 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting ''PROMOTION AUTHORITY FOR CERTAIN OFFICER WITH CRITICAL SKILLS.—'' after ''(a)''.

(2) Subsection (b) is amended by inserting ''STATUS OF OFFICERS APPOINTED.—'' after ''(b)''.

(3) Subsection (c) is amended by inserting ''BOARD RECOMMENDATION REQUIRED.—'' after ''(c)''.

(4) Subsection (d) is amended by inserting ''ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—'' after ''(d)''.

(5) Subsection (e) is amended by inserting ''TERMINATION OF APPOINTMENT.—'' after ''(e)''.

(6) Subsection (g), as redesignated by subsection (b)(1), is amended by inserting ''TERMINATION OF APPOINTMENT AUTHORITY.—'' after ''(g)''.

(e) EFFECTIVE DATE.—Subsection (f) of section 5721 of title 10, United States Code, as added by subsection (b)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply to any appointment under that section after the end of such period.

SEC. 509. RETIREMENT FOR YEARS OF SERVICE OF DIRECTORS OF ADMISSIONS OF MILITARY AND AIR FORCE ACADEMIES.

(a) MILITARY ACADEMY.—(1) Section 3920 of title 10, United States Code, is amended to read as follows:

"§ 3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy

''(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

''(b) Subsection (a) applies in the case of the following officers:

''(1) Any permanent professor of the United States Military Academy.

''(2) The Director of Admissions of the United States Military Academy.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

''3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.''.

(b) AIR FORCE ACADEMY.—(1) Section 8920 of title 10, United States Code, is amended to read as follows:

"§ 8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy

''(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

''(b) Subsection (a) applies in the case of the following officers:

''(1) Any permanent professor of the United States Air Force Academy.

''(2) The Director of Admissions of the United States Air Force Academy.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 867 of such title is amended to read as follows:

''8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.''.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Section 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 1996''.

SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

"CHAPTER 1214—READY RESERVE MOBILIZATION INCOME INSURANCE

''Sec.
''12521. Definitions.
''12522. Establishment of insurance program.
''12523. Risk insured.
''12524. Enrollment and election of benefits.
''12525. Benefit amounts.
''12526. Premiums.
''12527. Payment of premiums.
''12528. Reserve Mobilization Income Insurance Fund.
''12529. Board of Actuaries.
''12530. Payment of benefits.
''12531. Purchase of insurance.
''12532. Termination for nonpayment of premiums; forfeiture.

"§ 12521. Definitions

''In this chapter:

''(1) The term 'insurance program' means the Ready Reserve Mobilization Income Insurance Program established under section 12522 of this title.

''(2) The term 'covered service' means active duty performed by a member of a reserve component under an order to active duty for a period

of more than 30 days which specifies that the member's service—

''(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

''(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

''(3) The term 'insured member' means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

''(4) The term 'Secretary' means the Secretary of Defense.

''(5) The term 'Department' means the Department of Defense.

''(6) The term 'Board of Actuaries' means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

''(7) The term 'Fund' means the Reserve Mobilization Income Insurance Fund established by section 12528(a) of this title.

''§ 12522. Establishment of insurance program

''(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve (including the Coast Guard Reserve) an insurance program to be known as the 'Ready Reserve Mobilization Income Insurance Program'.

''(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

''(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—The Secretary and the Secretary of Transportation shall enter into an agreement with respect to the administration of the insurance program for the Coast Guard Reserve.

''§ 12523. Risk insured

''(a) IN GENERAL.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

''(b) ENTITLEMENT TO BENEFITS.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

''(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

''§ 12524. Enrollment and election of benefits

''(a) ENROLLMENT.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 60 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

''(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 60 days after being offered the opportunity shall be considered as having declined to be insured under the program.

''(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty in accordance with regulations prescribed by the Secretary if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 60 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

''(b) ELECTION OF BENEFIT AMOUNT.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 60 days after first becoming a member of the Ready Reserve or within 60 days after being offered the opportunity to enroll, as the case may be.

''(c) ELECTIONS IRREVOCABLE.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

''(2) The amount of coverage may not be increased after enrollment.

''(d) ELECTION TO TERMINATE.—A member may terminate an enrollment at any time.

''(e) INFORMATION TO BE FURNISHED.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

''(f) MEMBERS INELIGIBLE TO ENROLL.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.

''§ 12525. Benefit amounts

''(a) BASIC BENEFIT.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

''(b) REDUCED AND ENHANCED BENEFITS.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

''(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

''(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

''(c) AMOUNT FOR PARTIAL MONTH.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying 1/30 of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

''(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

''(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

''§ 12526. Premiums

''(a) ESTABLISHMENT OF RATES.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

''(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

''(b) LEVEL PREMIUMS.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

''§ 12527. Payment of premiums

''(a) METHODS OF PAYMENT.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member's pay for each month.

''(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

''(b) ADVANCE PAY FOR PREMIUM.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.

''(c) PREMIUMS TO BE DEPOSITED IN FUND.—Premium amounts deducted and withheld from the pay of insured members and premium amounts paid directly to the Secretary shall be credited monthly to the Fund.

''§ 12528. Reserve Mobilization Income Insurance Fund

''(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Reserve Mobilization Income Insurance Fund', which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

''(b) ASSETS OF FUND.—There shall be deposited into the Fund the following:

''(1) Premiums paid under section 12527 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''(c) AVAILABILITY.—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

''(d) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

''(e) ANNUAL ACCOUNTING.—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

''(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

''(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

''(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

''§ 12529. Board of Actuaries

''(a) ACTUARIAL RESPONSIBILITY.—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

''(b) VALUATIONS AND PREMIUM RECOMMENDATIONS.—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

''(c) EFFECTS OF CHANGED BENEFITS.—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

''(d) ACTUARIAL GAINS OR LOSSES.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

''(e) INSUFFICIENT ASSETS.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

''(f) DEFINITION OF PRESENT VALUE.—The Board of Actuaries shall define the term 'present value' for purposes of this subsection.

''§ 12530. Payment of benefits

''(a) COMMENCEMENT OF PAYMENT.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

''(b) METHOD OF PAYMENT.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

''(c) DESIGNATED RECIPIENTS.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program.

''(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

''(d) RECIPIENTS IN EVENT OF DEATH OF INSURED MEMBER.—Any insurance payable under the insurance program on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

''§ 12531. Purchase of insurance

''(a) PURCHASE AUTHORIZED.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.

''(b) ELIGIBLE INSURERS.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

''(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

''(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

''(c) ADMINISTRATIVE PROVISIONS.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

''(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

''(d) REINSURANCE.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

''(e) TERMINATION.—The Secretary may at any time terminate any policy purchased under this section.

''§ 12532. Termination for nonpayment of premiums; forfeiture

''(a) TERMINATION FOR NONPAYMENT.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

''(b) FORFEITURE.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.''.

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

''1214. Ready Reserve Mobilization Income Insurance ..... 12521''.

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) REQUIREMENT OF ANNUAL AUTHORIZATION OF END STRENGTH.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.''.

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) AUTHORIZATION FOR FISCAL YEARS 1996 AND 1997.—For each of fiscal years 1996 and 1997, the minimum number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) Army National Guard, 25,500.

(2) Army Reserve, 6,630.

(3) Air National Guard, 22,906.

(4) Air Force Reserve, 9,802.

(c) ADMINISTRATION OF MILITARY TECHNICIAN PROGRAM.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10216. Military technicians

''(a) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

''(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

''(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

''(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

''(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

''(3) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

''(b) DUAL-STATUS REQUIREMENT.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician

that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.''.

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

''10216. Military technicians.''.

(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of the annual funding required to support those positions for the purpose of creating new positions or filling existing positions in the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

''(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

''(2) Within each of the numbers under paragraph (1)—

''(A) the number applicable to a reserve component management headquarter organization; and

''(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

''(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).''.

SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

''(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

''(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section.''; and

(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out ''National Guard'' before the period at the end and inserting in lieu thereof ''Selected Reserve''.

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out ''National Guard'' both places it appears and inserting in lieu thereof ''Selected Reserve''; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

''(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.''.

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out ''National Guard'' each place it appears and inserting in lieu thereof ''Selected Reserve''; and

(2) in subsection (c)—

(A) by striking out ''a member of the Army National Guard enters the National Guard'' and inserting in lieu thereof ''a member of the Army Selected Reserve enters the Army Selected Reserve''; and

(B) by striking out ''from the Army National Guard''.

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out ''National Guard'' each place it appears and inserting in lieu thereof ''Selected Reserve''.

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting ''and the Army Reserve'' before the period at the end.

SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

''(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

''(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

''(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.''.

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out ''National Guard combat unit'' in the matter preceding paragraph (1) and inserting in lieu thereof ''National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy''; and

(2) by striking out ''of the National Guard unit'' in paragraphs (1), (2), (3), and (4) and inserting in lieu thereof ''of that unit''.

SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPONENTS PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of section 6323 of title 5, United States Code, is amended by adding at the end the following: ''Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.''.

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title is amended by striking out ''entitled to leave'' and inserting in lieu thereof ''granted military leave''.

SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL GUARD PARTICIPATION IN JOINT DISASTER AND EMERGENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.''.

Subtitle C—Decorations and Awards

SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

(a) AWARD OF PURPLE HEART.—For purposes of the award of the Purple Heart, the Secretary concerned (as defined in section 101 of title 10, United States Code) shall treat a former prisoner of war who was wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive).

(b) STANDARDS FOR AWARD.—An award of the Purple Heart under subsection (a) shall be made in accordance with the standards in effect on the date of the enactment of this Act for the award of the Purple Heart to persons wounded on or after April 25, 1962.

(c) ELIGIBLE FORMER PRISONERS OF WAR.—A person shall be considered to be a former prisoner of war for purposes of this section if the person is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code.

SEC. 522. AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS OF VALOR PERFORMED IN COMBAT DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles during the Vietnam conflict which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in vicious fighting.

(2) Accounts of those battles that have been published since the end of that conflict authoritatively document numerous and repeated acts of extraordinary heroism, sacrifice, and bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) WAIVER OF TIME LIMITATIONS FOR RECOMMENDATIONS FOR AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

(c) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

(d) REPORT.—(1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration received, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(e) DEFINITION.—For purposes of this section:

(1) The term ''Vietnam era'' has the meaning given that term in section 101 of title 38, United States Code.

(2) The term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code.

SEC. 523. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the one-year period beginning on the date of the enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

(c) REPORT.—(1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration reviewed, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(d) DEFINITION.—For purposes of this section, the term ''active duty'' has the meaning given such term in section 101 of title 10, United States Code.

SEC. 524. REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the medal of honor.

(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the medal of honor to that person.

(b) WAIVER OF TIME LIMITATIONS.—A medal of honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the medal of honor; or

(B) the awarding of the medal of honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

(c) DEFINITION.—For purposes of this section, the term ''Native American Pacific Islander'' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY DECORATIONS NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

''(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).

''(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:

''(1) The award or presentation of the decoration does not warrant approval on the merits.

''(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.

''(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.

''(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decison of the Secretary.

''(c) Determinations under this section regarding the award or presentation of a decoration

shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

''(d) In this section:

''(1) The term 'Member of Congress' means—

''(A) a Senator; or

''(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

''(2) The term 'decoration' means any decoration or award that may be presented or awarded to a member or unit of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation.''.

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of title 10, United States Code, is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out ''six years'' and inserting in lieu thereof ''five years''.

(d) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Defense shall review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies.

(2) Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings under the review, together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(e) APPLICABILITY.—The amendments made by this section apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.

SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

''(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.''.

SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) is amended by striking out subsections (b) and (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO TEST PRIVATIZATION OF SERVICE ACADEMY PREPARATORY SCHOOLS.

Section 536 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 4331 note) is repealed.

PART II—RESERVE OFFICER TRAINING CORPS

SEC. 541. ROTC ACCESS TO CAMPUSES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

''(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

''(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

''(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

''(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

''(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

''(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

''(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

''(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

''(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.''.

SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting ''full-time'' before ''active duty'' in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ''A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.''.

SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out ''not less than six weeks' duration'' and inserting in lieu thereof ''a duration''.

SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2111a. Detail of officers to senior military colleges

''(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

''(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

''(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

''(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense may authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

''(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

''(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

''(1) Texas A&M University.

''(2) Norwich College.

''(3) The Virginia Military Institute.

''(4) The Citadel.

''(5) Virginia Polytechnic Institute and State University.

''(6) North Georgia College.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2111a. Detail of officers to senior military colleges.''.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 551. REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative personnel actions.

(b) MEMBERSHIP.—(1) The committee shall be composed of five members, who shall be appointed by the Secretary of Defense after consultation with the Attorney General and the Chief Justice of the United States.

(2) All members of the committee shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) DUTIES.—The committee shall review, and provide findings and recommendations regarding, the following matters with respect to judicial review of administrative personnel actions of the Department of Defense:

(1) Whether the existing forum for such review through the United States district courts provides appropriate and adequate review of such actions.

(2) Whether jurisdiction to conduct judicial review of such actions should be established in a single court in order to provide a centralized review of such actions and, if so, in which court that jurisdiction should be vested.

(d) REPORT.—(1) Not later than December 15, 1996, the committee shall submit to the Secretary of Defense a report setting forth it findings and recommendations, including its recommendations pursuant to subsection (c).

(2) Not later than January 1, 1997, the Secretary of Defense, after consultation with the Attorney General, shall transmit the committee's report to Congress. The Secretary may include in the transmittal any comments on the report that the Secretary or the Attorney General consider appropriate.

(e) TERMINATION OF COMMITTEE.—The committee shall terminate 30 days after the date of the submission of its report to Congress under subsection (d)(2).

SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 553. REPORT ON MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

(a) REPORT.—Not later than September 30, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units of the Armed Forces under the Secretary's jurisdiction—

(1) that (as determined by the Secretary of the military department concerned) are high-priority support units that would deploy early in a contingency operation or other crisis; and

(2) that are, as a matter of policy, managed at less than 100 percent of their authorized strengths.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) the number of such high-priority support units (shown by type of unit) that are so managed;

(2) the level of manning within such high-priority support units; and

(3) with respect to each such unit, either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of Defense shall review the system and procedures for the correction of military records used by the Secretaries of the military departments in the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and (consistent with appropriate service to applicants) maximum efficiency. The Secretary may not delegate responsibility for the review to an officer or official of a military department.

(b) ISSUES REVIEWED.—In conducting the review, the Secretary shall consider (with respect to each Board for the Correction of Military Records) the following:

(1) The composition of the board and of the support staff for the board.

(2) Timeliness of final action.

(3) Independence of deliberations by the civilian board.

(4) The authority of the Secretary of the military department concerned to modify the recommendations of the board.

(5) Burden of proof and other evidentiary standards.

(6) Alternative methods for correcting military records.

(7) Whether the board should be consolidated with the Discharge Review Board of the military department.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit a report on the results of the Secretary's review under this section to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain the recommendations of the Secretary for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files. The report shall be prepared in consultation with the Director of the Federal Bureau of Investigation.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and

nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than one year after the date of the enactment of this Act.

(d) DEFINITION.—For the purposes of this section, the term ''criminal history identification files'', with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

Subtitle F—Other Matters

SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by inserting ''(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—'' before ''An enlisted member'';

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

''(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or''; and

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

(b) OFFICER SERVICE CREDIT.—Such section is further amended by adding at the end the following:

''(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

''(1) deserts;

''(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

''(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

''(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.''.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''972. Members: effect of time lost.''.

(d) CONFORMING AMENDMENTS.—(1) Section 1405(c) is amended—

(A) by striking out ''MADE UP.—Time'' and inserting in lieu thereof ''MADE UP OR EXCLUDED.—(1) Time'';

(B) by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)'';

(C) by inserting after ''of this title'' the following: '', or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,''; and

(D) by adding at the end the following:

''(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)''; and

(B) by adding at the end of section 3926 the following new subsection:

''(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

''§ 6328. Computation of years of service: voluntary retirement

''(a) ENLISTED MEMBERS.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

''(b) OFFICERS.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this chapter any time identified with respect to that officer under that section.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

''6328. Computation of years of service: voluntary retirement.''.

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out ''section 972'' and inserting in lieu thereof ''section 972(a)''; and

(B) by adding at the end of section 8926 the following new subsection:

''(d) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 562. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

''§ 4303. Army Ranger training: instructor staffing; safety

''(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.

''(2) In this subsection, the term 'required manning spaces' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

''(b) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a 'safety cell' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

''(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily 'go' and 'no-go' decisions regarding training in light of all relevant conditions, including conditions of terrain, weather, water, and climate and other conditions.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

''4303. Army Ranger training: instructor staffing; safety.''.

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade are not each at (or above) the requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army shall—

(A) take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) submit to Congress, not later than 90 days after such date of enactment, a plan to achieve and maintain that requirement.

(2) The requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), shall expire two years after the date (on or after the date of the enactment of this Act) on which the required manning levels referred to in paragraph (1) are first attained.

(c) GAO ASSESSMENT.—(1) Not later than one year the date of the enactment of this Act, the Comptroller General shall submit to Congress a report providing a preliminary assessment of the implementation and effectiveness of all corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp, including an evaluation of the implementation of the required manning levels established by subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(2) At the end of the two-year period specified in subsection (b)(2), the Comptroller General shall submit to Congress a report providing a final assessment of the matters covered in the preliminary report under paragraph (1). The report shall include the Comptroller General's recommendation as to the need to continue required statutory manning levels as specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(d) SENSE OF CONGRESS.—In light of requirement that particularly dangerous training activities (such as Ranger training, Search, Evasion, Rescue, and Escape (SERE) training, SEAL training, and Airborne training) must be adequately manned and resourced to ensure safety and effective oversight, it is the sense of Congress—

(1) that the Secretary of Defense, in conjunction with the Secretaries of the military departments, should review and, if necessary, enhance oversight of all such training activities; and

(2) that organizations similar to the safety cells required to be established for Army Ranger training in section 4303 of title 10, United States Code, as added by subsection (a), should (when appropriate) be used for all such training activities.

SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by inserting after section 1166 the following new section:

"§ 1167. Members under confinement by sentence of court-martial: separation after six months confinement

''Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of six months.''.

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1166 the following new item:

''1167. Members under confinement by sentence of court-martial: separation after six months confinement.''.

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

"§ 12687. Reserves under confinement by sentence of court-martial: separation after six months confinement

''Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for more than six months may be separated from that Reserve's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the Reserve has served in confinement for a period of six months.''.

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

''12687. Reserves under confinement by sentence of court-martial: separation after six months confinement.''.

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out ''or (2)'' and inserting in lieu thereof ''(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)''.

(2) Section 12684 of such title is amended—

(A) by striking out ''or'' at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or''.

SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129b the following new section:

"§ 129c. Medical personnel: limitations on reductions

''(a) LIMITATION ON REDUCTION.—For any fiscal year, the Secretary of Defense may not make a reduction in the number of medical personnel of the Department of Defense described in subsection (b) unless the Secretary makes a certification for that fiscal year described in subsection (c).

''(b) COVERED REDUCTIONS.—Subsection (a) applies to a reduction in the number of medical personnel of the Department of Defense as of the end of a fiscal year to a number that is less than—

''(1) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or

''(2) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

''(c) CERTIFICATION.—A certification referred to in subsection (a) with respect to reductions in medical personnel of the Department of Defense for any fiscal year is a certification by the Secretary of Defense to Congress that—

''(1) the number of medical personnel being reduced is excess to the current and projected needs of theDepartment of Defense; and

''(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of this title.

''(d) POLICY FOR IMPLEMENTING REDUCTIONS.—Whenever the Secretary of Defense directs that there be a reduction in the total number of military medical personnel of the Department of Defense, the Secretary shall require that the reduction be carried out so as to ensure that the reduction is not exclusively or disproportionatly borne by any one of the armed forces and is not exclusively or disproportionatly borne by either the active or the reserve components.

''(e) DEFINITION.—In this section, the term 'medical personnel' means—

''(1) the members of the armed forces covered by the term 'medical personnel' as defined in section 115a(g)(2) of this title; and

''(2) the civilian personnel of the Department of Defense assigned to military medical facilities.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129b the following new item:

''129c. Medical personnel: limitations on reductions.''.

(b) SPECIAL TRANSITION RULE FOR FISCAL YEAR 1996.—For purposes of applying subsection (b)(1) of section 129c of title 10, United States Code, as added by subsection (a), during fiscal year 1996, the number against which the percentage limitation of 95 percent is computed shall be the number of medical personnel of the Department of Defense as of the end of fiscal year 1994 (rather than the number as of the end of fiscal year 1995).

(c) REPORT ON PLANNED REDUCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the reduction of the number of medical personnel of the Department of Defense over the five-year period beginning on October 1, 1996.

(2) The Secretary shall prepare the plan through the Assistant Secretary of Defense having responsibility for health affairs, who shall consult in the preparation of the plan with the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force.

(3) For purposes of this subsection, the term ''medical personnel of the Department of Defense'' shall have the meaning given the term ''medical personnel'' in section 129c(e) of title 10, United States Code, as added by subsection (a).

(d) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 115 note).

(2) Subsection (b) of section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 115 note).

(3) Section 518 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 12001 note).

SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is defined and managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of service, unit, or assignment.

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

''(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).''.

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out ''Coast and Geodetic Survey'' in subsections (a) and (b) and inserting in lieu thereof ''commissioned officer corps of the National Oceanic and Atmospheric Administration''; and

(2) in subsection (a), by striking out ''including changes in those rules made after the effective date of this Act'' in the matter preceding paragraph (1) and inserting in lieu thereof ''as those provisions are in effect from time to time''.

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV–1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§ 1177. Members infected with HIV–1 virus: mandatory discharge or retirement

''(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

''(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire

under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

''(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

''(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

''(e) ENTITLEMENT TO HEALTH CARE.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

''(f) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

''(g) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus–1 (HIV–1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

''1177. Members infected with HIV–1 virus: mandatory discharge or retirement.''.

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

''CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

''Subchapter Sec.
''I. Military Family Programs 1781
''II. Military Child Care 1791

''SUBCHAPTER I—MILITARY FAMILY PROGRAMS

''Sec.
''1781. Office of Family Policy.
''1782. Surveys of military families.
''1783. Family members serving on advisory committees.
''1784. Employment opportunities for military spouses.
''1785. Youth sponsorship program.
''1786. Dependent student travel within the United States.
''1787. Reporting of child abuse.

''§ 1781. Office of Family Policy

''(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

''(b) DUTIES.—The Office—

''(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

''(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

''(c) STAFF.—The Office shall have not less than five professional staff members.

''§ 1782. Surveys of military families

''(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

''(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

''(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

''§ 1783. Family members serving on advisory committees

''A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

''§ 1784. Employment opportunities for military spouses

''(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

''(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

''(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

''(1) to implement such measures as the President orders under subsection (a);

''(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

''(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

''(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

''(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

''§ 1785. Youth sponsorship program

''(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

''(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

''§ 1786. Dependent student travel within the United States

''Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

''§ 1787. Reporting of child abuse

''(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

''(b) DEFINITION.—In this section, the term 'child abuse and neglect' has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

''SUBCHAPTER II—MILITARY CHILD CARE

''Sec.
''1791. Funding for military child care.
''1792. Child care employees.
''1793. Parent fees.
''1794. Child abuse prevention and safety at facilities.
''1795. Parent partnerships with child development centers.
''1796. Subsidies for family home day care.
''1797. Early childhood education program.
''1798. Definitions.

''§ 1791. Funding for military child care

''It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

"§ 1792. Child care employees

''(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

''(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

''(3) The training program established under this subsection shall cover, at a minimum, training in the following:

''(A) Early childhood development.

''(B) Activities and disciplinary techniques appropriate to children of different ages.

''(C) Child abuse prevention and detection.

''(D) Cardiopulmonary resuscitation and other emergency medical procedures.

''(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

''(2) The duties of such employees shall include the following:

''(A) Special teaching activities at the center.

''(B) Daily oversight and instruction of other child care employees at the center.

''(C) Daily assistance in the preparation of lesson plans.

''(D) Assistance in the center's child abuse prevention and detection program.

''(E) Advising the director of the center on the performance of other child care employees.

''(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

''(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

''(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

''(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

''(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

''(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

''(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term 'competitive service position' means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

"§ 1793. Parent fees

''(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

''(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

"§ 1794. Child abuse prevention and safety at facilities

''(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

''(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

''(2) The Secretary shall publicize the existence of the number.

''(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

''(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

''(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

''(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

''(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

"§ 1795. Parent partnerships with child development centers

''(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

''(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§ 1796. Subsidies for family home day care

''The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§ 1797. Early childhood education program

''The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§ 1798. Definitions

''In this subchapter:

''(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

''(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

''(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

''(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

''88. Military Family Programs and Military Child Care ..... 1781''.

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

SEC. 569. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces (and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders) who becomes missing or unaccounted for is ultimately accounted for by the United States and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

''Sec.
''1501. System for accounting for missing persons.
''1502. Missing persons: initial report.
''1503. Actions of Secretary concerned; initial board inquiry.
''1504. Subsequent board of inquiry.
''1505. Further review.
''1506. Personnel files.
''1507. Recommendation of status of death.
''1508. Judicial review.
''1509. Preenactment, special interest cases.
''1510. Applicability to Coast Guard.
''1511. Return alive of person declared missing or dead.
''1512. Effect on State law.
''1513. Definitions.

"§ 1501. System for accounting for missing persons

''(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

''(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion); and

''(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

''(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

''(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion).

''(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

''(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

''(A) the determination of the status of persons described in subsection (c); and

''(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

''(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

''(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

''(4) As part of such procedures, the Secretary may provide for the extension, on a case by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

''(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

''(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

''(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

''(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

''(e) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

''(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.

"§ 1502. Missing persons: initial report

''(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts and status of a person described in section 1501(c) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

''(1) recommend that the person be placed in a missing status; and

''(2) not later than 48 hours after receiving such information, transmit a report containing that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(b) of this title.

''(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.

''(c) SAFEGUARDING AND FORWARDING OF RECORDS.—A commander making a preliminary assessment under subsection (a) with respect to a missing person shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and forward for official use any information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person. The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.

"§ 1503. Actions of Secretary concerned; initial board inquiry

''(a) DETERMINATION BY SECRETARY.—Upon receiving a recommendation under section 1502(b) of this title that a person be placed in a missing status, the Secretary receiving the recommendation shall review the recommendation and, not later than 10 days after receiving such recommendation, shall appoint a board under this section to conduct an inquiry into the whereabouts and status of the person.

''(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts and status of all such persons.

''(c) COMPOSITION.—(1) A board appointed under this section to inquire into the whereabouts and status of a person shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

''(2) An individual referred to in paragraph (1) is the following:

''(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

''(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department

of Defense or of a contractor of the Department of Defense.

''(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

''(4) A Secretary appointing a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

''(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts and status of a missing person under this section shall—

''(1) collect, develop, and investigate all facts and evidence relating to the disappearance or whereabouts and status of the person;

''(2) collect appropriate documentation of the facts and evidence covered by the board's investigation;

''(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

''(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

''(A) the person be placed in a missing status; or

''(B) the person be declared to have deserted, to be absent without leave, or (subject to the requirements of section 1507 of this title) to be dead.

''(e) BOARD PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

''(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts and status of each person covered by the inquiry;

''(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions; and

''(3) maintain a record of its proceedings.

''(f) COUNSEL FOR MISSING PERSON.—(1) The Secretary appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry or, in a case covered by subsection (b), one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel' and represents the interests of the person covered by the inquiry (and not any member of the person's family or other interested parties).

''(2) To be appointed as a missing person's counsel, a person must—

''(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial;

''(B) have a security clearance that affords the counsel access to all information relating to the whereabouts and status of the person or persons covered by the inquiry; and

''(C) have expertise in the law relating to missing persons, the determination of the death of such persons, and the rights of family members and dependents of such persons.

''(3) A missing person's counsel—

''(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

''(B) shall observe all official activities of the board during such proceedings;

''(C) may question witnesses before the board; and

''(D) shall monitor the deliberations of the board.

''(4) A missing person's counsel shall assist the board in ensuring that all appropriate information concerning the case is collected, logged, filed, and safeguarded.

''(5) A missing person's counsel shall review the report of the board under subsection (h) and submit to the Secretary concerned who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

''(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

''(h) REPORT.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

''(A) a discussion of the facts and evidence considered by the board in the inquiry;

''(B) the recommendation of the board under subsection (d) with respect to each person covered by the report; and

''(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

''(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than 30 days after the date of the appointment of the board to carry out the inquiry. The report may include a classified annex.

''(3) The Secretary of Defense shall prescribe procedures for the release of a report submitted under this subsection with respect to a missing person. Such procedures shall provide that the report may not be made public (except as provided for in subsection (j)) until one year after the date on which the report is submitted.

''(i) DETERMINATION BY SECRETARY.—(1) Not later than 30 days after receiving a report from a board under subsection (h), the Secretary receiving the report shall review the report.

''(2) In reviewing a report under paragraph (1), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

''(A) be declared to be missing;

''(B) be declared to have deserted;

''(C) be declared to be absent without leave; or

''(D) be declared to be dead.

''(j) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (i), the Secretary shall take reasonable actions to—

''(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

''(A) an unclassified summary of the unit commander's report with respect to the person under section 1502(a) of this title; and

''(B) the report of the board (including the names of the members of the board) under subsection (h); and

''(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts and status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

''(k) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

"§ 1504. Subsequent board of inquiry

''(a) ADDITIONAL BOARD.—If information that may result in a change of status of a person covered by a determination under section 1503(i) of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

''(b) DATE OF APPOINTMENT.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the transmission of a report concerning the person under section 1502(a)(2) of this title.

''(c) COMBINED INQUIRIES.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts and status of such persons.

''(d) COMPOSITION.—(1) A board appointed under this section shall be composed of at least three members as follows:

''(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

''(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

''(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

''(ii) such members of the armed forces as the Secretary considers advisable.

''(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

''(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

''(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.

''(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

''(3) One member of each board appointed under this subsection shall be an individual who—

''(A) has a occupational specialty similar to that of one or more of the persons covered by the inquiry; and

''(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

''(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the

board a judge advocate, or appoint to the board an attorney, with the same qualifications as specified in section 1503(c)(4) of this title.

''(e) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts and status of a person shall—

''(1) review the reports with respect to the person transmitted under section 1502(a)(2) of this title and submitted under section 1503(h) of this title;

''(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person under section 1503 of this title;

''(3) draw conclusions as to the whereabouts and status of the person;

''(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

''(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts and status of the person.

''(f) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary concerned appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

''(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

''(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

''(g) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by a inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.

''(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

''(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.

''(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

''(A) in the case of a individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

''(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

''(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

''(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (i) as to the status of the missing person.

''(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—

''(i) submit a letter of intent to the president of the board not later than 15 days after the date on which the recommendations are made; and

''(ii) submit to the president of the board the objections in writing not later than 30 days after the date on which the recommendations are made.

''(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (i).

''(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

''(h) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

''(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

''(A) declassify to an appropriate degree classified information; or

''(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

''(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, or if the classification markings cannot be removed before release from the information covered by the request, or if the material cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board making the request and the counsel for the missing person appointed under subsection (f).

''(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

''(i) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts and status of each missing person covered by the inquiry.

''(2) A board may not recommend under paragraph (1) that a person be declared dead unless in making the recommendation the board complies with section 1507 of this title.

''(j) REPORT.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

''(k) ACTIONS BY SECRETARY CONCERNED.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary shall review—

''(A) the report;

''(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

''(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(5).

''(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (C) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

''(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (k), the Secretary shall—

''(1) provide the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

''(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts and status of the person as specified in section 1505 of this title.

''(m) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (k) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

''§ 1505. Further review

''(a) SUBSEQUENT REVIEW.—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

''(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

''(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

''(B) not later than every three years thereafter.

''(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

''(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

''(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

''(B) if, before the end of such 30-year period, the missing person is accounted for.

''(c) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the office established under section 1501 of this title.

''(2) Upon receipt of information under paragraph (1), the head of the office established under section 1501 of this title shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing

person's counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

''(3) The head of the office established under section 1501 of this title, with the advice of the missing person's counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

''(d) CONDUCT OF PROCEEDINGS.—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

''§ 1506. Personnel files

''(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

''(b) CLASSIFIED INFORMATION.—The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

''(1) A notice that the withheld information exists.

''(2) A notice of the date of the most recent review of the classification of the withheld information.

''(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

''(d) PRIVILEGED INFORMATION.—(1) The Secretary concerned shall withhold from personnel files under this section, as privileged information, debriefing reports provided by missing persons returned to United States control which are obtained under a promise of confidentiality made for the purpose of ensuring the fullest possible disclosure of information.

''(2) If a debriefing report contains non-derogatory information about the status and whereabouts of a missing person other than the source of the debriefing report, the Secretary concerned shall prepare an extract of the non-derogatory information. That extract, following a review by the source of the debriefing report, shall be placed in the personnel file of the missing person in such a manner as to protect the identity of the source providing the information.

''(3) Whenever the Secretary concerned withholds a debriefing report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that withheld information exists.

''(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

''(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

''§ 1507. Recommendation of status of death

''(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1503, 1504, or 1505 of this title may not recommend that a person be declared dead unless—

''(1) credible evidence exists to suggest that the person is dead;

''(2) the United States possesses no credible evidence that suggests that the person is alive; and

''(3) representatives of the United States—

''(A) have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

''(B) have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

''(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1503, 1504, or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under that section the following:

''(1) A detailed description of the location where the death occurred.

''(2) A statement of the date on which the death occurred.

''(3) A description of the location of the body, if recovered.

''(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

''§ 1508. Judicial review

''(a) RIGHT OF REVIEW.—A person who is the primary next of kin (or the previously designated person) of a person who is the subject of a finding described in subsection (b) may obtain judicial review in a United States district court of that finding, but only on the basis of a claim that there is information that could affect the status of the missing person's case that was not adequately considered during the administrative review process under this chapter. Any such review shall be as provided in section 706 of title 5.

''(b) FINDINGS FOR WHICH JUDICIAL REVIEW MAY BE SOUGHT.—Subsection (a) applies to the following findings:

''(1) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

''(2) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

''(c) SUBSEQUENT REVIEW.—Appeals from a decision of the district court shall be taken to the appropriate United States court of appeals and to the Supreme Court as provided by law.

''§ 1509. Preenactment, special interest cases

''(a) REVIEW OF STATUS.—In the case of an unaccounted for person covered by section 1501(c) of this title who is described in subsection (b), if new information that could change the status of that person is found or received by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title, that information shall be provided to the Secretary of Defense with a request that the Secretary evaluate the information in accordance with sections 1505(c) and 1505(d) of this title.

''(b) CASES ELIGIBLE FOR REVIEW.—The cases eligible for review under this section are the following:

''(1) With respect to the Korean conflict, any unaccounted for person who was classified as a prisoner of war or as missing in action during that conflict and who (A) was known to be or suspected to be alive at the end of that conflict, or (B) was classified as missing in action and whose capture was possible.

''(2) With respect to the Cold War, any unaccounted person who was engaged in intelligence operations (such as aerial ''ferret'' reconnaissance missions over and around the Soviet Union and China) during the Cold War.

''(3) With respect to Indochina war era, any unaccounted for person who was classified as a prisoner of war or as missing in action during the Indochina conflict.

''(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.

''(d) DEFINITIONS.—In this section:

''(1) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on January 31, 1955.

''(2) The term 'Cold War' means the period beginning on September 2, 1945, and ending on August 21, 1991.

''(3) The term 'Indochina war era' means the period beginning on July 8, 1959, and ending on May 15, 1975.

''§ 1510. Applicability to Coast Guard

''(a) DESIGNATED OFFICER TO HAVE RESPONSIBILITY.—The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within the Department of Transportation for matters relating to missing persons who are members of the Coast Guard.

''(b) PROCEDURES.—The Secretary of Transportation shall prescribe procedures for the determination of the status of persons described in section 1501(c) of this title who are members of the Coast Guard and for the collection, analysis, review, and update of information on such persons. To the maximum extent practicable, the procedures prescribed under this section shall be similar to the procedures prescribed by the Secretary of Defense under section 1501(b) of this title.

''§ 1511. Return alive of person declared missing or dead

''(a) PAY AND ALLOWANCES.—Any person (except for a person subsequently determined to have been absent without leave or a deserter) in a missing status or declared dead under subchapter VII of chapter 55 of title 5 or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

''(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

''§ 1512. Effect on State law

''(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

''(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''§ 1513. Definitions

''In this chapter:

''(1) The term 'missing person' means—

''(A) a member of the armed forces on active duty who is in a missing status; or

''(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

''(2) The term 'missing status' means the status of a missing person who is determined to be absent in a category of any of the following:

''(A) Missing.

''(B) Missing in action.

''(C) Interned in a foreign country.

''(D) Captured.

''(E) Beleaguered.

''(F) Besieged.

''(G) Detained in a foreign country against that person's will.

''(3) The term 'accounted for', with respect to a person in a missing status, means that—

''(A) the person is returned to United States control alive;

''(B) the remains of the person are recovered and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or

''(C) credible evidence exists to support another determination of the person's status.

''(4) The term 'primary next of kin', in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

''(5) The term 'member of the immediate family', in the case of a missing person, means the following:

''(A) The spouse of the person.

''(B) A natural child, adopted child, step child, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.

''(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.

''(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.

''(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

''(6) The term 'previously designated person', in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

''(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

''(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

''76. Missing Persons ..... 1501''.

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out ''When a member'' and inserting in lieu thereof ''Except as provided in subsection (d), when a member''; and

(B) by adding at the end the following new subsection:

''(d) This section does not apply in a case to which section 1502 of title 10 applies.''.

(2) Section 552 is amended—

(A) in subsection (a), by striking out ''for all purposes,'' in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof ''for all purposes.'';

(B) in subsection (b), by inserting ''or under chapter 76 of title 10'' before the period at the end; and

(C) in subsection (e), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(3) Section 553 is amended—

(A) in subsection (f), by striking out ''the date the Secretary concerned receives evidence that'' and inserting in lieu thereof ''the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that''; and

(B) in subsection (g), by inserting ''or under chapter 76 of title 10'' after ''section 555 of this title''.

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

''Paragraphs (1), (5), (6), and (7) only apply with respect to a case to which section 555 of this title applies.'';

(B) in subsection (b), by inserting '', in a case to which section 555 of this title applies,'' after ''When the Secretary concerned''; and

(C) in subsection (h)—

(i) in the first sentence, by striking out ''status'' and inserting in lieu thereof ''pay''; and

(ii) in the second sentence, by inserting ''in a case to which section 555 of this title applies'' after ''under this section''.

(d) DESIGNATION OF PERSONS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

''§655. Designation of persons having interest in status of a missing member

''(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

''(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.''.

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

''655. Designation of persons having interest in status of a missing member.''.

(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the provisions of subchapter VII of chapter 55 of title 5, United States Code (commonly referred to as the ''Missing Persons Act of 1942) (5 U.S.C. 5561 et seq.) and any other law or regulation establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study shall be to determine the means, if any, by which those procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the United States as the President designates for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

Subtitle G—Support for Non-Department of Defense Activities

SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—The following provisions of law are repealed:

(1) Section 410 of title 10, United States Code.

(2) Section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note).

(b) REPEAL OF RELATED PROVISION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 20 of title 10, United States Code, is amended—

(1) by striking out the table of subchapters after the chapter heading;

(2) by striking out the subchapter heading for subchapter I; and

(3) by striking out the subchapter heading for subchapter II and the table of sections following that subchapter heading.

SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL SUPPORT AND SERVICES FOR ELIGIBLE ORGANIZATIONS AND ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§2012. Support and services for eligible organizations and activities outside Department of Defense

''(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section

authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

''(1) such assistance is authorized by a provision of law (other than this section); or

''(2) the provision of such assistance is incidental to military training.

''(b) SCOPE OF COVERED ACTIVITIES SUBJECT TO SECTION.—This section does not—

''(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

''(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

''(c) REQUIREMENT FOR SPECIFIC REQUEST.—Assistance under subsection (a) may only be provided if—

''(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

''(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

''(d) RELATIONSHIP TO MILITARY TRAINING.—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

''(A) The provision of such assistance—

''(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

''(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

''(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

''(C) The provision of such assistance will not result in a significant increase in the cost of the training.

''(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

''(e) ELIGIBLE ENTITIES.—The following organizations and activities are eligible for assistance under this section:

''(1) Any Federal, regional, State, or local governmental entity.

''(2) Youth and charitable organizations specified in section 508 of title 32.

''(3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

''(1) Rules governing the types of assistance that may be provided.

''(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

''(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

''(A) meets a valid need; and

''(B) does not duplicate other available public services.

''(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

''(g) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

''(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

''(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

''(h) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

''(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

''(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2012. Support and services for eligible organizations and activities outside Department of Defense.''.

SEC. 573. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act and such authority shall terminate as of the end of that period.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF CIVIL-MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE.

No funds may be obligated or expended after the date of the enactment of this Act (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil-Military Programs, or (2) for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS RESIDING WITHOUT DEPENDENTS IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

''(4) In the case of enlisted members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The Secretary concerned shall achieve the percentage limitation specified in this paragraph as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.''.

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting ''(1)'' after ''(b)'';

(3) by designating the text composed of the second, third, and fourth sentences as paragraph (2); and

(4) by designating the text composed of the fifth and sixth sentences as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out ''the third sentence of subsection (b)'' and inserting in lieu thereof ''subsection (b)(2)''; and

(B) in paragraph (2), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (b)(2)''.

(2) Section 1012 of title 37, United States Code, is amended by striking out ''the last sentence of section 402(b)'' and inserting in lieu thereof ''section 402(b)(3)''.

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and Marine Corps—

(1) the number of members who reside without dependents in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members who reside without dependents in Government quarters;

(3) a recommended maximum percentage of the members residing without dependents in Government quarters at their permanent duty station who should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage is recommended.

SEC. 603. ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.

(a) ELECTION AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out ''However, subject'' and inserting in lieu thereof ''Subject''; and

(3) by adding at the end the following new paragraph:

''(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay

grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 604. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS IN PAY GRADE E–6 WHO ARE ASSIGNED TO SEA DUTY.

(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out ''E–7'' and inserting in lieu thereof ''E–6''; and

(2) in the second sentence, by striking out ''E–6'' and inserting in lieu thereof ''E–5''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—(1) Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: ''However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area.''.

(2) The amendment made by paragraph (1) shall apply for fiscal years after fiscal year 1995.

(b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: ''In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of the second sentence of subsection (c)(3).''.

(c) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

(d) RESOLVING VHA INADEQUACIES IN HIGH HOUSING COST AREAS.—If the Secretary of Defense determines that, despite the amendments made by this section, inadequacies exist in the provision of variable housing allowances under section 403a of title 37, United States Code, the Secretary shall submit to Congress a report containing a legislative proposal to address the inadequacies. The Secretary shall make the determination required by this subsection and submit the report, if necessary, not later than May 31, 1996.

SEC. 606. CLARIFICATION OF LIMITATION ON ELIGIBILITY FOR FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended in the first sentence by inserting ''paragraph (1)(A) of'' after ''not entitled to an allowance under''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1995,'' and inserting in lieu thereof ''September 30, 1997''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(e) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''October 1, 1997''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''October 1, 1997''.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1995.

(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

(3) For purposes of this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

''§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

''(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

''(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

''(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

''(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

''(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

''(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after September 30, 1997.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

''302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.''.

(b) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code is amended by striking out ''302, 302a, 302b, 302c, 302d, 302e,'' each place it appears and inserting in lieu thereof ''302 through 302g,''.

(c) CONFORMING REPEAL.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note) is repealed.

(2) The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply to agreements entered into under such section before such date.

SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

(a) INCLUSION OF ADDITIONAL MEMBERS.—Subsection (a)(11) of section 301 of title 37, United States Code, is amended by striking out ''an officer (other than a warrant officer)'' and inserting in lieu thereof ''a member''.

(b) CALCULATION OF HAZARDOUS DUTY INCENTIVE PAY.—The table in subparagraph (A) of subsection (c)(2) of such section is amended to read as follows:

''Pay grade	Years of service as an air weapons controller							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	
''O–7 and above	$200	$200	$200	$200	$200	$200	$200	
''O–6	225	250	300	325	350	350	350	
''O–5	200	250	300	325	350	350	350	
''O–4	175	225	275	300	350	350	350	
''O–3	125	156	188	206	350	350	350	
''O–2	125	156	188	206	250	300	300	
''O–1	125	156	188	206	250	250	250	
''W–4	200	225	275	300	325	325	325	
''W–3	175	225	275	300	325	325	325	
''W–2	150	200	250	275	325	325	325	
''W–1	100	125	150	175	325	325	325	
''E–9	200	225	250	275	300	300	300	
''E–8	200	225	250	275	300	300	300	
''E–7	175	200	225	250	275	275	275	
''E–6	156	175	200	225	250	250	250	
''E–5	125	156	175	188	200	200	200	
''E–4 and below	125	156	175	188	200	200	200	
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
''O–7 and above	$200	$200	$200	$200	$200	$200	$200	$110
''O–6	350	350	350	350	300	250	250	225
''O–5	350	350	350	350	300	250	250	225
''O–4	350	350	350	350	300	250	250	225
''O–3	350	350	350	300	275	250	225	200
''O–2	300	300	300	275	245	210	200	180
''O–1	250	250	250	245	210	200	180	150
''W–4	325	325	325	325	276	250	225	200
''W–3	325	325	325	325	325	250	225	200
''W–2	325	325	325	325	275	250	225	200
''W–1	325	325	325	325	275	250	225	200
''E–9	300	300	300	300	275	230	200	200
''E–8	300	300	300	300	265	230	200	200
''E–7	300	300	300	300	265	230	200	200
''E–6	300	300	300	300	265	230	200	200
''E–5	250	250	250	250	225	200	175	150
''E–4 and below	200	200	200	200	175	150	125	125''.

(c) CONFORMING AMENDMENTS.—Subsection (c)(2) of such section is further amended—

(1) by striking out ''an officer'' each place it appears and inserting in lieu thereof ''a member''; and

(2) by striking out ''the officer'' each place it appears and inserting in lieu thereof ''the member''.

SEC. 616. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out ''9'' and inserting in lieu thereof ''8''.

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: ''The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.''.

SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out ''or'' after ''Air Force,''; and

(2) by inserting before the semicolon the following: '', an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse''.

SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Subparagraph (A) of section 305a(d)(1) of title 37, United States Code, is amended to read as follows:

''(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—

''(i) while serving on a ship the primary mission of which is accomplished while under way;

''(ii) while serving as a member of the off-crew of a two-crewed submarine; or

''(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or''.

SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: ''In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REPEAL OF REQUIREMENT REGARDING CALCULATION OF ALLOWANCES ON BASIS OF MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out '', based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense''.

SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out ''ordered'' each place it appears and inserting in lieu thereof ''authorized or ordered''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.

SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD FROM MEMBER'S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out ''who became 21 years of age'' and inserting in lieu thereof ''who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member''; and

(2) by inserting ''still'' after ''shall''.

SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out ''or'' at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof ''; or''; and

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

''(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.''.

(b) CONFORMING AMENDMENTS.—(1) The last sentence of such subsection is amended—

(A) by striking out ''clause (3) or (4)(B)'' and inserting in lieu thereof ''paragraph (3) or (4)(B)''; and

(B) by striking out ''clause (1)'' and inserting in lieu thereof ''paragraph (1) or (5)''.

(2) Subsection (b) of such section is amended—

(A) by striking out ''subsection (a)(3) or (a)(4)(B)'' in the first sentence and inserting in lieu thereof ''paragraph (3) or (4)(B) of subsection (a)''; and

(B) by striking out ''subsection (a)(1)'' in the second sentence and inserting in lieu thereof ''paragraph (1) or (5) of subsection (a)''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEARS 1996, 1997, AND 1998.

(a) ADJUSTMENT OF EFFECTIVE DATES.—Subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended to read as follows:

''(B) SPECIAL RULES FOR FISCAL YEARS 1996 AND 1998.—

''(i) FISCAL YEAR 1996.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1995, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1996.

''(ii) FISCAL YEAR 1998.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September 1998.''.

(b) CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—(1) If a civil service retiree cola that becomes effective during fiscal year 1998 becomes effective on a date other than the date on which a military retiree cola during that fiscal year is specified to become effective under subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, as amended by subsection (a), then the increase in military retired and retainer pay shall become payable as part of such retired and retainer pay effective on the same date on which such civil service retiree cola becomes effective (notwithstanding the date otherwise specified in such subparagraph (B)).

(2) Paragraph (1) does not apply with respect to the retired pay of a person retired under chapter 61 of title 10, United States Code.

(3) For purposes of this subsection:

(A) The term ''civil service retiree cola'' means an increase in annuities under the Civil Service Retirement System either under section 8340(b) of title 5, United States Code, or pursuant to a law providing a general increase in such annuities.

(B) The term ''military retiree cola'' means an adjustment in retired and retainer pay pursuant to section 1401a(b) of title 10, United States Code.

(c) REPEAL OF PRIOR CONDITIONAL ENACTMENT.—Section 8114A(b) of Public Law 103–335 (108 Stat. 2648) is repealed.

SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY FOR RESERVES RECEIVING CERTAIN COURT-MARTIAL SENTENCES.

(a) IN GENERAL.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12740. Eligibility: denial upon certain punitive discharges or dismissals

''A person who—

''(1) is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title) and whose sentence includes death; or

''(2) is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal,

is not eligible for retired pay under this chapter.''.

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

''12740. Eligibility: denial upon certain punitive discharges or dismissals.''.

(b) EFFECTIVE DATE.—Section 12740 of title 10, United States Code, as added by subsection (a), shall apply with respect to court-martial sentences adjudged after the date of the enactment of this Act.

SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the number of potential beneficiaries there would be if Congress were to enact authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component who died during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of death would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—As part of the study under subsection (a), the Secretary shall determine the following:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study under this section. The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1), together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured on the Island of Bataan in the territory of the Philippines by Japanese forces;

(2) participated in the Bataan Death March;

(3) escaped from captivity; and

(4) served as a guerilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (4) of subsection (b) and which was not paid to that individual. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVERPAYMENTS UNDER MINIMUM INCOME WIDOWS PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may waive recovery by the United States of any overpayment by the United States described in subsection (b). In the case of any such waiver, any debt to the United States arising from such overpayment is forgiven.

(b) COVERED OVERPAYMENTS.—Subsection (a) applies in the case of an overpayment by the United States that—

(1) was made before the date of the enactment of this Act under section 4 of Public Law 92–425 (10 U.S.C. 1448 note); and

(2) is attributable to failure by the Department of Defense to apply the eligibility provisions of subsection (a) of such section in the case of the person to whom the overpayment was made.

SEC. 636. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COVERAGE OF PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by adding at the end the following: ''Upon establishment of such a program, the program shall apply in the case of each such member described in subsection (b) who is under the jurisdiction of the Secretary establishing the program.''.

(b) CLARIFICATION OF PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended—

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

(A) by striking out ''any case of a separation from active duty as described in subsection (b)'' and inserting in lieu thereof ''the case of any individual described in subsection (b)''; and

(B) by striking ''former member'' and inserting in lieu thereof ''individual'';

(2) in paragraph (1)—

(A) by striking out ''former member'' and inserting in lieu thereof ''individual''; and

(B) by striking out ''member'' and inserting in lieu there of ''individual'';

(3) in paragraph (2), by striking out ''former member'' both places it appears and inserting in lieu thereof ''individual described in subsection (b)'';

(4) in paragraph (3), by striking out ''former member'' and inserting in lieu thereof ''individual described in subsection (b)''; and

(5) in paragraph (4), by striking out ''member'' both places it appears and inserting in lieu thereof ''individual described in subsection (b)''.

(c) EFFECTIVE DATE.—Section 554(b) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 1059 note) is amended—

(1) in paragraph (1), by striking out ''on or after the date of the enactment of this Act'' and inserting in lieu thereof ''after November 29, 1993''; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) Payments of transitional compensation under that section in the case of any person eligible to receive payments under that section shall be made for each month after November 1993 for which that person may be paid transitional compensation in accordance with that section.''.

Subtitle E—Other Matters

SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEMBERS FOR ALL LEAVE ACCRUED.

(a) INAPPLICABILITY OF 60-DAY LIMITATION.—Section 501(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 501(f) of such title is amended by striking out '', (d),'' in the first sentence.

SEC. 642. REPEAL OF REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amended by striking out ''section 406(l) of title 37'' and inserting in lieu thereof ''section 406(k) of title 37''.

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section 1008(a) of title 37, United States Code, is amended by striking out the second sentence.

(c) REPORT ON QUADRENNIAL REVIEW OF ADJUSTMENTS IN COMPENSATION.—Section 1009(f) of such title is amended by striking out ''of this title,'' and all that follows through the period at the end and inserting in lieu thereof ''of this title.''.

SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) IN GENERAL.—Subsection (j) of section 5520a of title 5, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) Such regulations shall provide that an agency's administrative costs incurred in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.''.

(b) INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS OF THE UNIFORMED SERVICES.—Subsection (k) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) Regulations under this subsection may also provide that the administrative costs incurred in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.''.

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE EXPENSES.—Such section is further amended by adding at the end the following:

''(l) The amount of an agency's administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(3) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.''.

SEC. 644. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress a report containing the determinations of the Secretary regarding whether, in order to improve the working conditions of noncommissioned officers in pay grades E–5 and E–6, any of the privileges afforded noncommissioned officers in any of the pay grades above E–6 should be extended to noncommissioned officers in pay grades E–5 and E–6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF BAS.—The Secretary shall include in the report a determination on whether noncommissioned officers in pay grades E–5 and E–6 should be afforded the same privilege as noncommissioned officers in pay grades above E–6 to elect to mess separately and receive the basic allowance for subsistence.

(c) ADDITIONAL MATTERS.—The report shall also contain a discussion of the following matters:

(1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E–5 and E–6.

(2) The effects on readiness that would result from extending the additional privileges.

(3) The options for extending the privileges on an incremental basis over an extended period.

(d) RECOMMENDED LEGISLATION.—The Secretary shall include in the report any recommended legislation that the Secretary considers necessary in order to authorize extension of a privilege as determined appropriate under subsection (a).

SEC. 645. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Effective April 1, 1996, section 1967 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out ''$100,000'' each place it appears and inserting in lieu thereof in each instance ''$200,000'';

(2) by striking out subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 647. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE READY RESERVE WHO FAIL TO PAY PREMIUMS.

(a) AUTHORITY.—Section 1969(a)(2) of title 38, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) If an individual who is required pursuant to subparagraph (A) to make a direct remittance of costs to the Secretary concerned fails to make the required remittance within 60 days of the date on which such remittance is due, such individual's insurance with respect to which such remittance is required shall be terminated by the Secretary concerned. Such termination shall be made by written notice to the individual's official address and shall be effective 60 days after the date of such notice. Such termination of insurance may be vacated if, before the effective date of termination, the individual remits all amounts past due for such insurance and demonstrates to the satisfaction of the Secretary concerned that the failure to make timely remittances was justifiable.''.

(b) CONFORMING AMENDMENT.—Section 1968(a) is amended by inserting ''(or discontinued pursuant to section 1969(a)(2)(B) of this title)'' in the matter preceding paragraph (1) after ''upon the written request of the insured''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1996.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

''(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

''(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;''.

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVES.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out ''or'' at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence; or''.

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out ''or'' at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.''.

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out ''or'' at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of

the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.''.

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out ''or'' at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof ''; or''; and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.''.

SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

(a) CHANGE IN ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 1076(b) of title 10, United States Code, is amended—

(1) by striking out ''death (A) would'' and inserting in lieu thereof ''death would''; and

(2) by striking out '', and (B) had elected to participate in the Survivor Benefit Plan established under subchapter II of chapter 73 of this title''.

(b) CONFORMING AMENDMENTS.—Such paragraph is further amended—

(1) in the matter following paragraph (2), by striking out ''clause (2)'' the first place it appears and inserting in lieu thereof ''paragraph (2)''; and

(2) by striking out the second sentence.

SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.

(a) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out ''this section'' and inserting in lieu thereof ''subsection (b)''; and

(2) by adding at the end the following new subsection:

''(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

''(A) An annual medical screening.

''(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

''(C) An annual dental screening.

''(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

''(2) The services provided under this subsection shall be provided at no cost to the member.''.

(b) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

''§ 1076b. Selected Reserve dental insurance

''(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected Reserve of the Ready Reserve. The plan shall provide for voluntary enrollment and for premium sharing between the Department of Defense and the members enrolled in the plan. The plan shall be administered under regulations prescribed by the Secretary of Defense.

''(b) PREMIUM SHARING.—(1) A member enrolling in the dental insurance plan shall pay a share of the premium charged for the insurance coverage. The member's share may not exceed $25 per month.

''(2) The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members under paragraph (1) if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the dental insurance plan.

''(3) A member's share of the premium for coverage by the dental insurance plan shall be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.

''(4) The Secretary of Defense shall pay the portion of the premium charged for coverage of a member under the dental insurance plan that exceeds the amount paid by the member.

''(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

''(d) TERMINATION OF COVERAGE.—The coverage of a member by the dental insurance plan shall terminate on the last day of the month in which the member is discharged, transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve, or is ordered to active duty for a period of more than 30 days.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following:

''1076b. Selected Reserve dental insurance.''.

(b) IMPLEMENTATION.—Beginning not later than October 1, 1996, the Secretary of Defense shall offer members of the Selected Reserve the opportunity to enroll in the dental insurance plan required under section 1076b of title 10, United States Code (as added by subsection (a)). During fiscal year 1996, the Secretary shall collect such information and complete such planning and other preparations as are necessary to offer and administer the dental insurance plan by that date. The activities undertaken by the Secretary under this subsection during fiscal year 1996 may include—

(1) surveys; and

(2) tests, in not more than three States, of a dental insurance plan or alternative dental insurance plans meeting the requirements of section 1076b of title 10, United States Code.

SEC. 706. PERMANENT AUTHORITY TO CARRY OUT SPECIALIZED TREATMENT FACILITY PROGRAM.

Section 1105 of title 10, United States Code, is amended by striking out subsection (h).

Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM.

For purposes of this subtitle, the term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out ''However, the Secretary may'' and inserting in lieu thereof ''Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall''.

SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE PROGRAM.

Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a quarterly basis, any enrollment fee required for such participation.''.

SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE PROGRAM TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note) is amended—

(1) by striking out ''each managed health care initiative that includes the option'' and inserting in lieu thereof ''the TRICARE program''; and

(2) by striking out ''covered beneficiaries who enroll in the option'' and inserting in lieu thereof ''members of the uniformed services and covered beneficiaries who participate in the TRICARE program''.

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:

''(d) DEFINITIONS.—For purposes of this section:

''(1) The term 'covered beneficiary' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

''(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.''.

SEC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration—

(1) to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program; and

(2) to appropriate members of the support staff of the treatment facility who will be responsible for daily operation of the TRICARE program.

(b) REPORT ON IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the professional educational program implemented pursuant to this section.

SEC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

(a) PROGRAM REQUIRED.—(1) During fiscal year 1996, the Secretary of Defense, in consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, shall implement a pilot program to provide residential and wraparound services to children described in paragraph (2) who are in need of mental health services. The Secretary shall implement the pilot program for an initial period of at least two years in a military health care region in which the TRICARE program has been implemented.

(2) A child shall be eligible for selection to participate in the pilot program if the child is a dependent (as described in subparagraph (D) or (I) of section 1072(2) of title 10, United States Code) who—

(A) is eligible for health care under section 1079 or 1086 of such title; and

(B) has a serious emotional disturbance that is generally regarded as amenable to treatment.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this section, the term ''wraparound services'' means individualized mental health services that are provided principally to allow a child to remain in the family home or other least-restrictive and least-costly setting, but also are provided as an aftercare planning service for children who have received acute or residential care. Such term includes montraditional mental health services that will assist the child to be maintained in the least-restrictive and least-costly setting.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the Secretary of Defense shall enter into one or more agreements that require a mental health services provider under the agreement—

(1) to provide wraparound services to a child described in subsection (a)(2);

(2) to continue to provide such services as needed during the period of the agreement even if the child moves to another location within the same TRICARE program region during that period; and

(3) to share financial risk by accepting as a maximum annual payment for such services a case-rate reimbursement not in excess of the amount of the annual standard CHAMPUS residential treatment benefit payable (as determined in accordance with section 8.1 of chapter 3 of volume II of the CHAMPUS policy manual).

(d) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the program carried out under this section. The report shall contain—

(1) an assessment of the effectiveness of the program; and

(2) the Secretary's views regarding whether the program should be implemented throughout the military health care system.

SEC. 717. EVALUATION AND REPORT ON TRICARE PROGRAM EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address—

(1) the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services; and

(2) identify noncatchment areas in which the health maintenance organization option of the TRICARE program is available or is proposed to become available.

(b) ENTITY TO CONDUCT EVALUATION.—The Secretary may use a federally funded research and development center to conduct the evaluation required by subsection (a).

(c) ANNUAL REPORT.—Not later than March 1, 1997, and each March 1 thereafter, the Secretary shall submit to Congress a report describing the results of the evaluation under subsection (a) during the preceding year.

SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO HEALTH CARE UNDER TRICARE PROGRAM FOR COVERED BENEFICIARIES WHO ARE MEDICARE ELIGIBLE.

(a) FINDINGS.—Congress finds the following:

(1) Medical care provided in facilities of the uniformed services is generally less expensive to the Federal Government than the same care provided at Government expense in the private sector.

(2) Covered beneficiaries under the military health care provisions of chapter 55, United States Code, who are eligible for medicare under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) deserve health care options that empower them to choose the health plan that best fits their needs.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should develop a program to ensure that such covered beneficiaries who reside in a region in which the TRICARE program has been implemented continue to have adequate access to health care services after the implementation of the TRICARE program; and

(2) as a means of ensuring such access, the budget for fiscal year 1997 submitted by the President under section 1105 of title 31, United States Code, should provide for reimbursement by the Health Care Financing Administration to the Department of Defense for health care services provided to such covered beneficiaries in medical treatment facilities of the Department of Defense.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out ''December 31, 1996'' in the first sentence and inserting in lieu thereof ''September 30, 1997''.

SEC. 722. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

''(f) LIMITATION ON EXPENDITURES.—The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such fiscal year.''.

SEC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of Defense may require, by regulation, a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the private CHAMPUS provider provides to a member of the uniformed services who is enrolled in a health care plan of a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)) when the health care is provided outside the catchment area of the facility.

''(2) In this subsection:

''(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

''(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

''(3) The Secretary of Defense shall prescribe regulations under this subsection after consultation with the other administering Secretaries.''.

SEC. 724. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out ''A participation agreement'' and inserting in lieu thereof ''Except as provided in paragraph (4), a participation agreement'';

(2) by redesignating paragraph (4) as paragraph (6); and

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

''(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.''.

(b) SENSE OF CONGRESS.—(1) Congress finds that the Uniformed Services Treatment Facilities provide quality health care to the 120,000 Department of Defense beneficiaries enrolled in the Uniformed Services Family Health Plan provided by these facilities.

(2) In light of such finding, it is the sense of Congress that the Uniformed Services Family Health Plan provided by the Uniformed Services Treatment Facilities should not be terminated for convenience under provisions of the Federal Acquisition Regulation by the Secretary of Defense before the expiration of the current participation agreements.

(3) For purposes of this subsection, the term ''Uniformed Services Treatment Facility'' means a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

''(5) PLAN FOR INTEGRATING FACILITIES.—(A) The Secretary of Defense shall develop a plan under which Uniformed Services Treatment Facilities could be included, before the expiration date of the participation agreements entered into under this section, in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

''(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

''(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

''(D) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed

Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).''.

SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR FEE IMPLEMENTATION.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

(2) the end of the 180-day period beginning on the date of the enactment of this Act.

(b) SUBMISSION OF ACTUARIAL ESTIMATES.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

(c) EVALUATION.—(1) Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

(A) cause adverse selection of enrollees;

(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

(C) result in an enrolled population dissimilar to the general beneficiary population.

(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.

SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENT REGARDING UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out subsection (d).

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

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

''(A) the amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during the base period; or

''(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).''.

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.''.

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

''(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the Secretary determines to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts higher than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To provide a suitable transition from the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent below the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

''(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).''.

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out ''paragraph (1)'' and inserting in lieu thereof ''paragraph (1)(A)''.

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. In developing the notification mechanism, the administering Secretaries shall consult with the administrator of the Health Care Financing Administration.''.

SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after ''Secretary of Defense'' the following: '', with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,''; and

(2) by striking out ''medical treatment facilities of the Department of Defense'' and inserting in lieu thereof ''such facilities''.

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1995.

SEC. 734. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations providing for the collection of information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

''(2) The collection of information under regulations prescribed under paragraph (1) shall be conducted in the same manner as is provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of social security account numbers for all covered beneficiaries.

''(3) The Secretary may disclose relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

''(4) The Secretary may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Notwithstanding clause (iii) of such section, clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

''(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title.''.

SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out ''Military Health Care Account'' and inserting in lieu thereof ''Defense Health Program Account''; and

(B) by striking out ''the Civilian Health and Medical Program of the Uniformed Services'' and inserting in lieu thereof ''medical and health care programs of the Department of Defense''; and

(2) in subsection (b)—

(A) by striking out ''entering into a contract'' and inserting in lieu thereof ''conducting programs and activities under this chapter, including contracts entered into''; and

(B) by inserting a comma after ''title''.

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.—Subsection (a)(2) of such section is amended to read as follows:

''(2) Of the total amount appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount shall remain available for obligation until the end of the following fiscal year.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1100. Defense Health Program Account.''.

SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND DENTISTS'' after ''PHYSICIANS'';

(2) in paragraph (1)(A), by inserting ''or dental school'' after ''medical school'';

(3) in paragraphs (1)(B) and (2)(B), by inserting ''or dental officer'' after ''medical officer''; and

(4) in paragraph (1)(C), by striking out ''physicians in a medical specialty'' and inserting in lieu thereof ''physicians or dentists in a medical or dental specialty''.

SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) INCLUSION OF COAST GUARD.—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Coast Guard.''.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4971).

SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is amended—

(1) by inserting ''(a) RESTRICTION ON USE OF FUNDS.—'' before ''Funds available''; and

(2) by adding at the end the following:

''(b) RESTRICTION ON USE OF FACILITIES.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1093. Performance of abortions: restrictions".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1093. Performance of abortions: restrictions.''.

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2116. Military nursing research

''(a) DEFINITIONS.—In this section:

''(1) The term 'military nursing research' means research on the furnishing of care and services by nurses in the armed forces.

''(2) The term 'TriService Nursing Research Program' means the program of military nursing research authorized under this section.

''(b) PROGRAM AUTHORIZED.—The Secretary of Defense may establish at the University a program of military nursing research.

''(c) TRISERVICE RESEARCH GROUP.—The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group.

''(d) DUTIES OF GROUP.—The TriService Nursing Research Group shall—

''(1) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and

''(2) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—

''(A) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and

''(B) expertise and information beneficial to the encouragement of meaningful nursing research.

''(e) RESEARCH TOPICS.—For purposes of this section, military nursing research includes research on the following issues:

''(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.

''(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.

''(3) Issues regarding how to prevent complications associated with battle injuries.

''(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.

''(5) Issues regarding how to improve methods of training nursing personnel.

''(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.

''(7) Women's health issues.

''(8) Wellness issues.

''(9) Preventive medicine issues.

''(10) Home care management issues.

''(11) Case management issues.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

''2116. Military nursing research.''.

SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897).

(b) PROHIBITION ON ADDITIONAL ENROLLEES PENDING TERMINATION.—After the date of the enactment of this Act, The Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) EFFECT ON CURRENT PARTICIPANTS.—The requirement to terminate the demonstration pilot program described in subsection (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.

(d) EVALUATION.—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

(1) a cost-benefit analysis of the program;

(2) a discussion of the utilization requirements under the program; and

(3) recommendations regarding—

(A) whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and

(B) any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or nonprofit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

(2) Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

(3) The agreement shall require, as consideration for the services provided by military medical personnel under the agreement, that the hospital provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of

the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives that the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 747. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL, RETIRED MILITARY PERSONNEL, AND THEIR DEPENDENTS.

(a) EFFECT OF CLOSURE ON MEMBERS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf conflict; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such members for such illnesses (or combination of illnesses).

(b) EFFECT OF CLOSURE ON OTHER COVERED BENEFICIARIES.—The report required by subsection (a) shall also include—

(1) an assessment of the effects of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide appropriate and adequate health care to the dependents of members and former members of the Armed Forces and retired members and their dependents who currently obtain care at the medical center; and

(2) a description of the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such persons, as called for in the recommendations of the Secretary of Defense for the closure of Fitzsimons Army Medical Center.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process will soon close.

(2) Additional military installations have been selected for closure in the 1995 round of the base closure process.

(3) Some of the military installations selected for closure include military medical treatment facilities.

(3) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of such installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military installations.

SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE MEDICAL DIRECTIVES.

(a) REQUIREMENT FOR RECOGNITION BY STATES.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

"§1044c. Advance medical directives of members and dependents: requirement for recognition by States

''(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—An advance medical directive executed by a person eligible for legal assistance—

''(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

''(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

''(b) ADVANCE MEDICAL DIRECTIVES.—For purposes of this section, an advance medical directive is any written declaration that—

''(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

''(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

''(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, an advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).

''(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

''(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

''(e) DEFINITIONS.—In this section:

''(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

''(2) The term 'person eligible for legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

''(3) The term 'legal assistance' means legal services authorized under section 1044 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following:

''1044c. Advance medical directives of members and dependents: requirement for recognition by States.''.

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.

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

Subtitle A—Acquisition Reform

SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDITURE OF APPROPRIATIONS TO CONTRACTS AT OR BELOW SIMPLIFIED ACQUISITION THRESHOLD.

Section 2207 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Money appropriated''; and

(2) by adding at the end the following new subsection:

''(b) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).''.

SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) REPEAL OF DUPLICATIVE AUTHORITY AND RESTRICTION.—Section 2356 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking out the item relating to section 2356.

SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 804. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting ''and indirect'' after ''recoup the direct'' in the second sentence.

SEC. 805. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out ''milestone O, milestone I, and milestone II'' and inserting in lieu thereof ''acquisition program''; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

''(2) The term 'acquisition program decision' has the meaning prescribed by the Secretary of Defense in regulations.''.

SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—(1) Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

''(3) COMPONENTS FOR NAVAL VESSELS.—(A) The following components:

''(i) Air circuit breakers.

''(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

''(iii) Vessel propellers with a diameter of six feet or more.

''(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats.''.

(2) Subsection (b) of section 2534 of such title is amended by adding at the end the following:

''(3) MANUFACTURER OF VESSEL PROPELLERS.—In the case of a procurement of vessel propellers referred to in subsection (a)(3)(A)(ii), the manufacturer of the propellers meets the requirements of this subsection only if—

''(A) the manufacturer meets the requirements set forth in paragraph (1); and

''(B) all castings incorporated into such propellers are poured and finished in the United States.''.

(3) Paragraph (1) of section 2534(c) of such title is amended to read as follows:

''(1) COMPONENTS FOR NAVAL VESSELS.—Subsection (a) does not apply to a procurement of spare or repair parts needed to support components for naval vessels produced or manufactured outside the United States.''.

(4) Section 2534 of such title is amended by adding at the end the following new subsection:

''(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

''(1) may not use contract clauses or certifications; and

''(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.''.

(5) Subsection (a)(3)(B) of section 2534 of title 10, United States Code, as amended by paragraph (1), shall apply only to contracts entered into after March 31, 1996.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out ''October 1, 1995'' and inserting in lieu thereof ''October 1, 2000''.

(c) TERMINATION OF VESSEL PROPELLER LIMITATION.—Section 2534(c) of such title is amended by adding at the end the following new paragraph:

''(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.''.

(d) ADDITIONAL WAIVER AUTHORITY.—Section 2534(d) of such title is amended by adding at the end the following new paragraph:

''(9) Application of the limitation would result in a retaliatory trade action by a foreign country against the United States, as determined by the Secretary of Defense after consultation with the United States Trade Representative.''.

(e) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''This section''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings), notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429).''.

SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Section 2401a of title 10, United States Code, is amended—

(A) by inserting before ''The Secretary of Defense'' the following subsection heading: ''(b) LIMITATION ON CONTRACTS WITH TERMS OF 18 MONTHS OR MORE.—'';

(B) by inserting after the section heading the following:

''(a) LEASING OF COMMERCIAL VEHICLES AND EQUIPMENT.—The Secretary of Defense may use leasing in the acquisition of commercial vehicles and equipment whenever the Secretary determines that leasing of such vehicles is practicable and efficient.''; and

(C) by amending the section heading to read as follows:

''§2401a. Lease of vehicles, equipment, vessels, and aircraft''.

(2) The item relating to section 2401a in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

''2401a. Lease of vehicles, equipment, vessels, and aircraft.''.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth changes in legislation that would be required to facilitate the use of leasing in the acquisition of equipment by the Department of Defense.

(c) PILOT PROGRAM.—(1) The Secretary of the Army may conduct a pilot program for leasing commercial utility cargo vehicles in accordance with this subsection.

(2) Under the pilot program—

(A) the Secretary may trade existing commercial utility cargo vehicles of the Army for credit against the costs of leasing new replacement commercial utility cargo vehicles for the Army;

(B) the quantities and trade-in value of commercial utility cargo vehicles to be traded in shall be subject to negotiation between the Secretary and the lessors of the new replacement commercial utility cargo vehicles;

(C) the lease agreement for a new commercial utility cargo vehicle may be executed with or without an option to purchase at the end of the lease period;

(D) the lease period for a new commercial utility cargo vehicle may not exceed the warranty period for the vehicle; and

(E) up to 40 percent of the validated requirement for commercial utility cargo vehicles may be satisfied by leasing such vehicles, except that one or more options for satisfying the remainder of the validated requirement may be provided for and exercised (subject to the requirements of paragraph (6)).

(3) In awarding contracts under the pilot program, the Secretary shall comply with section 2304 of title 10, United States Code.

(4) The pilot program may not be commenced until—

(A) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that contains the plans of the Secretary for implementing the program and that sets forth in detail the savings in operating and support costs expected to be derived from retiring older commercial utility cargo vehicles, as compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(B) a period of 30 calendar days has elapsed after submission of such report.

(5) Not later than one year after the date on which the first lease under the pilot program is entered into, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the pilot program. Such report shall be based on at least six months of experience in operating the pilot program.

(6) The Secretary may exercise an option provided for under paragraph (2) only after a period of 60 days has elapsed after the submission of the report.

(7) No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a ''defense capability preservation agreement'', with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contractor's allocable indirect private sector costs, subject to subparagraph (C).

(B) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the sum of—

(i) the incremental indirect costs attributable to such work; and

(ii) the amount by which the revenue attributable to such private sector work exceeds the sum of—

(I) the direct costs attributable to such private sector work; and

(II) the incremental indirect costs attributable to such private sector work.

(C) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's established accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified by the Secretary of Defense if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of title 10, United States Code.

(c) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish application procedures and procedures for expeditious consideration of defense capability preservation agreements as authorized by this section.

(d) CONTRACTS COVERED.—An agreement entered into with a contractor under subsection (a) shall apply to each Department of Defense contract with the contractor in effect on the date on which the agreement is entered into and each Department of Defense contract that is awarded to the contractor during the term of the agreement.

(e) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) the number of applications received and the number of applications approved for defense capability preservation agreements; and

(2) any changes to the authority in this section that the Secretary recommends to further facilitate the policy set forth in section 2501(b) of title 10, United States Code.

SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of

title 10, United States Code, shall be included before May 1, 1996, on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Section 6009 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3367) is amended to read as follows:

"SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

''(a) MANAGEMENT DECISIONS.—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

''(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

''(b) COMPLETION OF FINAL ACTION.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the date of the inspector general's report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general's semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed.''.

SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 of National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments and the Defense Agencies are authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.''.

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.''.

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting ''only'' after ''applies'' in the second sentence.

SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

''(3) Design and process data, technical data, and computer software.''.

SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

''(A) be prepared—

''(i) by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; or

''(ii) if the decision authority for the program has been delegated to an official of a military department, Defense Agency, or other component of the Department of Defense, by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and''.

SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND EQUIPPING OF NAVAL VESSELS.

(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7297 the following:

"§ 7299. Contracts: applicability of Walsh-Healey Act

''Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the President determines that this requirement is not in the interest of national defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7297 the following:

''7299. Contracts: applicability of Walsh-Healey Act.''.

Subtitle B—Other Matters

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1996 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.

(a) AUTHORITY TO CONDUCT DEFENSE FACILITY-WIDE PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program, to be known as the ''defense facility-wide pilot program'', for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in facilities by using commercial practices on a facility-wide basis.

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) Subject to paragraph (2), the Secretary may designate up to two facilities as participants in the defense facility-wide pilot program.

(2) The Secretary may designate for participation in the pilot program only those facilities that are authorized to be so designated in a law authorizing appropriations for national defense programs that is enacted after the date of the enactment of this Act.

(c) SCOPE OF PROGRAM.—At a facility designated as a participant in the pilot program, the pilot program shall consist of the following:

(1) All contracts and subcontracts for defense supplies and services that are performed at the facility.

(2) All Department of Defense contracts and all subcontracts under Department of Defense contracts performed elsewhere that the Secretary determines are directly and substantially related to the production of defense supplies and services at the facility and are necessary for the pilot program.

(d) CRITERIA FOR DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

(1) The number of existing and anticipated contracts and subcontracts performed at the facility—

(A) for which contractors are required to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(B) which are administered with the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(2) The relationship of the facility to other organizations and facilities performing under contracts with the Department of Defense and subcontracts under such contracts.

(3) The impact that the participation of the facility under the pilot program would have on competing domestic manufacturers.

(4) Such other factors as the Secretary considers appropriate.

(e) NOTIFICATION.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

(2) The Secretary shall include in the notification regarding a facility designated for participation in the program a management plan addressing the following:

(A) The proposed treatment of research and development contracts or subcontracts to be performed at the facility during the pilot program.

(B) The proposed treatment of the cost impact of the use of commercial practices on the award and administration of contracts and subcontracts performed at the facility.

(C) The proposed method for reimbursing the contractor for existing and new contracts.

(D) The proposed method for measuring the performance of the facility for meeting the management goals of the Secretary.

(E) Estimates of the annual amount and the total amount of the contracts and subcontracts covered under the pilot program.

(3)(A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

(i) A significant reduction of the cost to the Government for programs carried out at the facility.

(ii) A reduction of the schedule associated with programs carried out at the facility.

(iii) An increased used of commercial practices and procedures for programs carried at the facility.

(iv) Protection of a domestic manufacturer competing for contracts at such facility from

being placed at a significant competitive disadvantage by the participation of the facility in the pilot program.

(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

(i) for the production of supplies or services on a firm-fixed price basis;

(ii) awarded without requiring the contractors or subcontractors to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(iii) awarded and administered without the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under such section 26(f) if the Secretary determines that the contract or subcontract—

(1) is within the scope of the pilot program (as described in subsection (c)); and

(2) is fairly and reasonably priced based on information other than certified cost and pricing data.

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act or the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) (or an amendment made by a provision of either Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(h) APPLICABILITY.—(1) Subsections (f) and (g) apply to the following contracts, if such contracts are within the scope of the pilot program at a facility designated for the pilot program under subsection (b):

(A) A contract that is awarded or modified during the period described in paragraph (2).

(B) A contract that is awarded before the beginning of such period, that is to be performed (or may be performed), in whole or in part, during such period, and that may be modified as appropriate at no cost to the Government.

(2) The period referred to in paragraph (1), with respect to a facility designated under subsection (b), is the period that—

(A) begins 45 days after the date of the enactment of the Act authorizing the designation of that facility in accordance with paragraph (2) of such subsection; and

(B) ends on September 30, 2000.

(i) COMMERCIAL PRACTICES ENCOURAGED.—With respect to contracts and subcontracts within the scope of the defense facility-wide pilot program, the Secretary of Defense may, to the extent the Secretary determines appropriate and in accordance with applicable law, adopt commercial practices in the administration of contracts and subcontracts. Such commercial practices may include the following:

(1) Substitution of commercial oversight and inspection procedures for Government audit and access to records.

(2) Incorporation of commercial oversight, inspection, and acceptance procedures.

(3) Use of alternative dispute resolution techniques (including arbitration).

(4) Elimination of contract provisions authorizing the Government to make unilateral changes to contracts.

SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

Not later than 180 days after the date of the enactment of this Act, the chief judge of the United States Court of Federal Claims shall transmit to Congress a report containing an advisory opinion on the following two questions:

(1) Is it within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)?

(2) If the answer to the question in paragraph (1) is in the affirmative, is the executive branch required by law to so treat such franchise agreements?

SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831 (j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out ''1995'' and inserting in lieu thereof ''1996''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The statutory provisions that as of the date of the enactment of this Act govern the organization of the Office of the Secretary of Defense have evolved from enactment of a number of executive branch legislative proposals and congressional initiatives over a period of years.

(2) The May 1995 report of the congressionally mandated Commission on Roles and Missions of the Armed Forces included a number of recommendations relating to the Office of the Secretary of Defense.

(3) The Secretary of Defense has decided to create a special Department task force and to conduct other reviews to review many of the Commission's recommendations.

(4) The Secretary of Defense has decided to institute a 5 percent per year reduction of civilian personnel assigned to the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, for the period from fiscal year 1996 through fiscal year 2001.

(5) Over the ten-year period from 1986 through 1995, defense spending in real dollars has been reduced by 34 percent and military end-strengths have been reduced by 28 percent. During the same period, the number of civilian employees of the Office of the Secretary of Defense has increased by 22 percent.

(6) To achieve greater efficiency and to revalidate the role and mission of the Office of the Secretary of Defense, a comprehensive review of the organizations and functions of that Office and of the personnel needed to carry out those functions is required.

(b) REVIEW.—The Secretary of Defense shall conduct a further review of the organizations and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, and the personnel needed to carry out those functions. The review shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out his responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the advantages and disadvantages of the use of political appointees to fill the positions of the various Under Secretaries of Defense, Assistant Secretaries of Defense, and Deputy Under Secretaries of Defense.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(5) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(6) An assessment of the appropriate number of positions referred to in paragraph (3) and of Deputy Assistant Secretaries of Defense.

(7) An assessment of whether some or any of the functions currently performed by the Office of Humanitarian and Refugee Affairs are more properly or effectively performed by another agency of Government or elsewhere within the Department of Defense.

(8) An assessment of the efficacy of the Joint Requirements Oversight Council and whether it is advisable or necessary to establish a statutory charter for this organization.

(9) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(10) An assessment of the appropriate size, number, and functional responsibilities of the Defense Agencies and other Department of Defense support organizations.

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report containing —

(1) his findings and conclusions resulting from the review under subsection (b); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

(d) PERSONNEL REDUCTION.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

(2) For purposes of this subsection, the term ''OSD personnel'' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting ''80 percent'' for ''75 percent''.

SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) REDUCTION.—Section 138(a) of title 10, United States Code, is amended by striking out ''eleven'' and inserting in lieu thereof ''ten''.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out ''(11)'' after ''Assistant Secretaries of Defense'' and inserting in lieu thereof ''(10)''.

SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

(a) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

(b) TERMINATION OF SPECIFICATION BY LAW OF ASD POSITIONS.—Subsection (b) of section 138 of title 10, United States Code, is amended to read as follows:

''(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.''.

(c) REPEAL OF CERTAIN OSD PRESIDENTIAL APPOINTMENT POSITIONS.—The following sections of chapter 4 of such title are repealed:

(1) Section 133a, relating to the Deputy Under Secretary of Defense for Acquisition and Technology.

(2) Section 134a, relating to the Deputy Under Secretary of Defense for Policy.

(3) Section 134a, relating to the Director of Defense Research and Engineering.

(4) Section 139, relating to the Director of Operational Test and Evaluation.

(5) Section 142, relating to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(d) DIRECTOR OF MILITARY RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of such title is amended by striking out subsection (d).

(e) CONFORMING AMENDMENTS RELATING TO REPEAL OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively;

(2) in section 138(d), by striking out ''the Under Secretaries of Defense, and the Director of Defense Research and Engineering'' and inserting in lieu thereof ''and the Under Secretaries of Defense''; and

(3) in the table of sections at the beginning of the chapter, by striking out the items relating to sections 133a, 134a, 137, 139, and 142.

(f) CONFORMING AMENDMENTS RELATING TO REPEAL OF SPECIFICATION OF ASD POSITIONS.—

(1) Section 176(a)(3) of title 10, United States Code, is amended—

(A) by striking out ''Assistant Secretary of Defense for Health Affairs'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for health affairs''; and

(B) by striking out ''Chief Medical Director of the Department of Veterans Affairs'' and inserting in lieu thereof ''Under Secretary for Health of the Department of Veterans Affairs''.

(2) Section 1216(d) of such title is amended by striking out ''Assistant Secretary of Defense for Health Affairs'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for health affairs''.

(3) Section 1587(d) of such title is amended by striking out ''Assistant Secretary of Defense for Manpower and Logistics'' and inserting in lieu thereof ''official in the Department of Defense with principal responsibility for personnel and readiness''.

(4) The text of section 10201 of such title is amended to read as follows:

''The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.''.

(5) Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out ''the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict'' and inserting in lieu thereof ''the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict''.

(g) CONFORMING AMENDMENTS RELATING TO OPERATIONAL TEST AND EVALUATION AUTHORITY.—(1) Subsection (a) of section 2399 of title 10, United States Code, is amended—

(A) by inserting ''a conventional weapons system that'' after ''means'' in the matter in paragraph (2) preceding subparagraph (A);

(B) by striking out ''a conventional weapons system that'' in paragraph (2)(A); and

(C) by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall designate an official of the Department of Defense to perform the duties of the position referred to in this section as the 'designated OT&E official'.''.

(2) Subsection (b) of such section is amended—

(A) by striking out ''Director of Operational Test and Evaluation of the Department of Defense'' in paragraph (1) and inserting in lieu thereof ''designated OT&E official''; and

(B) by striking out ''Director'' each place it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof ''designated OT&E official''.

(3) Subsection (c)(1) of such section is amended by striking out ''Director of Operational Test and Evaluation of the Department of Defense'' and inserting in lieu thereof ''designated OT&E official''.

(4) Subsection (e) of such section is amended by striking out ''Director'' each place it appears and inserting in lieu thereof ''designated OT&E official''.

(5) Such section is further amended—

(A) by striking out subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(h) REPEAL OF MINIMUM NUMBER OF SENIOR STAFF FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

SEC. 904. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) IN GENERAL.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

''§ 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'';

(B) in subsection (a), by striking out ''Assistant to the Secretary of Defense for Atomic Energy'' and inserting in lieu thereof ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs''; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) The Assistant to the Secretary shall—

''(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

''(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

''(3) perform such additional duties as the Secretary may prescribe.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

''142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.''.

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out ''The Assistant to the Secretary of Defense for Atomic Energy'' and inserting in lieu thereof ''The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs''.

(2) Section 5316 of title 5, United States Code, is amended by striking out ''The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense.'' and inserting in lieu thereof the following:

''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 181. Joint Requirements Oversight Council

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.

''(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

''(1) assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet the national military strategy;

''(2) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, and performance criteria of the program and of the identified alternatives; and

''(3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meeting valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by the Secretary of Defense through defense planning guidance.

''(c) COMPOSITION.—(1) The Joint Requirements Oversight Council is composed of—

''(A) the Chairman of the Joint Chiefs of Staff, who is the chairman of the Council;

''(B) an Army officer in the grade of general;

''(C) a Navy officer in the grade of admiral;

''(D) an Air Force officer in the grade of general; and

''(E) a Marine Corps officer in the grade of general.

''(2) Members of the Council, other than the Chairman of the Joint Chiefs of Staff, shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for such selection by the Secretary of the military department concerned.

''(3) The functions of the Chairman of the Joint Chiefs of Staff as chairman of the Council may only be delegated to the Vice Chairman of the Joint Chiefs of Staff.''.

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

''181. Joint Requirements Oversight Council.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).

(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:

(A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as defined by the Secretary) by 25 percent

over a period of five years, beginning on October 1, 1995.

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1995 (division D of this Act), and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.

(2) For purposes of this subsection, the term ''defense acquisition personnel'' means military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992) with the exception of personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions.

SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON PLANS FOR NUCLEAR WEAPONS MANAGEMENT IN EVENT OF ABOLITION OF DEPARTMENT OF ENERGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report concerning the nuclear weapons complex. The report shall set forth—

(1) the Secretary's views on the effectiveness of the Department of Energy in managing the nuclear weapons complex, including the fulfillment of the requirements for nuclear weapons established for the Department of Energy in the Nuclear Posture Review; and

(1) the Secretary's recommended plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy if the Department of Energy should be abolished and those programs be transferred to the Department of Defense.

(b) DEFINITION.—For purposes of this section, the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the report entitled ''Report of the Secretary of Defense to the President and the Congress'', dated February 19, 1995, or in subsequent such reports.

(c) SUBMISSION OF REPORT.—The report under subsection (a) shall be submitted not later than March 15, 1996.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.

(a) REPEAL OF PROVISION GIVING PERMANENT STATUS TO EXECUTIVE ORDER.—Effective October 1, 1998, section 1634 of the Department of Defense Authorization, 1985 (Public Law 98–525; 42 U.S.C. 7158 note), is repealed.

(b) NOTICE-AND-WAIT FOR CHANGES TO EXECUTIVE ORDER.—An Executive order that includes a provision that after the effective date of subsection (a) would amend, modify, or repeal Executive order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after the date on which notice of the intent to issue an Executive order containing such a provision (together with the text of that provision) is submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS AUTHORIZED.—Section 2779 of title 10, United States Code, is amended by adding at the end the following:

''(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation 'Foreign Currency Fluctuations, Defense'.''.

(b) REVISION AND CODIFICATION OF AUTHORITY FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—Section 2779 of such title, as amended by subsection (a), is further amended by adding at the end the following:

''(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—(1) The Secretary of Defense may transfer to the appropriation 'Foreign Currency Fluctuations, Defense' unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

''(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

''(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation 'Foreign Currency Fluctuations, Defense' does not exceed $970,000,000 at the time the transfer is made.''.

(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

''(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.''.

(d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.

(2) Section 791 of the Department of Defense Appropriation Act, 1983 (enacted in section 101(c) of Public Law 97–377; 96 Stat. 1865) is repealed.

(e) TECHNICAL AMENDMENTS.—Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) TRANSFERS BACK TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIATION.—(1)'';

(2) in subsection (a)(2), by striking out ''2d fiscal year'' and inserting in lieu thereof ''second fiscal year''; and

(3) in subsection (b), by striking out ''(b)(1)'' and inserting in lieu thereof ''(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1)''.

(f) EFFECTIVE DATE.—Subsections (c) and (d) of section 2779 of title 10, United States Code, as added by subsections (a) and (b), and the repeals made by subsection (d), shall apply only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

SEC. 912. DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

''§ 2216. Defense Modernization Account

''(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Defense Modernization Account'.

''(b) TRANSFERS TO ACCOUNT.—(1)(A) Upon a determination by the Secretary of a military department or the Secretary of Defense with respect to Defense-wide appropriations accounts of the availability and source of funds described in subparagraph (B), that Secretary may transfer to the Defense Modernization Account during any fiscal year any amount of funds available to the Secretary described in that subparagraph. Such funds may be transferred to that account only after the Secretary concerned notifies the congressional defense committees in writing of the amount and source of the proposed transfer.

''(B) This subsection applies to the following funds available to the Secretary concerned:

''(i) Unexpired funds in appropriations accounts that are available for procurement and that, as a result of economies, efficiencies, and other savings achieved in a carrying out a particular procurement, are excess to the requirements of that procurement.

''(ii) Unexpired funds that are available during the final 30 days of a fiscal year for support of installations and facilities and that, as a result of economies, efficiencies, and other savings, are excess to the requirements for support of installations and facilities.

''(C) Any transfer under subparagraph (A) shall be made under regulations prescribed by the Secretary of Defense.

''(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account if—

''(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

''(B) the balance of funds in the account, after transfer of funds to the account, would exceed $1,000,000,000.

''(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

''(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 may not be extended by transfer into the Defense Modernization Account.

''(c) SCOPE OF USE OF FUNDS.—Funds transferred to the Defense Modernization Account from funds appropriated for a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for

transfer to funds available for that military department, Defense Agency, or other element.

''(d) AUTHORIZED USE OF FUNDS.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used for the following purposes:

''(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

''(2) For research, development, test, and evaluation and for procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

''(e) LIMITATIONS.—(1) Funds in the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

''(A) result in procurement of a total quantity of items or services in excess of—

''(i) a specific limitation provided by law on the quantity of the items or services that may be procured; or

''(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

''(B) result in an obligation or expenditure of funds in excess of a specific limitation provided by law on the amount that may be obligated or expended, respectively, for that procurement program.

''(2) Funds in the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

''(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

''(A) making an expenditure for which there is no corresponding obligation; or

''(B) making an expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

''(f) TRANSFER OF FUNDS.—(1) The Secretary of Defense may transfer funds in the Defense Modernization Account to appropriations available for purposes set forth in subsection (d).

''(2) Funds in the Defense Modernization Account may not be transferred under paragraph (1) until 30 days after the date on which the Secretary concerned notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

''(3) The total amount of transfers from the Defense Modernization Account during any fiscal year under this subsection may not exceed $500,000,000.

''(g) AVAILABILITY OF FUNDS BY APPROPRIATION.—In addition to transfers under under subsection (f), funds in the Defense Modernization Account may be made available for purposes set forth in subsection (d) in accordance with the provisions of appropriations Acts, but only to the extent authorized in an Act other than an appropriations Act.

''(h) SECRETARY TO ACT THROUGH COMPTROLLER.—The Secretary of Defense shall carry out this section through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

''(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on the Defense Modernization Account. Each such report shall set forth the following:

''(A) The amount and source of each credit to the account during that quarter.

''(B) The amount and purpose of each transfer from the account during that quarter.

''(C) The balance in the account at the end of the quarter and, of such balance, the amount attributable to transfers to the account from each Secretary concerned.

''(2) The committees referred to in paragraph (1) are the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

''(j) DEFINITIONS.—In this section:

''(1) The term 'Secretary concerned' includes the Secretary of Defense with respect to Defense-wide appropriations accounts.

''(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

''(3) The term 'congressional defense committees' means—

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

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

(2) The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2215 the following new item:

''2216. Defense Modernization Account.''.

(b) EFFECTIVE DATE.—Section 2216 of title 10, United States Code (as added by subsection (a)), shall apply only to funds appropriated for fiscal years after fiscal year 1995.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2216(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account terminates at the close of September 30, 2003.

(2) Three years after the termination date specified in paragraph (1), the Defense Modernization Account shall be closed and any remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(d) GAO REVIEWS.—(1) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(2) Not later than March 1, 2000, the Comptroller General shall—

(A) complete the first review; and

(B) submit to the specified committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(3) Not later than March 1, 2003, the Comptroller General shall—

(A) complete the second review; and

(B) submit to the specified committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(4) Each such report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(5) For purposes of this subsection, the term ''specified committees of Congress'' means the congressional committees referred to in section 2216(i)(2) of title 10, United States Code, as added by subsection (a).

SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) The Department of Defense.''.

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph(1), by striking out ''With the approval of a Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department'' and inserting in lieu thereof ''Subject to paragraph (3), a disbursing official of the Department of Defense''; and

(ii) by adding at the end the following new paragraph:

''(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department.''; and

(B) in subsection (b)(1), by striking out ''any military department'' and inserting in lieu thereof ''the Department of Defense''.

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended to read as follows:

''(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so.''.

(c) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended by striking out ''Secretary concerned'' both places it appears and inserting in lieu thereof ''Secretary of Defense''.

(2) Section 1007(a) of title 37, United States Code, is amended by striking out ''Secretary concerned'' and inserting in lieu thereof ''Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31''.

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out ''disbursements of public moneys or'' and ''the money was paid or''; and

(ii) in the second sentence, by striking out ''disbursement or''.

(B)(i) The heading of such section is amended to read as follows:

''§ 7863. Disposal of public stores by order of commanding officer''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

''7863. Disposal of public stores by order of commanding officer.''.

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out ''a disbursing official of the armed forces'' and inserting in lieu thereof ''an official of the armed forces referred to in subsection (a)'';

(B) by striking out ''records,'' and inserting in lieu thereof ''records, or a payment described in section 3528(a)(4)(A) of this title,'';

(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;

(D) by inserting before clause (i), as so redesignated, the following:

''(A) in the case of a physical loss or deficiency—'';

(E) in clause (iii), as so redesignated, by striking out the period at the end and inserting in lieu thereof ''; or''; and

(F) by adding at the end the following:

''(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the Secretary of the appropriate military department, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.''.

SEC. 914. FISHER HOUSE TRUST FUNDS.

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2221. Fisher House trust funds

''(a) ESTABLISHMENT.—The following trust funds are established on the books of the Treasury:

''(1) The Fisher House Trust Fund, Department of the Army.

''(2) The Fisher House Trust Fund, Department of the Air Force.

''(b) INVESTMENT.—Funds in the trust funds may be invested in securities of the United States. Earnings and gains realized from the investment of funds in a trust fund shall be credited to the trust fund.

''(c) USE OF FUNDS.—(1) Amounts in the Fisher House Trust Fund, Department of the Army, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Army.

''(2) Amounts in the Fisher House Trust Fund, Department of the Air Force, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Air Force.

''(3) The use of funds under this section is subject to section 1321(b)(2) of title 31.

''(d) FISHER HOUSE DEFINED.—In this section, the term 'Fisher house' means a housing facility that—

''(1) is located in proximity to a medical treatment facility of the Army or the Air Force; and

''(2) is available for residential use on a temporary basis by patients at such facilities, members of the family of such patients, and others providing the equivalent of familial support for such patients.''.

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

''2221. Fisher House trust funds.''.

(b) CORPUS OF TRUST FUNDS.—(1) The Secretary of the Treasury shall—

(A) close the accounts established with the funds that were required by section 8019 of Public Law 102–172 (105 Stat. 1175) and section 9023 of Public Law 102–396 (106 Stat. 1905) to be transferred to an appropriated trust fund; and

(B) transfer the amounts in such accounts to the Fisher House Trust Fund, Department of the Army, established by subsection (a)(1) of section 2221 of title 10, United States Code, as added by subsection (a).

(2) The Secretary of the Air Force shall transfer to the Fisher House Trust Fund, Department of the Air Force, established by subsection (a)(2) of section 2221 of title 10, United States Code (as added by section (a)), all amounts in the accounts for Air Force installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses (as defined in subsection (d) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) by adding at the end of subsection (a) the following:

''(92) Fisher House Trust Fund, Department of the Army.

''(93) Fisher House Trust Fund, Department of the Air Force.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in the second sentence, by striking out ''Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')'' and inserting in lieu thereof ''Except as provided in paragraph (2), amounts accruing to these funds'';

(C) by striking out the third sentence; and

(D) by adding at the end the following:

''(2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:

''(A) Armed Forces Retirement Home Trust Fund.

''(B) Fisher House Trust Fund, Department of the Army.

''(C) Fisher House Trust Fund, Department of the Air Force.''.

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provisions of law are repealed:

(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).

(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).

(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

(4) Section 8017 of Public Law 103–335 (108 Stat. 2620; 10 U.S.C. 1074 note).

SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—

''(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

''(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

''(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an obligation or expenditure under the preceding sentence, the Secretary shall immediately notify the committees referred to in paragraph (1) that such obligation or expenditure is necessary and provide any relevant information (in classified form, if necessary) jointly to the chairman and ranking minority member (or their designees) of such committees.

''(3) A notification under paragraph (1) and information referred to in paragraph (2) shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 1530 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) REVISION OF FUNDING MECHANISM.—(1) Section 127a of title 10, United States Code, is amended to read as follows:

''§ 127a. Operations for which funds are not provided in advance: funding mechanisms

''(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation specified in paragraph (2) that involves—

''(A) the deployment (other than for a training exercise) of elements of the armed forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

''(B) the provision of humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

''(2) This section applies to—

''(A) any operation the incremental cost of which is expected to exceed $50,000,000; and

''(B) any other operation the expected incremental cost of which, when added to the expected incremental costs of other operations that are currently ongoing, is expected to result in a cumulative incremental cost of ongoing operations of the Department of Defense in excess of $100,000,000.

Any operation the incremental cost of which is expected not to exceed $10,000,000 shall be disregarded for the purposes of subparagraph (B).

''(3) Whenever an operation to which this section applies is commenced or subsequently becomes covered by this section, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

''(4) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

''(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund

(or a successor fund), such unit of the armed forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

''(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

''(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

''(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

''(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation, other than amounts within any operation and maintenance appropriation that are available for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

''(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

''(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

''(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

''(d) REPORT UPON DESIGNATION OF AN OPERATION.—Within 45 days after the Secretary of Defense identifies an operation pursuant to subsection (a)(2), the Secretary of Defense shall submit to Congress a report that sets forth the following:

''(1) The manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation, including a specific discussion of how the Secretary proposes to restore balances in—

''(A) the Defense Business Operations Fund (or a successor fund), or

''(B) the accounts from which the Secretary transfers funds under the authority of subsection (c),

to the levels that would have been anticipated but for the provisions of subsection (c).

''(2) If the operation is described in subsection (a)(1)(B), a justification why the budgetary resources of another department or agency of the Federal Government, instead of resources of the Department of Defense, are not being used for carrying out the operation.

''(3) The objectives of the operation.

''(4) The estimated duration of the operation and of any deployment of armed forces personnel in such operation.

''(5) The estimated incremental cost of the operation to the United States.

''(6) The exit criteria for the operation and for the withdrawal of the elements of the armed forces involved in the operation.

''(e) LIMITATIONS.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

''(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

''(f) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever there is an operation described in subsection (a), the President shall submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section.

''(2) A request under paragraph (1) shall be submitted not later than 45 days after the date on which notification is provided pursuant to subsection (a)(3). The request shall be submitted as a separate request from any other legislative proposal.

''(g) REQUIREMENTS RELATING TO ADDITIONAL SUPPLEMENTAL APPROPRIATIONS.—If, after a supplemental appropriation has been requested for an operation under subsection (f) and has been provided by law, enactment of an additional supplemental appropriation becomes necessary for the operation before the withdrawal of all armed forces personnel from the operation, the Secretary of Defense shall submit to Congress a revised report described in subsection (d) and the President shall submit to Congress an additional request for enactment of a supplemental appropriation as described in subsection (f). The revised report and the request shall be submitted as soon as it is determined that the additional supplemental appropriation is necessary.

''(h) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

''(i) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

''(j) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.''.

(2) The item relating to section 127a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''127a. Operations for which funds are not provided in advance: funding mechanisms.''.

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. OPERATION PROVIDE COMFORT.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Provide Comfort—

(1) $136,300,000 for operation and maintenance costs; and

(2) $7,000,000 for incremental military personnel costs.

(b) REPORT.—Not more than $70,000,000 of the amount appropriated under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees a report on Operation Provide Comfort which includes the following:

(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for Operation Provide Comfort during fiscal year 1996, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during that fiscal year.

(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to Operation Provide Comfort during fiscal year 1996.

(3) A discussion of available options to reduce the involvement of the Department of Defense in those aspects of Operation Provide Comfort that are not directly related to the military mission of the Department of Defense.

(4) A plan establishing an exit strategy for United States involvement in, and support for, Operation Provide Comfort.

(c) OPERATION PROVIDE COMFORT.—For purposes of this section, the term ''Operation Provide Comfort'' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort.

SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Enhanced Southern Watch—

(1) $433,400,000 for operation and maintenance costs; and

(2) $70,400,000 for incremental military personnel costs.

(b) REPORT.—(1) Of the amounts specified in subsection (a), not more than $250,000,000 may be obligated until the Secretary of Defense submits to the congressional defense committees a report designating Operation Enhanced Southern Watch, or significant elements thereof, as a forward presence operation for which funding should be budgeted as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(2) The report shall set forth the following:

(A) The expected duration and annual costs of the various elements of Operation Enhanced Southern Watch.

(B) Those elements of Operation Enhanced Southern Watch that are semi-permanent in nature and should be budgeted in the future as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(C) The political and military objectives associated with Operation Enhanced Southern Watch.

(D) The contributions (both in-kind and actual) by other nations to the costs of conducting Operation Enhanced Southern Watch.

(c) OPERATION ENHANCED SOUTHERN WATCH.—For purposes of this section, the term

''Operation Enhanced Southern Watch'' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1995 defense appropriations except as otherwise provided in subsection (c).

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 defense authorizations.

(c) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in subsection (b) which remain available for obligation on the date of the enactment of this Act may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1995 defense appropriations):

(1) The TARTAR support equipment program under ''Weapons Procurement, Navy'' in the amount of $2,400,000.

(2) The natural gas utilization equipment program under ''Other Procurement, Navy'' in the amount of $8,000,000.

(3) The munitions standardization-plasma furnace technology program under ''Research, Development, Test, and Evaluation, Army'' in the amount of $7,500,000.

(4) The logistics technology-cold pasteurization/sterilization program under ''Research, Development, Test, and Evaluation, Army'' in the amount of $2,000,000.

(5) The logistics technology-air beam tents program under ''Research, Development, Test, and Evaluation, Army'' in the amount of $500,000.

(d) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term ''fiscal year 1995 defense appropriations'' means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term ''fiscal year 1995 defense authorizations'' means amounts authorized to be appropriated for the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

SEC. 1007. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6; 109 Stat. 73).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act (109 Stat. 79) is hereby authorized.

SEC. 1008. AUTHORIZATION REDUCTIONS TO REFLECT SAVINGS FROM REVISED ECONOMIC ASSUMPTIONS.

(a) REDUCTION.—The total amount authorized to be appropriated in titles I, II, and III of this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions. Such reduction shall be made from accounts in those titles as follows:

Operation and Maintenance, Army, $54,000,000.

Operation and Maintenance, Navy, $80,000,000.

Operation and Maintenance, Marine Corps, $9,000,000.

Operation and Maintenance, Air Force, $51,000,000.

Operation and Maintenance, Defense-Wide, $36,000,000.

Operation and Maintenance, Army Reserve, $4,000,000.

Operation and Maintenance, Navy Reserve, $4,000,000.

Operation and Maintenance, Marine Corps Reserve, $1,000,000.

Operation and Maintenance, Air Force Reserve, $3,000,000.

Operation and Maintenance, Army National Guard, $7,000,000.

Operation and Maintenance, Air National Guard, $7,000,000.

Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000.

Environmental Restoration, Defense, $11,000,000.

Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000.

Former Soviet Union Threat Reduction, $2,000,000.

Defense Health Program, $51,000,000.

Aircraft Procurement, Army, $9,000,000.

Missile Procurement, Army, $5,000,000.

Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000.

Procurement of Ammunition, Army, $6,000,000.

Other Procurement, Army, $17,000,000.

Aircraft Procurement, Navy, $29,000,000.

Weapons Procurement, Navy, $13,000,000.

Shipbuilding and Conversion, Navy, $42,000,000.

Other Procurement, Navy, $18,000,000.

Procurement, Marine Corps, $4,000,000.

Aircraft Procurement, Air Force, $50,000,000.

Missile Procurement, Air Force, $29,000,000.

Other Procurement, Air Force, $45,000,000.

Procurement, Defense-Wide, $16,000,000.

Chemical Agents and Munitions Destruction, Defense, $5,000,000.

Research, Development, Test and Evaluation, Army, $20,000,000.

Research, Development, Test and Evaluation, Navy, $50,000,000.

Research, Development, Test and Evaluation, Air Force, $79,000,000.

Research, Development, Test and Evaluation, Defense-Wide, $57,000,000.

Research, Development, Test and Evaluation, Defense, $2,000,000.

(b) REDUCTIONS TO BE APPLIED PROPORTIONALLY.—Reductions under this section shall be applied proportionally to each budget activity, activity group, and subactivity group and to each program, project, and activity within each account.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. IOWA CLASS BATTLESHIPS.

(a) RETURN TO NAVAL VESSEL REGISTER.—The Secretary of the Navy shall list on the Naval Vessel Register, and maintain on such register, at least two of the Iowa-class battleships that were stricken from the register in February 1995.

(b) SUPPORT.—The Secretary shall retain the existing logistical support necessary for support of at least two operational Iowa class battleships in active service, including technical manuals, repair and replacement parts, and ordnance.

(c) SELECTION OF SHIPS.—The Secretary shall select for listing on the Naval Vessel Register under subsection (a) Iowa class battleships that are in good material condition and can provide adequate fire support for an amphibious assault.

(d) REPLACEMENT FIRE-SUPPORT CAPABILITY.—(1) If the Secretary of the Navy makes a certification described in paragraph (2), the requirements of subsections (a) and (b) shall terminate, effective 60 days after the date of the submission of such certification.

(2) A certification referred to in paragraph (1) is a certification submitted by the Secretary of the Navy in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Navy has within the fleet an operational surface fire-support capability that equals or exceeds the fire-support capability that the Iowa class battleships listed on the Naval Vessel Register pursuant to subsection (a) would, if in active service, be able to provide for Marine Corps amphibious assaults and operations ashore.

SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The Secretary of the Navy is authorized to transfer on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Bahrain, the guided missile frigate Jack Williams (FFG 24).

(2) To the Government of Egypt, the frigate Copeland (FFG 25).

(3) To the Government of Turkey, the frigates Clifton Sprague (FFG 16) and Antrim (FFG 20).

(b) TRANSFERS BY LEASE OR SALE.—The Secretary of the Navy is authorized to transfer on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Egypt, the frigate Duncan (FFG 10).

(2) To the Government of Oman, the guided missile frigate Mahlon S. Tisdale (FFG 27).

(3) To the Government of Turkey, the frigate Flatley (FFG 21).

(4) To the Government of the United Arab Emirates, the guided missile frigate Gallery (FFG 26).

(c) FINANCING FOR TRANSFERS BY LEASE.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing for any transfer by lease under subsection (b) in the same manner as if such transfer were a procurement by the recipient nation of a defense article.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) or (b) shall be charged to the recipient.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) and under subsection (b) shall expire at the end of the two-year period beginning on the date of the enactment of this Act, except that a lease entered into during that period under any provision of subsection (b) may be renewed.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) The President may not transfer on a grant basis under this section a vessel that is in excess of 3,000 tons or that is less than 20 years of age.

''(2) If the President determines that it is in the national security interests of the United

States to transfer a particular vessel on a grant basis under this section, the President may request that Congress enact legislation exempting the transfer from the prohibition in paragraph (1).''.

(2) The amendment made by paragraph (1) shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act (other than a vessel the transfer of which is authorized by subsection (a) or by law before the date of the enactment of this Act).

SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled ''Mobility Requirements Study Bottom-Up Review Update'', submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997.

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1014. NATIONAL DEFENSE RESERVE FLEET.

(a) AVAILABILITY OF NATIONAL DEFENSE SEALIFT FUND.—Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) by striking out ''only for—'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''only for the following purposes:'';

(B) by capitalizing the first letter of the first word of subparagraphs (A), (B), (C), and (D);

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period;

(D) by striking out ''; and'' at the end of subparagraph (C) and inserting in lieu thereof a period; and

(E) by adding at the end the following new subparagraph:

''(E) Expenses for maintaining the National Defense Reserve Fleet under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards.''; and

(2) in subsection (i), by inserting ''(other than subsection (c)(1)(E))'' after ''Nothing in this section''.

(b) CLARIFICATION OF EXEMPTION OF NDRF VESSELS FROM RETROFIT REQUIREMENT.—Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by adding at the end the following new subsection:

''(e) Vessels in the National Defense Reserve Fleet are exempt from the provisions of section 3703a of title 46, United States Code.''.

(c) AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO CONVERT TWO VESSELS.—Of the amount authorized to be appropriated in section 302 for fiscal year 1996 for the National Defense Sealift Fund under section 2218 of title 10, United States Code, not more than $20,000,000 shall be available for conversion work on the following two roll-on/roll-off vessels, which were acquired by the Maritime Administration during fiscal year 1995:

(1) M/V Cape Knox (ON-1036323).

(2) M/V Cape Kennedy (ON-1036324).

SEC. 1015. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended to read as follows:

''CHAPTER 637—SALVAGE FACILITIES

''Sec.
''7361. Authority to provide for necessary salvage facilities.
''7362. Acquisition and transfer of vessels and equipment.
''7363. Settlement of claims.
''7364. Disposition of receipts.

''§ 7361. Authority to provide for necessary salvage facilities

''(a) AUTHORITY.—The Secretary of the Navy may provide, by contract or otherwise, necessary salvage facilities for public and private vessels.

''(b) COORDINATION WITH SECRETARY OF TRANSPORTATION.—The Secretary shall submit to the Secretary of Transportation for comment each proposed contract for salvage facilities that affects the interests of the Department of Transportation.

''(c) LIMITATION.—The Secretary of the Navy may enter into a term contract under subsection (a) only if the Secretary determines that available commercial salvage facilities are inadequate to meet the requirements of national defense.

''(d) PUBLIC NOTICE.—The Secretary may not enter into a contract under subsection (a) until the Secretary has provided public notice of the intent to enter into such a contract.

''§ 7362. Acquisition and transfer of vessels and equipment

''(a) AUTHORITY.—The Secretary of the Navy may acquire or transfer for operation by private salvage companies such vessels and equipment as the Secretary considers necessary.

''(b) AGREEMENT ON USE.—Before any salvage vessel or salvage gear is transferred by the Secretary to a private party, the private party must agree in writing with the Secretary that the vessel or gear will be used to support organized offshore salvage facilities for a period of as many years as the Secretary considers appropriate.

''(c) REFERENCE TO AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—For authority for the Secretary of the Navy to advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations, see section 2307(g)(2) of this title.

''§ 7363. Settlement of claims

''The Secretary of the Navy may settle any claim by the United States for salvage services rendered by the Department of the Navy and may receive payment of any such claim.

''§ 7364. Disposition of receipts

''Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received under this chapter in any fiscal year in excess of naval salvage costs incurred by the Navy during that fiscal year shall be deposited into the general fund of the Treasury.''.

SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that any vessel that is covered by the contract referred to in subsection (b) remains covered by that contract, regardless of the operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy.

(b) COVERED CONTRACT.—The contract referred to in subsection (a) is the contract entered into before the date of the enactment of this Act for the phased maintenance of AE class ships.

SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting ''or Guam'' after ''the United States'' the second place it appears.

SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF AMPHIBIOUS SHIPS.

It is the sense of Congress that the Secretary of the Navy—

(1) should name the vessel to be designated LHD–7 as the U.S.S. Iwo Jima; and

(2) should name the vessel to be designated LPD–17, and each subsequent ship of the LPD–17 class, after a Marine Corps battle or a member of the Marine Corps.

SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

Subtitle C—Counter-Drug Activities

SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE AUTHORIZED.—Subsection (a) of section 112 of title 32, United States Code, is amended to read as follows:

''(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for—

''(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of druginterdiction and counter-drug activities;

''(2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and

''(3) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.''.

(b) REORGANIZATION OF SECTION.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by redesignating subsection (d) as subsection (g) and transferring that subsection to appear before subsection (h), as redesignated by paragraph (1); and

(3) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

(c) STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES PLAN.—Subsection (c) of such section, as redesignated by subsection (b)(3), is amended—

(1) in the matter preceding paragraph (1), by striking out ''A plan referred to in subsection (a)'' and inserting in lieu thereof ''A State drug interdiction and counter-drug activities plan'';

(2) by striking out ''and'' at the end of paragraph (2); and

(3) in paragraph (3)—

(A) by striking out ''annual training'' and inserting in lieu thereof ''training'';

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

''(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.''.

(d) EXAMINATION OF STATE PLAN.—Subsection (d) of such section, as redesignated by subsection (b)(3), is amended—

(1) in paragraph (1)—

(A) by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (c)''; and

(B) by inserting after ''Before funds are provided to the Governor of a State under this section'' the following: ''and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (c)''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).''.

(e) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

''(b) USE OF PERSONNEL PERFORMING FULL TIME NATIONAL GUARD DUTY.—Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.''.

(f) END STRENGTH LIMITATION.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

''(f) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

''(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

''(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

''(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.''.

(g) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The term 'drug interdiction and counter-drug activities', with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.''.

(h) TECHNICAL AMENDMENTS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking out ''sections 517 and 524'' and inserting in lieu thereof ''sections 12011 and 12012''; and

(2) in paragraph (2), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

Subtitle D—Civilian Personnel

SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''man-year constraint or limitation'' and inserting in lieu thereof ''constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees''; and

(B) by adding at the end the following new sentence: ''The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.'';

(2) in subsection (b)(2), by striking out ''any end-strength'' and inserting in lieu thereof ''any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees''; and

(3) by adding at the end the following new subsection:

''(d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.''.

SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

(a) CONVERSION REQUIREMENT.—(1) By September 30, 1997, the Secretary of Defense shall convert at least 10,000 military positions to civilian positions.

(2) At least 3,000 of the military positions converted to satisfy the requirement of paragraph (1) shall be converted to civilian positions not later than September 30, 1996.

(3) In this subsection:

(A) The term ''military position'' means a position that, as of the date of the enactment of this Act, is authorized to be filled by a member of the Armed Forces on active duty.

(B) The term ''civilian position'' means a position that is required to be filled by a civilian employee of the Department of Defense.

(b) IMPLEMENTATION PLAN.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

(a) ELIMINATION OF LIMITATION.—Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) The 120-day limitation in paragraph (1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

''(A) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

''(B) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

''(c) For purposes of this section—

''(1) the term 'base closure law' means—

''(A) section 2687 of title 10;

''(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

''(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

''(2) the term 'military installation'—

''(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

''(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

''(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has the meaning given such term in section 2910(4) of such Act.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to details made before the date of the enactment of this Act but still in effect on that date and details made on or after that date.

SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) The Secretary of Defense or the Secretary of a military department may—

''(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

''(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

''(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

''(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

''(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(5) The authority under paragraph (1) may not be exercised after September 30, 1996.''.

SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

''(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

''(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

''(C) Amounts repaid to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

''(3) If an employee fails to repay to an agency an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.

''(4) This subsection applies with respect to severance pay payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.''.

SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or a voluntary separation from a surplus position,'' after ''an involuntary separation from a position''; and

(2) by adding at the end the following new subparagraph:

''(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.''.

SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2415), is amended—

(1) in subsection (b), by striking out ''be offered'' and inserting in lieu thereof ''be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

''(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—

''(A) in either the competitive service or the excepted service;

''(B) within the Department of Defense; and

''(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a reserve component of the armed forces as a condition of employment.

''(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.''.

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.

(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

''3330. Government-wide list of vacant positions.''.

SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:

''(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—

''(1) be a member of the National Guard;

''(2) hold the military grade specified by the Secretary concerned for that position; and

''(3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.''.

(b) UNIFORM ALLOWANCES FOR OFFICERS.—Section 417 of title 37, United States Code, is amended by adding at the end the following:

''(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

''(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.''.

(c) CLOTHING OR ALLOWANCES FOR ENLISTED MEMBERS.—Section 418 of title 37, United States Code, is amended—

(1) by inserting ''(a)'' before ''The President''; and

(2) by adding at the end the following:

''(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

''(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.''.

SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code is amended by adding at the end the following new subsection:

''(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

''(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.''.

SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CLARIFICATION OF DEFINITION OF NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.''.

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: ''and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking

out ''Navy Resale and Services Support Office'' and inserting in lieu thereof ''Navy Exchange Service Command''.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1587. Employees of nonappropriated fund instrumentalities: reprisals''.

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

''1587. Employees of nonappropriated fund instrumentalities: reprisals.''.

SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

''(2) 'employee' has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;''.

SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1997; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term ''nonappropriated fund instrumentality employee'' has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 1043. ELECTIONS RELATING TO RETIREMENT COVERAGE.

(a) IN GENERAL.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking ''of the Department of Defense or the Coast Guard'' in the matter before subparagraph (A); and

(ii) by striking ''3 days'' and inserting ''1 year''; and

(B) in paragraph (2)(C)—

(i) by striking ''3 days'' and inserting ''1 year''; and

(ii) by striking ''in the Department of Defense or the Coast Guard, respectively,''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking ''of the Department of Defense or the Coast Guard'' in the matter before subparagraph (A); and

(ii) by striking ''3 days'' and inserting ''1 year''; and

(B) in paragraph (2)(C)—

(i) by striking ''3 days'' and inserting ''1 year''; and

(ii) by striking ''in the Department of Defense or the Coast Guard, respectively,''.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management (and each of the other administrative authorities, within the meaning of subsection (c)(2)(C)(iii)) shall prescribe any regulations (or make any modifications in existing regulations) necessary to carry out this section and the amendments made by this section, including regulations to provide for the notification of individuals who may be affected by the enactment of this section. All regulations (and modifications to regulations) under the preceding sentence shall take effect on the same date.

(c) APPLICABILITY; RELATED PROVISIONS.—

(1) PROSPECTIVE RULES.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to moves occurring on or after the effective date of the regulations under subsection (b). Moves occurring on or after the date of the enactment of this Act and before the effective date of such regulations shall be subject to applicable provisions of title 5, United States Code, disregarding the amendments made by this section, except that any individual making an election pursuant to this sentence shall be ineligible to make an election otherwise allowable under paragraph (2).

(2) RETROACTIVE RULES.—

(A) IN GENERAL.—The regulations under subsection (b) shall include provisions for the application of sections 8347(q) and 8461(n) of title 5, United States Code, as amended by this section, with respect to any individual who, at any time after December 31, 1965, and before the effective date of such regulations, moved between positions in circumstances that would have qualified such individual to make an election under the provisions of such section 8347(q) or 8461(n), as so amended, if such provisions had then been in effect.

(B) DEADLINE; RELATED PROVISIONS.—An election pursuant to this paragraph—

(i) shall be made within 1 year after the effective date of the regulations under subsection (b), and

(ii) shall have the same force and effect as if it had been timely made at the time of the move,

except that no such election may be made by any individual—

(I) who has previously made, or had an opportunity to make, an election under section 8347(q) or 8461(n) of title 5, United States Code (as in effect before being amended by this section); however, this subclause shall not be considered to render an individual ineligible, based on an opportunity arising out of a move occurring during the period described in the second sentence of paragraph (1), if no election has in fact been made by such individual based on such move;

(II) who has not, since the move on which eligibility for the election is based, remained continuously subject (disregarding any break in service of less than 3 days) to CSRS or FERS or both seriatim (if the move was from a NAFI position) or any retirement system (or 2 or more such systems seriatim) established for employees described in section 2105(c) of such title (if the move was to a NAFI position); or

(III) if such election would be based on a move to the Civil Service Retirement System from a retirement system established for employees described in section 2105(c) of such title.

(C) TRANSFERS OF CONTRIBUTIONS.—

(i) IN GENERAL.—If an individual makes an election under this paragraph to be transferred back to a retirement system in which such individual previously participated (in this section referred to as the ''previous system''), all individual contributions (including interest) and Government contributions to the retirement system in which such individual is then currently participating (in this section referred to as the ''current system''), excluding those made to the Thrift Savings Plan or any other defined contribution plan, which are attributable to periods of service performed since the move on which the election is based, shall be paid to the fund, account, or other repository for contributions made under the previous system. For purposes of this section, the term ''current system'' shall be considered also to include any retirement system (besides the one in which the individual is participating at the time of making the election) in which such individual previously participated since the move on which the election is based.

(ii) CONDITION SUBSEQUENT RELATING TO REPAYMENT OF LUMP-SUM CREDIT.—In the case of an individual who has received such individual's lump-sum credit (within the meaning of section 8401(19) of title 5, United States Code, or a similar payment) from such individual's previous system, the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) unless such lump-sum credit is redeposited or otherwise paid at such time and in such manner as shall be required under applicable regulations. Regulations to carry out this clause shall include provisions for the computation of interest (consistent with section 8334(e)(2) and (3) of title 5, United States Code), if no provisions for such computation otherwise exist.

(iii) CONDITION SUBSEQUENT RELATING TO DEFICIENCY IN PAYMENTS RELATIVE TO AMOUNTS NEEDED TO ENSURE THAT BENEFITS ARE FULLY FUNDED.—

(I) IN GENERAL.—Except as provided in subclause (II), the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) if the actuarial present value of the future benefits that would be payable under the previous system with respect to service performed by such individual after the move on which the election under this paragraph is based and before the effective date of the election, exceeds the total amounts required to be transferred to the previous system under the preceding provisions of this subparagraph with respect to such service, as determined by the authority administering such previous system (in this section referred to as the ''administrative authority'').

(II) PAYMENT OF DEFICIENCY.—A determination of a deficiency under this clause shall not render an election ineffective if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the full amount of the deficiency described in subclause (I).

(D) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN FERS.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in FERS; and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph, determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying NAFI service of such individual treated as creditable service for purposes of any annuity under FERS payable out of the Civil Service Retirement and Disability Fund.

(iii) QUALIFYING NAFI SERVICE.—For purposes of this subparagraph, the term ''qualifying NAFI service'' means any service which, but for this subparagraph, would be creditable for purposes of any retirement system established for employees described in section 2105(c) of title 5, United States Code.

(iv) SERVICE CEASES TO BE CREDITABLE FOR NAFI RETIREMENT SYSTEM PURPOSES.—Any qualifying NAFI service that becomes creditable for FERS purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of any retirement system referred to in clause (iii).

(v) CONDITIONS.—An election under this subparagraph shall be subject to requirements, similar to those set forth in subparagraph (C), to ensure that—

(I) appropriate transfers of individual and Government contributions are made to the Civil Service Retirement and Disability Fund; and

(II) the actuarial present value of future benefits under FERS attributable to service made creditable by such election is fully funded.

(E) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN A NAFI RETIREMENT SYSTEM.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in any retirement system established for employees described in section 2105(c) of title 5, United States Code (in this subparagraph referred to as a ''NAFI retirement system''); and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph (determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein) based on a move from FERS.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying FERS service of such individual treated as creditable service for purposes of determining eligibility for benefits under a NAFI retirement system, but not for purposes of computing the amount of any such benefits except as provided in clause (v)(II).

(iii) QUALIFYING FERS SERVICE.—For purposes of this subparagraph, the term ''qualifying FERS service'' means any service which, but for this subparagraph, would be creditable for purposes of the Federal Employees' Retirement System.

(iv) SERVICE CEASES TO BE CREDITABLE FOR PURPOSES OF FERS.—Any qualifying FERS service that becomes creditable for NAFI purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of the Federal Employees' Retirement System.

(v) FUNDING REQUIREMENTS.—

(I) IN GENERAL.—Except as provided in subclause (II), nothing in this section or in any other provision of law or any other authority shall be considered to require any payment or transfer of monies in order for an election under this subparagraph to be effective.

(II) CONTRIBUTION REQUIRED ONLY IF INDIVIDUAL ELECTS TO HAVE SERVICE MADE CREDITABLE FOR COMPUTATION PURPOSES AS WELL.—Under regulations prescribed by the appropriate administrative authority, an individual making an election under this subparagraph may further elect to have the qualifying FERS service made creditable for computation purposes under a NAFI retirement system, but only if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the amount necessary to fully fund the actuarial present value of future benefits under the NAFI retirement system attributable to the qualifying FERS service.

(3) INFORMATION.—The regulations under subsection (b) shall include provisions under which any individual—

(A) shall, upon request, be provided information or assistance in determining whether such individual is eligible to make an election under paragraph (2) and, if so, the exact amount of any payment which would be required of such individual in connection with any such election; and

(B) may seek any other information or assistance relating to any such election.

(d) CREDITABILITY OF NAFI SERVICE FOR RIF PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 3502(a)(C) of title 5, United States Code, is amended by striking ''January 1, 1987'' and inserting ''January 1, 1966''.

(2) EFFECTIVE DATE.—Notwithstanding any provision of subsection (c), the amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to any reduction in force carried out on or after such date.

SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) EXTENSION OF AUTHORITY.—The Secretary of Defense may, until the end of January 31, 1996 and without regard to the time limitations specified in subsection (a) of section 5523 of title 5, United States Code, make payments under the provisions of such section from funds available for the pay of civilian personnel in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary. This section shall take effect as of October 1, 1995, and shall apply with respect to payments made for periods occurring on or after that date.

(b) MONTHLY REPORT.—On the first day of each month beginning after the date of the enactment of this Act and ending before March 1996, the Secretary of the Navy shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the payment of employees pursuant to subsection (a). Each such report shall include, for the month preceding the month in which the report is transmitted, a statement of the following:

(1) The number of the employees paid pursuant to such section.

(2) The positions of employment of the employees.

(3) The number and location of the employees' dependents and immediate families.

(4) The actions taken by the Secretary to eliminate the conditions which necessitated the payments.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMISSION REGARDING GUARD AND RESERVE COMPONENTS.

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the Guard and Reserve components.

(b) CONTENT.—The report shall include the following:

(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the Guard and Reserve components.

(2) A listing, with respect to each such component, of each of the following:

(A) The amount requested for each major weapon system for which funds are requested in the budget for that component.

(B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.

(C) The amount requested for each military construction project, together with the location of each such project, for which funds are requested in the budget for that component.

(c) INCLUSION OF INFORMATION IN NEXT FYDP.—The Secretary of Defense shall specifically display in the next future-years defense program (or program revision) submitted to Congress after the date of the enactment of this Act the amounts programmed for procurement of equipment and for military construction for each of the Guard and Reserve components.

(d) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF PROVIDING AUTHORITY FOR USE OF FUNDS DERIVED FROM RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and feasibility of authorizing by law the retention and use by the Department of Defense of a specified portion (not to exceed three percent) of amounts recovered by the Government during any fiscal year from losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations.

(b) MATTERS TO BE INCLUDED.—The report shall include the views of the Secretary of Defense regarding—

(1) the degree to which such authority would create enhanced incentives for the discovery, investigation, and resolution of contractor fraud at military installations; and

(2) the appropriate allocation for funds that would be available for expenditure pursuant to such authority.

SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks. The report shall include the following:

(1) A description of the national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) An assessment of the future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the boards and commissions described in subsection (c). As part of such study, the Secretary shall determine, with respect to each such board or commission that received support from the Department of Defense during fiscal year 1995, whether that board or commission merits continued support from the Department.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study. The report shall include the following:

(1) A list of each board and commission described in subsection (c) that received support

from the Department of Defense during fiscal year 1995.

(2) With respect to the boards and commissions specified on the list under paragraph (1)—

(A) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department of Defense is merited; and

(B) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department if not merited.

(3) For each board and commission specified on the list under paragraph (2)(A), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the continued support of the Department.

(4) For each board and commission specified on the list under paragraph (2)(B), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995; and

(C) a justification of the determination that the board or commission does not merit the continued support of the Department.

(c) COVERED BOARDS AND COMMISSIONS.—Subsection (a) applies to any board or commission (including any board or commission authorized by law) that operates within or for the Department of Defense and that—

(1) provides only policy-making assistance or advisory services for the Department; or

(2) carries out only activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

(d) SUPPORT DEFINED.—For purposes of this section, the term ''support'' includes the provision of any of the following:

(1) Funds.

(2) Equipment, materiel, or other assets.

(3) Services of personnel.

SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.

Section 119(a) of title 10, United States Code, is amended by striking out ''February 1'' and inserting in lieu thereof ''March 1''.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are each amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting ''or'' at the end of paragraph (1);

(B) by striking out ''; or'' at the end of paragraph (2) and inserting in lieu thereof a period; and

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

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

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

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of each of sections 173(b) and 174(b) of such title is amended to read as follows: ''Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.''.

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out ''is entitled to not more than $5 a day and''.

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVITIES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out ''subsection (b)'' and inserting in lieu thereof ''subsection (a)''.

(i) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(k) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Subsection (a) of section 409 of Public Law 91–121 (50 U.S.C. 1511) is repealed.

(l) ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(m) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(n) LIMITATION ON AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) ANNUAL REPORT ON RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of title 10, United States Code, is amended—

(1) by striking out subsection (f); and

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

(b) NOTICE OF SALARY INCREASES FOR FOREIGN NATIONAL EMPLOYEES.—Section 1584 of such title is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) WAIVER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN PERSONNEL.—''.

(c) NOTICE REGARDING CONTRACTS PERFORMED FOR PERIODS EXCEEDING 10 YEARS.—(1) Section 2352 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2352.

(d) REPORT ON LOW-RATE PRODUCTION UNDER NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—Section 2400(c) of such title is amended—

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

(2) in paragraph (1)—

(A) by striking out ''(1)''; and

(B) by redesignating clauses (A) and (B) as clauses (1) and (2), respectively.

(e) REPORT ON WAIVERS OF PROHIBITION ON EMPLOYMENT OF FELONS.—Section 2408(a)(3) of such title is amended by striking out the second sentence.

(f) REPORT ON DETERMINATION NOT TO DEBAR FOR FRAUDULENT USE OF LABELS.—Section 2410f(a) of such title is amended by striking out the second sentence.

(g) NOTICE OF MILITARY CONSTRUCTION CONTRACTS ON GUAM.—Section 2864(b) of such title is amended by striking out ''after the 21-day period'' and all that follows through ''determination''.

SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.

(a) PUBLIC LAW 99–661 REQUIREMENT FOR REPORT ON FUNDING FOR NICARAGUAN DEMOCRATIC RESISTANCE.—Section 1351 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) LIMITATION.—''.

(b) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION MASTER PLAN.—Section 829 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1444; 10 U.S.C. 2192 note) is repealed.

(d) REPORT REGARDING HEATING FACILITY MODERNIZATION AT KAISERSLAUTERN.—Section 8008 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1438), is amended by inserting ''but without regard to the notification requirement in subsection (b)(2) of such section,'' after ''section 2690 of title 10, United States Code,''.

SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) REQUIREMENT UNDER ARMS EXPORT CONTROL ACT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) ANNUAL REPORT ON NATIONAL SECURITY AGENCY EXECUTIVE PERSONNEL.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) REPORTS CONCERNING CERTAIN FEDERAL CONTRACTING AND FINANCIAL TRANSACTIONS.—Section 1352 of title 31, United States Code, is amended—

(1) in subsection (b)(6)(A), by inserting ''(other than the Secretary of Defense and Secretary of a military department)'' after ''The head of each agency''; and

(2) in subsection (d)(1), by inserting ''(other than in the case of the Department of Defense or a military department)'' after ''paragraph (3) of this subsection''.

(d) ANNUAL REPORT ON WATER RESOURCES PROJECT AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) ANNUAL REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE WATERWAY.—Section 185 of the Water Resources Development Act of 1976 (33 U.S.C. 544c) is amended by striking out the second sentence.

(f) ANNUAL REPORT ON MONITORING OF NAVY HOME PORT WATERS.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle G—Department of Defense Education Programs

SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) POLICY.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in subsection (b) of such section regarding the budgetary commitment to continuation of the university.

(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Services may not be reduced below the personnel staffing levels for the university as of October 1, 1993.

(c) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1997 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) ADDITIONAL SCHOOLS AND PROGRAMS.—Subsection (h) of section 2113 of title 10, United States Code, is amended to read as follows:

''(h) The Secretary of Defense may establish the following educational programs at the University:

''(1) Postdoctoral, postgraduate, and technological institutes.

''(2) A graduate school of nursing.

''(3) Other schools or programs that the Secretary determines necessary in order to operate the University in a cost-effective manner.''.

(b) CONFORMING AMENDMENTS TO REFLECT ADVISORY NATURE OF BOARD OF REGENTS.—(1) Section 2112(b) of such title is amended by striking out '', upon recommendation of the Board of Regents,''.

(2) Section 2113 of such title is amended—

(A) in subsection (a)—

(i) by striking out ''a Board of Regents (hereinafter in this chapter referred to as the 'Board')'' in the first sentence and inserting in lieu thereof ''the Secretary of Defense''; and

(ii) by inserting after the first sentence the following new sentence: ''To assist the Secretary in an advisory capacity, there is a Board of Regents for the University.'';

(B) in subsection (d), by striking out ''Board'' the first place it appears and inserting in lieu thereof ''Secretary'';

(C) in subsection (e), by striking out ''of Defense'';

(D) in subsection (f)(1), by striking out ''of Defense'';

(E) in subsection (g)—

(i) by striking out ''Board is authorized to'' in the first sentence and inserting in lieu thereof ''Secretary may'';

(ii) by striking out ''Board is also authorized to'' in the third sentence and inserting in lieu thereof ''Secretary may''; and

(iii) by striking out ''Board may also, subject to the approval of the Secretary of Defense,'' in the fifth sentence and inserting in lieu thereof ''Secretary may''; and

(F) by striking out ''Board'' each place it appears in subsections (f), (i), and (j) and inserting in lieu thereof ''Secretary''.

(3) Section 2114(e)(1) of such title is amended by striking out ''Board, upon approval of the Secretary of Defense,'' and inserting in lieu thereof ''Secretary of Defense''.

(c) CLERICAL AMENDMENTS.—(1) The heading of section 2113 of such title is amended to read as follows:

''§ 2113. Administration of University''.

(2) The item relating to such section in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

''2113. Administration of University.''.

SEC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of amounts appropriated pursuant to section 301, $600,000 shall be available to carry out adult education programs, consistent with the Adult Education Act (20 U.S.C. 1201 et seq.), for the following:

(1) Members of the Armed Forces who are serving in locations—

(A) that are outside the United States; and

(B) for which amounts are not required to be allotted under section 313(b) of such Act (20 U.S.C. 1201b(b)).

(2) The dependents of such members.

SEC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1996.—(1) Of the amounts authorized to be appropriated in section 301(5)—

(A) $30,000,000 shall be available for providing educational agencies assistance (as defined in paragraph (4)(A)) to local educational agencies; and

(B) $5,000,000 shall be available for making educational agencies payments (as defined in paragraph (4)(B)) to local educational agencies.

(2) Not later than June 30, 1996, the Secretary of Defense shall—

(A) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(3) The Secretary of Defense shall disburse funds made available under subparagraphs (A) and (B) of paragraph (1) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to paragraph (2).

(4) In this section:

(A) The term ''educational agencies assistance'' means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(B) The term ''educational agencies payments'' means payments authorized under subsection (d) of that section, as amended by subsection (d).

(b) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary of Education shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(c) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out ''30 percent'' and inserting in lieu thereof ''20 percent''; and

(2) by striking out ''counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)'' and inserting in lieu thereof ''counted under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))''.

(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subsection (d) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 28 U.S.C. 238 note) is amended to read as follows:

''(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—To assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall, in consultation with the Secretary of Education, make payments to local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall reduction of not less than 20 percent in the number of military dependent students as a result of the closure or realignment of military installations.''.

(e) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended by striking out ''and 1995'' and inserting in lieu thereof ''1995, and 1996''.

(f) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—Subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking ''only if such agency'' and inserting ''if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency''; and

(B) by adding at the end the following new subparagraph:

''(D) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

''(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

''(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State.''; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''(other than any amount received under paragraph (2)(B))'' after ''subsection'';

(ii) in subclause (I) of clause (i), by striking ''or the average per-pupil expenditure of all the States'';

(iii) by amending clause (ii) to read as follows:

''(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency.''; and

(iv) by amending clause (iii) to read as follows:

''(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

''(I) under this Act; or

''(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses.''; and

(B) by amending subparagraph (B) to read as follows:

''(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

''(i) the product of—

''(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

''(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

''(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.''.

(g) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

''(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

''(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

''(B) shall derive the per pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.''.

(h) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) in subsection (e)(2)—

(A) in subparagraph (C), by inserting after ''et seq.),'' the following: ''title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),''; and

(B) in subparagraph (D)(iii), by striking out ''under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238)''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking out ''section 14101 of the Elementary and Secondary Education Act of 1965'' and inserting in lieu thereof ''section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))''; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

''(3) The term 'State' means each of the 50 States and the District of Columbia.''.

SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amended by adding at the end the following:

''(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

''(i) transfer employees from schools established under this section to schools in the defense dependents' education system in order to provide the services referred to in subparagraph (B) to such system; and

''(ii) transfer employees from such system to schools established under this section in order to provide such services to those schools.

''(B) The services referred to in subparagraph (A) are the following:

''(i) Administrative services.

''(ii) Logistical services.

''(iii) Personnel services.

''(iv) Such other services as the Secretary considers appropriate.

''(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

''(D) The Secretary may provide that the transfer of an employee under this paragraph occur without reimbursement of the school or system concerned.

''(E) In this paragraph, the term 'defense dependents' education system' means the program established and operated under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).''.

SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(2) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of title 38 and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 16132(a)(1) of this title, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of title 38 as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries concerned under regulations prescribed by the Secretary of Defense.''.

SEC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended by striking out ''December 15 of each year'' and inserting in lieu thereof ''March 1 of each year''.

SEC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

(a) LIMITATION TO MEMBERS OF THE AIR FORCE.—Section 9315(a)(1) of title 10, United States Code, is amended by striking out ''for enlisted members of the armed forces'' and inserting in lieu thereof ''for enlisted members of the Air Force''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

SEC. 1079. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) GENERAL EDUCATION LOAN REPAYMENT PROGRAM.—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

(b) EDUCATION LOAN REPAYMENT PROGRAM FOR ENLISTED MEMBERS OF SELECTED RESERVE WITH CRITICAL SPECIALTIES.—Section 16301(a)(1) of such title is amended—

(1) by striking out ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

(c) EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED RESERVE WITH WARTIME CRITICAL MEDICAL SKILL SHORTAGES.—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or''.

Subtitle H—Other Matters

SEC. 1081. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION PROGRAMS.

(a) NATIONAL SECURITY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—(1) Section 2501 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out ''DEFENSE POLICY'' in the subsection heading and inserting in lieu thereof ''NATIONAL SECURITY''; and

(ii) by striking out paragraph (5);

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

''§ 2501. National security objectives concerning national technology and industrial base''.

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(c) of such title is amended—

(1) in paragraph (1), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) programs for achieving such national security objectives; and'';

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

(3) by redesignating paragraph (3) as paragraph (2).

(c) MODIFICATION OF DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS PROGRAM.—Section 2511 of such title is amended to read as follows:

"§ 2511. Defense dual-use critical technology program

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by encouraging and providing for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in furtherance of the program. The Secretary shall identify projects to be conducted as part of the program.

''(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.

''(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The total amount of funds provided by the Federal Government for a project conducted under the program may not exceed 50 percent of the total cost of the project. However, the Secretary of Defense may agree to a project in which the total amount of funds provided by the Federal Government exceeds 50 percent if the Secretary determines the project is particularly meritorious, but the project would not otherwise have sufficient non-Federal funding or in-kind contributions.

''(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a project conducted under the program for the purpose of calculating the share of the project costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of project activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the project from non-Federal sources.

''(3) The Secretary shall consider a project proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated project costs. Upon the selection of a project proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the project from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated project costs, the Secretary shall revoke the selection of the project proposal submitted by the small business concern.

''(d) SELECTION PROCESS.—Competitive procedures shall be used in the conduct of the program.

''(e) SELECTION CRITERIA.—The criteria for the selection of projects under the program shall include the following:

''(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 2501(a) of this title.

''(2) The technical excellence of the proposed project.

''(3) The qualifications of the personnel proposed to participate in the research activities of the proposed project.

''(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed project other than through the project.

''(5) The potential effectiveness of the project in the further development and application of each technology proposed to be developed by the project for the national technology and industrial base.

''(6) The extent of the financial commitment of eligible firms to the proposed project.

''(7) The extent to which the project does not unnecessarily duplicate projects undertaken by other agencies.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.''.

(d) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out ''referred to in section 2511(b) of this title''; and

(2) in subsection (f), by striking out ''section 2511(f)'' and inserting in lieu thereof ''section 2511(e)''.

(e) MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.—Subsection (b) of section 2525 of such title is amended to read as follows:

''(b) PURPOSE OF PROGRAM.—The Secretary of Defense shall use the program—

''(1) to provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

''(2) to direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

''(3) to improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

''(4) to promote dual-use manufacturing processes;

''(5) to disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

''(6) to sustain and enhance the skills and capabilities of the manufacturing work force;

''(7) to promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

''(8) to ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.''.

(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—Sections 2512, 2513, 2520, 2521, 2522, 2523, and 2524 of such title are repealed.

(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516 of such title is repealed.

(h) REPEAL OF OBSOLETE DEFINITIONS.—Section 2491 of such title is amended—

(1) by striking out paragraphs (11) and (12); and

(2) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (11) (12), (13), and (14), respectively.

(i) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2501 and inserting in lieu thereof the following new item:

''2501. National security objectives concerning national technology and industrial base.''.

(2) The table of sections at the beginning of subchapter III of such chapter is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

''2511. Defense dual-use critical technology program.''; and

(B) by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

SEC. 1082. AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT PROGRAMS.—The Secretary of Defense shall carry out a review of the programs of the Department of Defense for the procurement of ammunition. The review shall include the Department of Defense management of ammunition procurement programs, including the procedures of the Department for the planning for, budgeting for, administration, and carrying out of such programs. The Secretary shall begin the review not later than 30 days after the date of the enactment of this Act.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include an assessment of the following:

(1) The practicability and desirability of (A) continuing to use centralized procurement practices (through a single executive agent) for the procurement of ammunition required by the Armed Forces, and (B) using such centralized procurement practices for the procurement of all such ammunition.

(2) The capability of the ammunition production facilities of the Government to meet the requirements of the Armed Forces for procurement of ammunition.

(3) The practicability and desirability of converting those ammunition production facilities to ownership or operation by private sector entities.

(4) The practicability and desirability of integrating the budget planning for the procurement of ammunition among the Armed Forces.

(5) The practicability and desirability of establishing an advocate within the Department of Defense for matters relating to the ammunition industrial base, with such an advocate to be responsible for—

(A) establishing the quantity and price of ammunition procured by the Armed Forces; and

(B) establishing and implementing policy to ensure the continuing capability of the ammunition industrial base in the United States to meet the requirements of the Armed Forces.

(6) The practicability and desirability of providing information on the ammunition procurement practices of the Armed Forces to Congress through a single source.

(c) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall include the following:

(1) The results of the review.

(2) A discussion of the methodologies used in carrying out the review.

(3) An assessment of various methods of ensuring the continuing capability of the ammunition industrial base of the United States to meet the requirements of the Armed Forces.

(4) Recommendations of means (including legislation) of implementing those methods in order to ensure such continuing capability.

SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

No funds appropriated pursuant to an authorization of appropriations in this Act may be

used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO SECONDARY SCHOOL STUDENT INFORMATION FOR RECRUITING PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the States (with respect to public schools) and entities operating private secondary schools should not have a policy of denying, or otherwise effectively preventing, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to any secondary school or access to students at any secondary school equal to that of other employers; or

(B) access to directory information pertaining to students at secondary schools equal to that of other employers (other than in a case in which an objection has been raised as described in paragraph (2)); and

(2) any State, and any entity operating a private secondary school, that releases directory information secondary school students should—

(A) give public notice of the categories of such information to be released; and

(B) allow a reasonable period after such notice has been given for a student or (in the case of an individual younger than 18 years of age) a parent to inform the school that any or all of such information should not be released without obtaining prior consent from the student or the parent, as the case may be.

(b) REPORT ON DOD PROCEDURES.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on Department of Defense procedures for determining if and when a State or an entity operating a private secondary school has denied or prevented access to students or information as described in subsection (a)(1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''directory information'' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and (if available) the most recent previous educational program enrolled in by the student.

(2) The term ''student'' means an individual enrolled in any program of education who is 17 years of age or older.

SEC. 1085. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, THE VIETNAM ERA, AND THE COLD WAR.

Section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 50 U.S.C. 401 note) is amended—

(1) in subsection (b)(3)(A), by striking out ''cannot be located after a reasonable effort.'' and inserting in lieu thereof ''cannot be located by the Secretary of Defense—

''(i) in the case of a person missing from the Vietnam era, after a reasonable effort; and

''(ii) in the case of a person missing from the Korean Conflict or Cold War, after a period of 90 days from the date on which any record or other information referred to in paragraph (2) is received by the Department of Defense for disclosure review from the Archivist of the United States, the Library of Congress, or the Joint United States-Russian Commission on POW/MIAs.''; and

(2) in subsection (c)(1), by striking out ''not later than September 30, 1995'' and inserting in lieu thereof ''not later than January 2, 1996''.

SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report that, as of the date of the enactment of this Act, is in preparation by the Chairman of the Joint Chiefs of Staff on operational support airlift aircraft.

(b) CONTENT OF REPORT.—(1) The report referred to in subsection (a) shall contain findings and recommendations on the following:

(A) Requirements for the modernization and safety of the operational support airlift aircraft fleet.

(B) The disposition of aircraft that would be excess to that fleet upon fulfillment of the requirements referred to in subparagraph (A).

(C) Plans and requirements for the standardization of the fleet, including plans and requirements for the provision of a single manager for all logistical support and operational requirements.

(D) Central scheduling of all operational support airlift aircraft.

(E) Needs of the Department for helicopter support in the National Capital Region, including the acceptable uses of that support.

(2) In preparing the report, the Chairman of the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the operational support airlift aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of operational support airlift aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of such aircraft.

(3) The regulations shall apply uniformly throughout the Department.

(4) The regulations shall not require exclusive use of such aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown during fiscal year 1996 by operational support airlift aircraft does not exceed the number equal to 85 percent of the number of hours flown during fiscal year 1995 by operational support airlift aircraft.

(2) The Secretary should ensure that the number of hours flown in the National Capital Region during fiscal year 1996 by helicopters of the operational support airlift aircraft fleet does not exceed the number equal to 85 percent of the number of hours flown in the National Capital Region during fiscal year 1995 by helicopters of the operational support airlift aircraft fleet.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds appropriated pursuant to section 301 for the operation and use of operational support airlift aircraft, not more than 50 percent is available for obligation until the Secretary submits to Congress the report referred to in subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term ''operational support airlift aircraft'' means aircraft of the Department of Defense designated within the Department as operational support airlift aircraft.

(2) The term ''National Capital Region'' has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

SEC. 1087. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out ''full Civil Reserve Air Fleet'' in subsections (b)(2) and (e) and inserting in lieu thereof ''Civil Reserve Air Fleet''.

SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Section 3721(b)(1) of title 31, United States Code, is amended by inserting after the first sentence the following: ''If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to claims arising before, on, or after the date of the enactment of this Act.

(c) REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS.—(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed $100,000.

(2) Subsection (k) of such section shall not apply to bar representment of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.

SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

''(g)(1) The Secretary of Defense may suspend or terminate an action by the Secretary or by the Secretary of a military department under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, or Marine Corps if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

''(2) In this subsection, the term 'active duty' has the meaning given that term in section 101 of title 10.''.

SEC. 1090. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) a dependent of personnel of the Government, but only—

''(A) at a United States installation at which adequate banking facilities are not available; and

''(B) in the case of negotiation of negotiable instruments, if the dependent's sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.''.

(b) PAY OFFSET.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The amount of any deficiency resulting from cashing a check for a dependent under subsection (b)(3), including any charges assessed against the disbursing official by a financial institution for insufficient funds to pay the check, may be offset from the pay of the dependent's sponsor.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(e) Regulations prescribed under subsection (d) shall include regulations that define the terms 'dependent' and 'sponsor' for the purposes of this section. In the regulations, the term 'dependent', with respect to a member of a uniformed service, shall have the meaning given that term in section 401 of title 37.''.

SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the ''National Maritime Center''.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''National Maritime Center''.

SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.

(a) FINDINGS.—Congress makes the following findings:

(1) September 2, 1995, marks the 50th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial to the Battle of Midway that is suitable to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act (16 U.S.C. 470–470t), and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivors of the Battle of Midway, their families, and other visitors should be provided in a manner that ensures the public health and safety on the Midway Islands and the conservation of the natural resources of those islands in accordance with existing Federal law.

SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the executive branch and in proposing new programs.

SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR RISK INSURANCE.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294), is amended by striking ''June 30, 1995'' and inserting in lieu thereof ''June 30, 2000''.

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Military Justice Amendments of 1995''.

SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

Subtitle A—Offenses

SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) in the first sentence, by inserting ''indictment or'' after ''shall be tried on''; and

(2) in the second sentence, by striking out ''shall be'' and all that follows and inserting in lieu thereof ''shall be fined or imprisoned, or both, at the court's discretion.''.

SEC. 1112. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

''§ 895. Art. 95. Resistance, flight, breach of arrest, and escape

''Any person subject to this chapter who—

''(1) resists apprehension;

''(2) flees from apprehension;

''(3) breaks arrest; or

''(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.''.

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

''895. Art. 95. Resistance, flight, breach of arrest, and escape.''.

SEC. 1113. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

''(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

''(1) who is not that person's spouse; and

''(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.''.

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

''(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

''(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

''(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

''(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.''.

Subtitle B—Sentences

SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY AND ALLOWANCES AND REDUCTIONS IN GRADE BY SENTENCE OF COURT-MARTIAL.

(a) EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.—Subsection (a) of section 857 (article 57) is amended to read as follows:

''(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) the date on which the sentence is approved by the convening authority.

''(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.

''(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.

''(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

SEC. 1122. REQUIRED FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.

(a) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR MORE THAN SIX MONTHS.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following:

''§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances during confinement

''(a)(1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred as provided in that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay and allowances due that member during such period.

''(2) A sentence covered by this section is any sentence that includes—

''(A) confinement for more than six months or death; or

''(B) confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

''(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) 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)(2), 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.''.

(2) The table of sections at the beginning of subchapter VIII is amended by adding at the end the following new item:

''858b. 58b. Sentences: forfeiture of pay and allowances during confinement.''.

(b) APPLICABILITY.—The section (article) added by the amendment made by subsection (a)(1) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 1123. DEFERMENT OF CONFINEMENT.

(a) DEFERMENT.—Subchapter VIII is amended—

(1) by inserting after subsection (c) of section 857 (article 57) the following:

"§ 857a. Art. 57a. Deferment of sentences";

(2) by redesignating the succeeding two subsections as subsection (a) and (b);

(3) in subsection (b), as redesignated by paragraph (2), by striking out ''postpone'' and inserting in lieu thereof ''defer''; and

(4) by inserting after subsection (b), as redesignated by paragraph (2), the following:

''(c) In any case in which a court-martial sentences a person to confinement and the sentence to confinement has been ordered executed, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 857 (article 57) the following new item:

''857a. 57a. Deferment of sentences.''.

Subtitle C—Pretrial and Post-Trial Actions

SEC. 1131. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused—

''(1) is present at the investigation;

''(2) is informed of the nature of each uncharged offense investigated; and

''(3) is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b).''.

SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING AUTHORITY FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting after the first sentence the following: ''Any such submission shall be in writing.''.

SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FACILITY BY REASON OF LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Subchapter IX is amended by inserting after section 876a (article 76a) the following:

"§ 876b. Art. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment

''(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the case of a person determined under this chapter to be presently suffering from a mental disease or defect rendering the person mentally incompetent to the extent that the person is unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

''(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

''(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

''(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

''(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

''(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

''(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

''(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1) If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

''(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

''(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

''(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

''(A) the general court-martial convening authority may commit the person to the custody of the Attorney General; and

''(B) the Attorney General shall take action in accordance with subsection (e) of section 4243 of title 18.

''(5) Subsections (f), (g), and (h) of section 4243 of title 18 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for the district where the person is hospitalized shall be considered as the court that ordered the person's commitment.

''(c) GENERAL PROVISIONS.—(1) Except as otherwise provided in this subsection and subsection (d)(1), the provisions of section 4247 of title 18 apply in the administration of this section.

''(2) In the application of section 4247(d) of title 18 to hearings conducted by a court-martial under this section or by (or by order of) a general court-martial convening authority under this section, the reference in that section to section 3006A of such title does not apply.

''(d) APPLICABILITY.—(1) The provisions of chapter 313 of title 18 referred to in this section apply according to the provisions of this section notwithstanding section 4247(j) of title 18.

''(2) If the status of a person as described in section 802 of this title (article 2) terminates while the person is, pursuant to this section, in the custody of the Attorney General, hospitalized, or on conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the provisions of this section establishing requirements and procedures regarding a person no longer subject to this chapter shall continue to apply to that person notwithstanding the change of status.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 876a (article 76a) the following:

''876b. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment.''.

(b) CONFORMING AMENDMENT.—Section 802 (article 2) is amended by adding at the end the following new subsection:

''(e) The provisions of this section are subject to section 876b(d)(2) of this title (article 76b(d)(2)).''.

(c) EFFECTIVE DATE.—Section 876b of title 10, United States Code (article 76b of the Uniform Code of Military Justice), as added by subsection (a), shall take effect at the end of the six-month period beginning on the date of the enactment of this Act and shall apply with respect to charges referred to courts-martial after the end of that period.

Subtitle D—Appellate Matters

SEC. 1141. APPEALS BY THE UNITED STATES.

(a) APPEALS RELATING TO DISCLOSURE OF CLASSIFIED INFORMATION.—Section 862(a)(1) (article 62(a)(1)) is amended to read as follows:

''(a)(1) In a trial by court-martial in which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal the following (other than an order or ruling that is, or that amounts to, a finding of not guilty with respect to the charge or specification):

''(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

''(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

''(C) An order or ruling which directs the disclosure of classified information.

''(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

''(E) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

''(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.''.

(b) DEFINITIONS.—Section 801 (article 1) is amended by inserting after paragraph (14) the following new paragraphs:

''(15) The term 'classified information' means (A) any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and (B) any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(16) The term 'national security' means the national defense and foreign relations of the United States.''.

SEC. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 942 note) is repealed.

Subtitle E—Other Matters

SEC. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

(a) ESTABLISHMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly appoint an advisory committee to review and make recommendations concerning the appropriate forum for criminal jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict.

(b) MEMBERSHIP.—The committee shall be composed of at least five individuals, including experts in military law, international law, and federal civilian criminal law. In making appointments to the committee, the Secretary and the Attorney General shall ensure that the members of the committee reflect diverse experiences in the conduct of prosecution and defense functions.

(c) DUTIES.—The committee shall do the following:

(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field.

(2) Based upon such review and other information available to the commitee, develop specific recommendations concerning the advisability and feasibility of establishing United States criminal law jurisdiction over persons who as civilians accompany the Armed Forces in the field outside the United States during time of armed conflict not involving a war declared by Congress, including whether such jurisdiction should be established through any of the following means (or a combination of such means depending upon the degree of the armed conflict involved):

(A) Establishing court-martial jurisdiction over such persons.

(B) Extending the jurisdiction of the Article III courts to cover such persons.

(C) Establishing an Article I court to exercise criminal jurisdiction over such persons.

(3) Develop such additional recommendations as the committee considers appropriate as a result of the review.

(d) REPORT.—(1) Not later than December 15, 1996, the advisory committee shall transmit to the Secretary of Defense and the Attorney General a report setting forth its findings and recommendations, including the recommendations required under subsection (c)(2).

(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory committee to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''Article I court'' means a court established under Article I of the Constitution.

(2) The term ''Article III court'' means a court established under Article III of the Constitution.

(f) TERMINATION OF COMMITTEE.—The advisory committee shall terminate 30 days after the date on which the report of the committee is submitted to Congress under subsection (d)(2).

SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out ''within six days'' and inserting in lieu thereof ''within fourteen days''.

SEC. 1153. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out ''Courts of Military Review'' both places it appears and inserting in lieu thereof ''Courts of Criminal Appeals''.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $90,000,000.

(2) For weapons security in Russia, $42,500,000.

(3) For the Defense Enterprise Fund, $0.

(4) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $35,000,000.

(5) For planning and design of a storage facility for Russian fissile material, $29,000,000.

(6) For planning and design of a chemical weapons destruction facility in Russia, $73,000,000.

(7) For activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.

(8) For activities designated as Other Assessments/Support $20,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph, but not in excess of 115 percent of that amount. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress a notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(c) REIMBURSEMENT OF PAY ACCOUNTS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may be transferred to military personnel accounts for reimbursement of those accounts for the amount of pay and allowances paid to reserve component personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

SEC. 1203. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1204. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPONS DESTRUCTION.

Section 211 of Public Law 102–228 (22 U.S.C. 2551 note) is amended by adding at the end the following new subsection:

''(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matter specified in that paragraph.''.

SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

SEC. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR WEAPONS SCIENTISTS OF FORMER SOVIET UNION.

Amounts appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may not be obligated for any program established primarily to assist nuclear weapons scientists in states of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used (1) to contribute to the modernization of the strategic nuclear forces of such states, or (2) for research, development, or production of weapons of mass destruction.

SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for the purpose stated in section 1202(a)(6), $60,000,000 may not be obligated or expended until the President submits to Congress either a certification as provided in subsection (b) or a certification as provided in subsection (c).

(b) CERTIFICATION WITH RESPECT TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.—A certification under this subsection is a certification by the President of each of the following:

(1) That Russia is in compliance with its obligations under the Biological Weapons Convention.

(2) That Russia has agreed with the United States and the United Kingdom on a common set of procedures to govern visits by officials of the United States and United Kingdom to military biological facilities of Russia, as called for under the Joint Statement on Biological Weapons issued by officials of the United States, the United Kingdom, and Russia on September 14, 1992.

(3) That visits by officials of the United States and United Kingdom to the four declared military biological facilities of Russia have occurred.

(c) ALTERNATIVE CERTIFICATION.—A certification under this subsection is a certification by the President that the President is unable to make a certification under subsection (b).

(d) USE OF FUNDS UPON ALTERNATIVE CERTIFICATION.—If the President makes a certification under subsection (c), the $60,000,000 specified in subsection (a)—

(1) shall not be available for the purpose stated in section 1202(a)(6); and

(2) shall be available for activities in Ukraine, Kazakhstan, and Belarus—

(A) for the elimination of strategic offensive weapons (in addition to the amount specified in section 1202(a)(1)); and

(B) for nuclear infrastructure elimination (in addition to the amount specified in section 1202(a)(4)).

SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for planning and design of a chemical weapons destruction facility, not more than one-half of such amount may be obligated or expended until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study to determine the feasibility of an appropriate technology for destruction of chemical weapons of Russia.

(2) That Russia is making reasonable progress, with the assistance of the United States (if necessary), toward the completion of a comprehensive implementation plan for managing and funding the dismantlement and destruction of Russia's chemical weapons stockpile.

(3) That the United States and Russia have made substantial progress toward resolution, to the satisfaction of the United States, of outstanding compliance 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 nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1301. PLACEMENT OF UNITED STATES FORCES UNDER UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.

(a) FINDINGS.—Congress finds the following:

(1) The President has made United Nations peace operations a major component of the foreign and security policies of the United States.

(2) The President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel.

(3) The President has committed the United States to deploy as many as 25,000 military personnel to Bosnia-Herzegovina as peacekeepers under NATO operational control in the event that the parties to that conflict reach a peace agreement.

(4) Although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals.

(5) The experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements.

(6) Despite the many deficiencies in the conduct of United Nations peace operations, there may be unique occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress before a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandate for any such activity;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of subsections (a) and (b):

(1) The term ''United Nations peace enforcement operations'' means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations.

(2) The term ''United Nations peace operations'' means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

(d) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''§405. Placement of United States forces under United Nations opertional or tactical control: limitation

''(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f).

''(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations operational or tactical control if the President, not less than 15 days before the date on which such United Nations operational or tactical control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

''(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations operational or tactical control, the President may place such forces under such operational or tactical control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational or tactical control becomes effective.

''(c) ADDITIONAL EXCEPTIONS.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations operational or tactical control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations operational or tactical control.

''(2) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

''(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

''(1) Certification by the President that it is in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control.

''(2) A report setting forth the following:

''(A) A description of the national security interests that would be advanced by the placement of United States forces under United Nations operation or tactical control.

''(B) The mission of the United States forces involved.

''(C) The expected size and composition of the United States forces involved.

''(D) The precise command and control relationship between the United States forces involved and the United Nations command structure.

''(E) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

''(F) The extent to which the United States forces involved will rely on forces of other countries for security and defense and an assessment of the capability of those other forces to provide adequate security to the United States forces involved.

''(G) The exit strategy for complete withdrawal of the United States forces involved.

''(H) The extent to which the commander of any unit of the Armed Forces proposed for placement under United Nations operational or tactical control will at all times retain the right—

''(i) to report independently to superior United States military authorities; and

''(ii) to decline to comply with orders judged by the commander to be illegal or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with.

''(I) The extent to which the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

''(J) The anticipated monthly incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations operational or tactical control.

''(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

''(f) UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations operational or tactical control if—

''(1) that element is under the operational or tactical control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

''(2) the senior military commander of the United Nations force or operation is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty.

''(g) INTERPRETATION.—Nothing in this section may be construed—

''(1) as authority for the President to use any element of the armed forces in any operation; and

''(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national.''.

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

''405. Placement of United States forces under United Nations operational or tactical control: limitation.''.

(e) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (d), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 1302. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 1301, the following new section:

''§ 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(1) for the costs of a United Nations peacekeeping activity; or

''(2) for any United States arrearage to the United Nations.

''(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 405, as added by section 1301, the following new item:

''406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.''.

Subtitle B—Humanitarian Assistance Programs

SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) COVERED PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

(b) GAO REPORT.—Not later than March 1, 1996, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

SEC. 1312. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

''(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

''(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

''(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

''(A) The total amount of funds obligated for humanitarian relief under this section.

''(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

''(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.'';

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out ''the Committees on'' and all that follows through ''House of Representatives of the'' and inserting in lieu thereof ''the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the'';

(5) by redesignating subsection (g) as subsection (e); and

(6) by adding at the end the following new subsection:

''(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

''(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

''(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.''.

SEC. 1313. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out ''means—'' and inserting in lieu thereof ''means:'';

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out ''; and'' at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

''(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.''.

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

''(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

''(B) provides such assistance as part of a military operation that does not involve the armed forces.''.

(c) REPEAL.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.

Subtitle C—Arms Exports and Military Assistance

SEC. 1321. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

''Sec.
''2540. Establishment of loan guarantee program.
''2540a. Transferability.
''2540b. Limitations.
''2540c. Fees charged and collected.
''2540d. Definitions.

''§ 2540. Establishment of loan guarantee program

''(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

''(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

''(1) A member nation of the North Atlantic Treaty Organization (NATO).

''(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

''(3) A country in Central Europe that, as determined by the Secretary of State—

''(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

''(B) is in the process of changing its form of national government from a nondemocratic form of government to a democratic form of government.

''(4) A noncommunist country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

''(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

''§ 2540a. Transferability

''A guarantee issued under this subchapter shall be fully and freely transferable.

''§ 2540b. Limitations

''(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

''(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

''(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

''§ 2540c. Fees charged and collected

''(a) EXPOSURE FEES.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

''(b) AMOUNT OF EXPOSURE FEE.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under subsection (a) with respect to a loan guarantee shall be fixed in an amount that is sufficient to meet potential liabilities of the United States under the loan guarantee.

''(c) PAYMENT TERMS.—The fee under subsection (a) for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

''(d) ADMINISTRATIVE FEES.—The Secretary of Defense shall charge a fee for each guarantee issued under this subchapter to reflect the additional administrative costs of the Department of Defense that are directly attributable to the administration of the program under this subchapter. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

''§ 2540d. Definitions

''In this subchapter:

''(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

''(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).''.

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

''VI. Defense Export Loan Guarantees .. 2540''.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

(c) FIRST YEAR COSTS.—The Secretary of Defense shall make available, from amounts appropriated to the Department of Defense for fiscal year 1996 for operations and maintenance, such amounts as may be necessary, not to exceed $500,000, for the expenses of the Department of Defense during fiscal year 1996 that are directly attributable to the administration of the defense export loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code, as added by subsection (a).

(d) REPLENISHMENT OF OPERATIONS AND MAINTENANCE ACCOUNTS FOR FIRST YEAR COSTS.—The Secretary of Defense shall, using funds in the special account referred to in section 2540c(d) of title 10, United States Code (as added by subsection (b)), replenish operations and maintenance accounts for amounts expended from such accounts for expenses referred to in subsection (c).

SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Export controls remain an important element of the national security policy of the United States.

(2) It is in the national security interest that United States export control policy be effective in preventing the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.

(3) It is in the national security interest that the United States monitor aggressively the export of militarily critical technology in order to prevent its diversion to potential adversaries or combatants of the United States.

(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.

(5) The maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should evaluate license applications for the export of militarily critical commodities the export of which is controlled for national security reasons if those commodities are to be exported to certain countries of concern;

(2) the Secretary of Defense should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies;

(3) upon identification by the Secretary of Defense of the dual-use items and technologies referred to in paragraph (2), the President should ensure effective export controls or use unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—

(A) pose a threat to the national security interests of the United States; and

(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies; and

(4) the President, upon recommendation of the Secretary of Defense, should ensure effective controls on the re-export by other countries of dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(c) ANNUAL REPORT.—(1) Not later than December 1 of each year through 1999, the President shall submit to the committees specified in paragraph (4) a report on the effect of the export control policy of the United States on the national security interests of the United States.

(2) The report shall include the following:

(A) A list setting forth each country determined by the Secretary of Defense, the intelligence community, and other appropriate agencies to be a rogue nation or potential adversary or combatant of the United States.

(B) For each country so listed, a list of—

(i) the categories of items that the United States currently prohibits for export to the country;

(ii) the categories of items that may be exported from the United States with an individual license, and in such cases, any licensing conditions normally required and the policy grounds used for approvals and denials; and

(iii) the categories of items that may be exported under a general license designated ''G-DEST''.

(C) For each category of items listed under subparagraph (B)—

(i) a statement whether a prohibition, control, or licensing requirement on a category of items

is imposed pursuant to an international multilateral agreement or is unilateral;

(ii) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed by the other members of an international agreement or is unilateral;

(iii) when the answer under either clause (i) or clause (ii) is unilateral, a statement concerning the efforts being made to ensure that the prohibition, control, or licensing requirement is made multilateral; and

(iv) a statement on what impact, if any, a unilateral prohibition is having, or would have, on preventing the rogue nation or potential adversary from attaining the items in question for military purposes.

(D) A description of United States policy on sharing satellite imagery that has military significance and a discussion of the criteria for determining the imagery that has that significance.

(E) A description of the relationship between United States policy on the export of space launch vehicle technology and the Missile Technology Control Regime.

(F) An assessment of United States efforts to support the inclusion of additional countries in the Missile Technology Control Regime.

(G) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime to meet the guidelines established by the Missile Technology Control Regime.

(H) A discussion of the history of the space launch vehicle programs of other countries, including a discussion of the military origins and purposes of such programs and the current level of military involvement in such programs.

(3) The President shall submit the report in unclassified form, but may include a classified annex.

(4) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(5) For purposes of this subsection, the term ''Missile Technology Control Regime'' means the policy statement announced on April 16, 1987, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendment thereto.

SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Any application to the Secretary of Commerce for a license for the export of a class 2, class 3, or class 4 biological pathogen to a country identified to the Secretary under subsection (c) as a country that is known or suspected to have a biological weapons program shall be referred to the Secretary of Defense for review. The Secretary of Defense shall notify the Secretary of Commerce within 15 days after receipt of an application under the preceding sentence whether the export of such biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL SECURITY INTEREST.—A license described in subsection (a) shall be denied by the Secretary of Commerce if it is determined that the export of such biological pathogen to that country would be contrary to the national security interests of the United States.

(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUSPECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall determine, for the purposes of this section, those countries that are known or suspected to have a program to develop offensive biological weapons. Upon making such determination, the Secretary shall provide to the Secretary of Commerce a list of those countries.

(2) The Secretary of Defense shall update the list under paragraph (1) on a regular basis. Whenever a country is added to or deleted from such list, the Secretary shall notify the Secretary of Commerce.

(3) Determination under this subsection of countries that are known or suspected to have a program to develop offensive biological weapons shall be made in consultation with the Secretary of State and the intelligence community.

(d) DEFINITION.—For purposes of this section, the term ''class 2, class 3, or class 4 biological pathogen'' means any biological pathogen that is characterized by the Centers for Disease Control as a class 2, class 3, or class 4 biological pathogen.

SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CONTROL MECHANISMS AND ON MILITARY ASSISTANCE.

(a) JOINT REPORTS BY SECRETARIES OF STATE AND COMMERCE.—Not later than April 1 of each of 1996 and 1997, the Secretary of State and the Secretary of Commerce shall submit to Congress a joint report, prepared in consultation with the Secretary of Defense, relating to United States export-control mechanisms. Each such report shall set forth measures to be taken to strengthen United States export-control mechanisms, including—

(1) steps being taken by each Secretary (A) to share on a regular basis the export licensing watchlist of that Secretary's department with the other Secretary, and (B) to incorporate the export licensing watchlist data received from the other Secretary into the watchlist of that Secretary's department;

(2) steps being taken by each Secretary to incorporate into the watchlist of that Secretary's department similar data from systems maintained by the Department of Defense and the United States Customs Service; and

(3) a description of such further measures to be taken to strengthen United States export-control mechanisms as the Secretaries consider to be appropriate.

(b) REPORTS BY INSPECTORS GENERAL.—(1) Not later than April 1 of each of 1996 and 1997, the Inspector General of the Department of State and the Inspector General of the Department of Commerce shall each submit to Congress a report providing that official's evaluation of the effectiveness during the preceding year of the export licensing watchlist screening process of that official's department. The reports shall be submitted in both a classified and unclassified version.

(2) Each report of an Inspector General under paragraph (1) shall (with respect to that official's department)—

(A) set forth the number of export licenses granted to parties on the export licensing watchlist;

(B) set forth the number of end-use checks performed with respect to export licenses granted to parties on the export licensing watchlist the previous year;

(C) assess the screening process used in granting an export license when an applicant is on the export licensing watchlist; and

(D) assess the extent to which the export licensing watchlist contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

''SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE, MILITARY EXPORTS, AND MILITARY IMPORTS.

''(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

''(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

''(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.''.

SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

''(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).''.

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out ''credited under subsection (b) to an appropriation account of the Department of Defense'' and inserting in lieu thereof ''placed in an account established under subsection (b)''.

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out ''a report to the congressional defense committees'' and inserting in lieu thereof ''to the congressional committees specified in subsection (g) a report''; and

(2) by adding at the end the following new subsection:

''(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

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

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

SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350k. Relocation within host nation of elements of armed forces overseas

''(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

''(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

''(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

''(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

''(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

''(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

''(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

''(6) All other clearly identifiable expenses directly related to relocation.

''(c) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

''(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

''(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

''(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

''(d) ANNUAL REPORT TO CONGRESS.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

''(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

''(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.''.

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350k. Relocation within host nation of elements of armed forces overseas.''.

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS FOR UNITED STATES INSTALLATIONS IN EUROPE.

Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2890) is amended—

(1) by inserting ''(1)'' after ''so that''; and

(2) by inserting before the period at the end the following: '', and (2) by September 30, 1997, those nations have assumed 42.5 percent of such costs''.

SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EUROPEAN END STRENGTH LIMITATION.

(a) EXCLUSION OF MEMBERS PERFORMING DUTIES UNDER MILITARY-TO-MILITARY CONTACT PROGRAM.—Paragraph (3) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended to read as follows:

''(3) For purposes of this subsection, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO:

''(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

''(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.''.

SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or a NATO organization'' after ''a participant (other than the United States)''; and

(2) in paragraph (2), by striking out ''a cooperative project'' and inserting in lieu thereof ''such a cooperative project or a NATO organization''.

SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should promptly seek to undertake such actions as are necessary—

(1) to ensure that suitable port services are available to the Navy at the Port of Haifa, Israel; and

(2) to ensure the availability to the Navy of suitable services at that port in light of the continuing increase in commercial activities at the port.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on the availablity of port services for the Navy in the eastern Mediterranean Sea region. The report shall specify—

(1) the services required by the Navy when calling at the port of Haifa, Israel; and

(2) the availability of those services at ports elsewhere in the region.

Subtitle E—Other Matters

SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

"§ 2249a. Prohibition on providing financial assistance to terrorist countries

''(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

''(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

''(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

''(3) any other country that, as determined by the President—

''(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

''(B) otherwise supports international terrorism.

''(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

''(A) that it is in the national security interests of the United States to do so; or

''(B) that the waiver should be granted for humanitarian reasons.

''(2) The President shall—

''(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

''(B) publish a notice of the waiver in the Federal Register.

''(c) DEFINITION.—In this section, the term 'international terrorism' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

''2249a. Prohibition on providing financial assistance to terrorist countries.''.

SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after ''foreign or international tribunal'' the following: '', including criminal investigations conducted before formal accusation''.

(c) DEFINITIONS.—For purposes of this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''International Tribunal for Yugoslavia'' means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''International Tribunal for Rwanda'' means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''Agreement Between the United States and the International Tribunal for Yugoslavia'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''Agreement between the United States and the International Tribunal for Rwanda'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

(a) REPORTS REQUIRED.—The Secretary of Defense shall submit to Congress a semiannual report on the United States-People's Republic of China Joint Defense Conversion Commission. Each such report shall include the following:

(1) A description of the extent to which the activities conducted in, through, or as a result of the Commission could have directly or indirectly assisted, or may directly or indirectly assist, the military modernization efforts of the People's Republic of China.

(2) A discussion of the activities and operations of the Commission, including—

(A) United States funding;

(B) a listing of participating United States officials;

(C) specification of meeting dates and locations (prospective and retrospective);

(D) summary of discussions; and

(E) copies of any agreements reached.

(3) A discussion of the relationship between the ''defense conversion'' activities of the People's Republic of China and its defense modernization efforts.

(4) A discussion of the extent to which United States business activities pursued, or proposed to be pursued, under the imprimatur of the Commission, or the importation of western technology in general, contributes to the modernization of China's military industrial base, including any steps taken by the United States or by United States commercial entities to safeguard the technology or intellectual property rights associated with any materials or information transferred.

(5) An assessment of the benefits derived by the United States from its participation in the Commission, including whether or to what extent United States participation in the Commission has resulted or will result in the following:

(A) Increased transparency in the current and projected military budget and doctrine of the People's Republic of China.

(B) Improved behavior and cooperation by the People's Republic of China in the areas of missile and nuclear proliferation.

(C) Increased transparency in the plans of the People's Republic of China's for nuclear and missile force modernization and testing.

(6) Efforts undertaken by the Secretary of Defense to—

(A) establish a list of enterprises controlled by the People's Liberation Army, including those which have been successfully converted to produce products solely for civilian use; and

(B) provide estimates of the total revenues of those enterprises.

(7) A description of current or proposed mechanisms for improving the ability of the United States to track the flow of revenues from the enterprises specified on the list established under paragraph (6)(A).

(b) SUBMITTAL OF REPORTS.—A report shall be submitted under subsection (a) not later than August 1 of each year with respect to the first six months of that year and shall be submitted not later than February 1 of each year with respect to the last six months of the preceding year. The first report under such subsection shall be submitted not less than 60 days after the date of the enactment of this Act and shall apply with respect to the six-month period preceding the date of the enactment of this Act.

(c) FINAL REPORT UPON TERMINATION OF COMMISSION.—Upon the termination of the United States-People's Republic of China Joint Defense Conversion Commission, the Secretary of Defense shall submit a final report under this section covering the period from the end of the period covered by the last such report through the termination of the Commission, and subsection (a) shall cease to apply after the submission of such report.

TITLE XIV—ARMS CONTROL MATTERS

SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1832) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by striking out ''by remote control or'';

(3) by inserting ''(1)'' before ''For purposes of''; and

(4) by adding at the end the following new paragraph:

''(2) The term does not include command detonated anti-personnel land mines (such as the M18A1 ''Claymore'' mine).

SEC. 1402. REPORTS ON AND CERTIFICATION REQUIREMENT CONCERNING MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

(a) REPORT ON EFFECTS OF MORATORIUM.—Not later than April 30 of each of 1996, 1997, and 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the projected effects of a moratorium on the defensive use of antipersonnel mines and antitank mines by the Armed Forces. The report shall include a discussion of the following matters:

(1) The extent to which current doctrine and practices of the Armed Forces on the defensive use of antipersonnel mines and antitank mines adhere to applicable international law.

(2) The effects that a moratorium would have on the defensive use of the current United States inventory of remotely delivered, self-destructing antitank systems, antipersonnel mines, and antitank mines.

(3) The reliability of the self-destructing antipersonnel mines and self-destructing antitank mines of the United States.

(4) The cost of clearing the antipersonnel minefields currently protecting Naval Station Guantanamo Bay, Cuba, and other United States installations.

(5) The cost of replacing antipersonnel mines in such minefields with substitute systems such as the Claymore mine, and the level of protection that would be afforded by use of such a substitute.

(6) The extent to which the defensive use of antipersonnel mines and antitank mines by the Armed Forces is a source of civilian casualties around the world, and the extent to which the United States, and the Department of Defense particularly, contributes to alleviating the illegal and indiscriminate use of such munitions.

(7) The extent to which the threat to the security of United States forces during operations other than war and combat operations would increase as a result of such a moratorium.

(b) CERTIFICATION REQUIRED BEFORE OBSERVANCE OF MORATORIUM.—Any moratorium imposed by law (whether enacted before, on, or after the date of the enactment of this Act) on the use of antipersonnel landmines by the Armed Forces may be implemented only if (and after) the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that—

(1) the moratorium will not adversely affect the ability of United States forces to defend against attack on land by hostile forces; and

(2) the Armed Forces have systems that are effective substitutes for antipersonnel landmines.

SEC. 1403. EXTENSION AND AMENDMENT OF COUNTERPROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out ''during fiscal years 1994 and 1995'';

(2) in subsection (e)(1), by striking out ''fiscal years 1994 and 1995'' and inserting in lieu thereof ''a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect''; and

(3) by adding at the end the following new subsection:

''(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.''.

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out ''the On-Site Inspection Agency'' and inserting in lieu thereof ''the Department of Defense''.

(2) Subsection (c)(3) of such section is amended by striking out ''will be counted'' and all that follows and inserting in lieu thereof ''will be counted as discretionary spending in the national defense budget function (function 050).''.

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out ''for fiscal year 1994'' the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof ''for any fiscal year shall be derived from amounts made

available to the Department of Defense for that fiscal year.''; and

(B) by striking out ''referred to in this paragraph''; and

(2) in paragraph (3)—

(A) by striking out ''may not exceed'' and all that follows through ''1995''; and

(B) by inserting before the period at the end the following: '', may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996''.

SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the ''Krasnoyarsk radar'' stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 902 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Congress also—

(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.

(c) FURTHER REFERENCE TO 1989 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 1006(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543) Congress also—

(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated—

(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY VIOLATIONS.—It is the sense of Congress that the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests.

(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of subsections (a) through (e), it is the sense of Congress that the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF CHEMICAL WEAPONS CONVENTION AND START II TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten United States citizens at home and abroad.

(2) Events such as the March 1995 terrorist release of a chemical nerve agent in the Tokyo subway, the threatened use of chemical weapons during the 1991 Persian Gulf War, and the widespread use of chemical weapons during the Iran-Iraq War of the 1980's are all potent reminders of the menace posed by chemical weapons, of the fact that the threat of chemical weapons is not sufficiently addressed, and of the need to outlaw the development, production, and possession of chemical weapons.

(3) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons, if ratified and fully implemented, as signed, by all signatories.

(4) United States military authorities, including Chairman of the Joint Chiefs of Staff General John Shalikashvili, have stated that United States military forces will deter and respond to chemical weapons threats with a robust chemical defense and an overwhelming superior conventional response, as demonstrated in the Persian Gulf War, and have testified in support of the ratification of the Chemical Weapons Convention.

(5) The United States intelligence community has testified that the Convention will provide new and important sources of information, through regular data exchanges and routine and challenge inspections, to improve the ability of the United States to assess the chemical weapons status in countries of concern.

(6) The Convention has not entered into force for lack of the requisite number of ratifications.

(7) Russia has signed the Convention, but has not yet ratified it.

(8) There have been reports by Russian sources of continued Russian production and testing of chemical weapons, including a statement by a spokesman of the Russian Ministry of Defense on December 5, 1994, that ''We cannot say that all chemical weapons production and testing has stopped altogether.''.

(9) The Convention will impose a legally binding obligation on Russia and other nations that possess chemical weapons and that ratify the Convention to cease offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

(10) The United States must be prepared to exercise fully its rights under the Convention, including the request of challenge inspections when warranted, and to exercise leadership in pursuing punitive measures against violators of the Convention, when warranted.

(11) The United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990.

(12) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(13) It is in the national security interest of the United States to take effective steps to make it more difficult for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(14) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(15) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, Russia, and all other parties to the START II Treaty and the Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

SEC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts appropriated pursuant to authorizations in sections 102, 103, 104, 201, and 301, the Secretary of Defense may use an amount not to exceed $239,941,000 for implementing arms control agreements to which the United States is a party.

(b) LIMITATION.—(1) Funds made available pursuant to subsection (a) for the costs of implementing an arms control agreement may not (except as provided in paragraph (2)) be used to reimburse expenses incurred by any other party to the agreement for which (without regard to any executive agreement or any policy not part of an arms control agreement)—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use of funds to carry out an arms control expenses reimbursement policy of the United States described in subsection (c).

(c) COVERED ARMS CONTROL EXPENSES REIMBUSEMENT POLICIES.—Subsection (b)(2) applies to a policy of the United States to reimburse expenses incurred by another party to an arms control agreement if—

(1) the policy does not modify any obligation imposed by the arms control agreement;

(2) the President—

(A) issued or approved the policy before the date of the enactment of this Act; or

(B) entered into an agreement on the policy with the government of another country or approved an agreement on the policy entered into by an official of the United States and the government of another country; and

(3) the President has notified the designated congressional committees of the policy or the policy agreement (as the case may be), in writing, at least 30 days before the date on which the President issued or approved the policy or has entered into or approved the policy agreement.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term ''arms control agreement'' means an arms control treaty or other form of international arms control agreement.

(2) The term ''executive agreement'' means an international agreement entered into by the President that is not authorized by law or entered into as a Treaty to which the Senate has given its advice and consent to ratification.

(3) The term ''designated congressional commitees'' means the following:

(A) The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(B) The Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran–Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting ''to acquire chemical, biological, or nuclear weapons or'' before ''to acquire''.

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;''.

(d) NOTIFICATION OF CERTAIN WAIVERS UNDER MTCR PROCEDURES.—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2) is amended—

(1) by striking out ''the Congress'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives''; and

(2) by striking out ''20 working days'' and inserting in lieu thereof ''45 working days''.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) PUBLIC LAW 103–337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)) is amended as follows:

(1) Section 1624 (108 Stat. 2961) is amended—

(A) by striking out ''641'' and all that follows through ''(2)'' and inserting in lieu thereof ''620 is amended''; and

(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.

(2) Section 1625 (108 Stat. 2962) is amended by striking out ''Section 689'' and inserting in lieu thereof ''Section 12320''.

(3) Section 1626(1) (108 Stat. 2962) is amended by striking out ''(W–5)'' in the second quoted matter therein and inserting in lieu thereof '', W–5,''.

(4) Section 1627 (108 Stat. 2962) is amended by striking out ''Section 1005(b)'' and inserting in lieu thereof ''Section 12645(b)''.

(5) Section 1631 (108 Stat. 2964) is amended—

(A) in subsection (a), by striking out ''Section 510'' and inserting in lieu thereof ''Section 12102''; and

(B) in subsection (b), by striking out ''Section 591'' and inserting in lieu thereof ''Section 12201''.

(6) Section 1632 (108 Stat. 2965) is amended by striking out ''Section 593(a)'' and inserting in lieu thereof ''Section 12203(a)''.

(7) Section 1635(a) (108 Stat. 2968) is amended by striking out ''section 1291'' and inserting in lieu thereof ''section 1691(b)''.

(8) Section 1671 (108 Stat. 3013) is amended—

(A) in subsection (b)(3), by striking out ''512, and 517'' and inserting in lieu thereof ''and 512''; and

(B) in subsection (c)(2), by striking out the comma after ''861'' in the first quoted matter therein.

(9) Section 1684(b) (108 Stat. 3024) is amended by striking out ''section 14110(d)'' and inserting in lieu thereof ''section 14111(c)''.

(b) SUBTITLE E OF TITLE 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out ''Repayments'' in the item relating to chapter 1609 and inserting in lieu thereof ''Repayment Programs''.

(2)(A) The heading for section 10103 is amended to read as follows:

''§ 10103. Basic policy for order into Federal service''.

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

''10103. Basic policy for order into Federal service.''.

(3) The table of sections at the beginning of chapter 1005 is amended by striking out the third word in the item relating to section 10142.

(4) The table of sections at the beginning of chapter 1007 is amended—

(A) by striking out the third word in the item relating to section 10205; and

(B) by capitalizing the initial letter of the sixth word in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 1011 is amended by inserting ''Sec.'' at the top of the column of section numbers.

(6) Section 10507 is amended—

(A) by striking out ''section 124402(b)'' and inserting in lieu thereof ''section 12402(b)''; and

(B) by striking out ''Air Forces'' and inserting in lieu thereof ''Air Force''.

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking out the item relating to section 10508.

(8) Section 10542 is amended by striking out subsection (d).

(9) Section 12004(a) is amended by striking out ''active-status'' and inserting in lieu thereof ''active status''.

(10) Section 12012 is amended by inserting ''**the**'' in the section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to read as follows:

''§ 12201. Reserve officers: qualifications for appointment''.

(B) The item relating to that section in the table of sections at the beginning of chapter 1205 is amended to read as follows:

''12201. Reserve officers: qualifications for appointment.''.

(12)(A) The heading for section 12209 is amended to read as follows:

''§ 12209. Officer candidates: enlisted Reserves''.

(B) The heading for section 12210 is amended to read as follows:

''§ 12210. Attending Physician to the Congress: reserve grade while so serving''.

(13)(A) The headings for sections 12211, 12212, 12213, and 12214 are amended by inserting ''**the**'' after ''**National Guard of**''

(B) The table of sections at the beginning of chapter 1205 is amended by inserting ''the'' in the items relating to sections 12211, 12212, 12213, and 12214 after ''National Guard of''.

(14) Section 12213(a) is amended by striking out ''section 593'' and inserting in lieu thereof ''section 12203''.

(15) The table of sections at the beginning of chapter 1207 is amended by striking out ''promotions'' in the item relating to section 12243 and inserting in lieu thereof ''promotion''.

(16) The table of sections at the beginning of chapter 1209 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and

(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out ''Ready Reserve'' in the second sentence and inserting in lieu thereof ''Retired Reserve''.

(18)(A) The table of sections at the beginning of chapter 1211 is amended by inserting ''the'' in the items relating to sections 12401, 12402, 12403, and 12404 after ''Army and Air National Guard of''.

(B) The headings for sections 12402, 12403, and 12404 are amended by inserting ''**the**'' after ''**Army and Air National Guard of**''

(19) Section 12407(b) is amended—

(A) by striking out ''of those jurisdictions'' and inserting in lieu thereof ''State''; and

(B) by striking out ''jurisdictions'' and inserting in lieu thereof ''States''

(20) Section 12731(f) is amended by striking out ''the date of the enactment of this subsection'' and inserting in lieu thereof ''October 5, 1994,''.

(21) Section 12731a(c)(3) is amended by inserting a comma after ''Defense Conversion''.

(22) Section 14003 is amended by inserting ''**lists**'' in the section heading immediately before the colon.

(23) The table of sections at the beginning of chapter 1403 is amended by striking out ''selection board'' in the item relating to section 14105 and inserting in lieu thereof ''promotion board''.

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out ''Numbers'' and inserting in lieu thereof ''Number'';

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out ''a Reserve officer'' and inserting in lieu thereof ''a reserve officer''.

(26) Section 14317(e) is amended—

(A) by inserting ''OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—'' after ''(e)''; and

(B) by striking out ''section 10213 or 644'' and inserting in lieu thereof ''section 123 or 10213''.

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting ''reserve'' after ''Marine Corps and''; and

(B) in the item relating to section 14507, by inserting ''reserve'' after ''Removal from the''; and

(C) in the item relating to section 14509, by inserting ''in grades'' after ''reserve officers''.

(28) Section 14501(a) is amended by inserting ''OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—'' after ''(a)''.

*(29) The heading for section 14506 is amended by inserting a comma after ''**Air Force**''.*

(30) Section 14508 is amended by striking out ''this'' after ''from an active status under'' in subsections (c) and (d).

(31) Section 14515 is amended by striking out ''inactive status'' and inserting in lieu thereof ''inactive-status''.

(32) Section 14903(b) is amended by striking out ''chapter'' and inserting in lieu thereof ''title''.

(33) The table of sections at the beginning of chapter 1606 is amended in the item relating to section 16133 by striking out ''limitations'' and inserting in lieu thereof ''limitation''.

(34) Section 16132(c) is amended by striking out ''section'' and inserting in lieu thereof ''sections''.

(35) Section 16135(b)(1)(A) is amended by striking out ''section 2131(a)'' and inserting in lieu thereof ''sections 16131(a)''.

(36) Section 18236(b)(1) is amended by striking out ''section 2233(e)'' and inserting in lieu thereof ''section 18233(e)''.

(37) Section 18237 is amended—

(A) in subsection (a), by striking out ''section 2233(a)(1)'' and inserting in lieu thereof ''section 18233(a)(1)''; and

(B) in subsection (b), by striking out ''section 2233(a)'' and inserting in lieu thereof ''section 18233(a)''.

(c) OTHER PROVISIONS OF TITLE 10.—Effective as of December 1, 1994 (except as otherwise expressly provided), and as if included as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacted, title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out ''section 175'' and inserting in lieu thereof ''section 10301''.

(2) Section 114(b) is amended by striking out ''chapter 133'' and inserting in lieu thereof ''chapter 1803''.

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out ''section 673'' and inserting in lieu thereof ''section 12302'';

(B) in paragraph (2), by striking out ''section 673b'' and inserting in lieu thereof ''section 12304''; and

(C) in paragraph (3), by striking out ''section 3500 or 8500'' and inserting in lieu thereof ''section 12406''.

(4) Section 123(a) is amended—

(A) by striking out ''281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352(a) (last sentence),'', ''5414, 5457, 5458, 5506,'', and ''8217, 8218, 8219,''; and

(B) by striking out ''and 8855'' and inserting in lieu thereof ''8855, 10214, 12003, 12004, 12005, 12007, 12202, 12213(a) (second sentence), 12642, 12645, 12646, 12647, 12771, 12772, and 12773''.

(5) Section 582(1) is amended by striking out ''section 672(d)'' in subparagraph (B) and ''section 673b'' in subparagraph (D) and inserting in lieu thereof ''section 12301(d)'' and ''section 12304'', respectively.

(6) Section 641(1)(B) is amended by striking out ''10501'' and inserting in lieu thereof ''10502, 10505, 10506(a), 10506(b), 10507''.

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1) and 1064 are amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(9) Section 1063(a)(1) is amended by striking out ''section 1332(a)(2)'' and inserting in lieu thereof ''section 12732(a)(2)''.

(10) Section 1074b(b)(2) is amended by striking out ''section 673c'' and inserting in lieu thereof ''section 12305''.

(11) Section 1076(b)(2)(A) is amended by striking out ''before the effective date of the Reserve Officer Personnel Management Act'' and inserting in lieu thereof ''before December 1, 1994''.

(12) Section 1176(b) is amended by striking out ''section 1332'' in the matter preceding paragraph (1) and in paragraphs (1) and (2) and inserting in lieu thereof ''section 12732''.

(13) Section 1208(b) is amended by striking out ''section 1333'' and inserting in lieu thereof ''section 12733''.

(14) Section 1209 is amended by striking out ''section 1332'', ''section 1335'', and ''chapter 71'' and inserting in lieu thereof ''section 12732'', ''section 12735'', and ''section 12739'', respectively.

(15) Section 1407 is amended—

(A) in subsection (c)(1) and (d)(1), by striking out ''section 1331'' and inserting in lieu thereof ''section 12731''; and

(B) in the heading for paragraph (1) of subsection (d), by striking out ''CHAPTER 67'' and inserting in lieu thereof ''CHAPTER 1223''.

(16) Section 1408(a)(5) is amended by striking out ''section 1331'' and inserting in lieu thereof ''section 12731''.

(17) Section 1431(a)(1) is amended by striking out ''section 1376(a)'' and inserting in lieu thereof ''section 12774(a)''.

(18) Section 1463(a)(2) is amended by striking out ''chapter 67'' and inserting in lieu thereof ''chapter 1223''.

(19) Section 1482(f)(2) is amended by inserting ''section'' before ''12731 of this title''.

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out ''chapter 106 of this title'' and inserting in lieu thereof ''chapter 1606 of this title''.

(22) Section 2121(c) is amended by striking out ''section 3353, 5600, or 8353'' and inserting in lieu thereof ''section 12207'', effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out ''section 591'' and inserting in lieu thereof ''section 12201''.

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''.

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out ''section 5457 or section 5458'' and inserting in lieu thereof ''section 12004 or section 12005''.

(28) Section 6410(a) is amended by striking out ''section 1005'' and inserting in lieu thereof ''section 12645''.

(29) The table of sections at the beginning of chapter 837 is amended by striking out the items relating to section 8351 and 8352.

(30) Section 8360(b) is amended by striking out ''section 1002'' and inserting in lieu thereof ''section 12642''.

(31) Section 8380 is amended by striking out ''section 524'' in subsections (a) and (b) and inserting in lieu thereof ''section 12011''.

(32) Sections 8819(a), 8846(a), and 8846(b) are amended by striking out ''sections 1005 and 1006'' and inserting in lieu thereof ''sections 12645 and 12646''.

(33) Section 8819 is amended by striking out ''section 1005'' and ''section 1006'' and inserting in lieu thereof ''section 12645'' and ''section 12646'', respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

(1) Section 337(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) is amended by inserting before the period at the end the following: ''or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title''.

(2) Section 525 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190, 105 Stat. 1363) is amended by striking out ''section 690'' and inserting in lieu thereof ''section 12321''.

(3) Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 10 U.S.C. 12681 note) is amended—

(A) in section 4415, by striking out ''section 1331a'' and inserting in lieu thereof ''section 12731a'';

(B) in subsection 4416—

(i) in subsection (a), by striking out ''section 1331'' and inserting in lieu thereof ''section 12731'';

(ii) in subsection (b)—

(I) by inserting ''or section 12732'' in paragraph (1) after ''under that section''; and

(II) by inserting ''or 12731(a)'' in paragraph (2) after ''section 1331(a)'';

(iii) in subsection (e)(2), by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''; and

(iv) in subsection (g), by striking out ''section 1331a'' and inserting in lieu thereof ''section 12731a''; and

(C) in section 4418—

(i) in subsection (a), by striking out ''section 1332'' and inserting in lieu thereof ''section 12732''; and

(ii) in subsection (b)(1)(A), by striking out ''section 1333'' and inserting in lieu thereof ''section 12733''.

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out ''section 673c of title 10'' in paragraphs (2) and (3)(A) and inserting in lieu thereof ''section 12305 of title 10''; and

(B) in section 433(a), by striking out ''section 687 of title 10'' and inserting in lieu thereof ''section 12319 of title 10''.

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out ''600 of title 10'' and inserting in lieu thereof ''12209 of title 10''; and

(B) in section 741(c), by striking out ''section 1006 of title 10'' and inserting in lieu thereof ''section 12646 of title 10''.

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out ''section 672, 673, 673b, 674, or 675 of title 10'' and inserting in lieu thereof ''section 12301, 12302, 12304, 12306, or 12307 of title 10'';

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out ''section 268(b) of title 10'' and inserting in lieu thereof ''section 10143(a) of title 10'';

(C) in section 3501(a)(3)(C), by striking out ''section 511(d) of title 10'' and inserting in lieu thereof ''section 12103(d) of title 10''; and

(D) in section 4211(4)(C), by striking out ''section 672(a), (d), or (g), 673, or 673b of title 10'' and inserting in lieu thereof ''section 12301(a), (d), or (g), 12302, or 12304 of title 10''.

(3) Section 702(a)(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out ''section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10'' and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10''; and

(B) by striking out ''section 672(d) of such title'' and inserting in lieu thereof ''section 12301(d) of such title''.

(4) Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended in subsection (a)(10) by striking out ''(10 U.S.C. 2172)'' and inserting in lieu thereof ''(10 U.S.C. 16302)''.

(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out ''section 216(a) of title 5'' and inserting in lieu thereof ''section 10101 of title 10''.

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549),

1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act).

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994.

SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)(2), 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 4342(g), 7307(b)(1)(A), and 9342(g) are amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), and 18236(a) are amended by striking out ''Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(3) Section 113(j)(1) is amended by striking out ''Committees on Armed Services and Committees on Appropriations of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(4) Section 119(g) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

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

(5) Section 127(c) is amended by striking out ''Committees on Armed Services and Appropriations of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of''.

(6) Section 135(e) is amended—

(A) by inserting ''(1)'' after ''(e)'';

(B) by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each'' and inserting in lieu thereof ''each congressional committee specified in paragraph (2) is''; and

(C) by adding at the end the following:

''(2) The committees referred to in paragraph (1) are—

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

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

(7) Section 179(e) is amended by striking out ''to the Committees on Armed Services and Appropriations of the Senate and'' and inserting in lieu thereof ''to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(8) Sections 401(d) and 402(d) are amended by striking out ''submit to the'' and all that follows through ''Foreign Affairs'' and inserting in lieu thereof ''submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations''.

(9) Section 2367(d)(2) is amended by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out ''the Committees on Armed Services and on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the''.

(11) Section 1599(e)(2) is amended—

(A) in subparagraph (A), by striking out ''The Committees on Armed Services and Appropriations'' and inserting in lieu thereof ''The Committee on National Security, the Committee on Appropriations,''; and

(B) in subparagraph (B), by striking out ''The Committees on Armed Services and Appropriations'' and inserting in lieu thereof ''The Committee on Armed Services, the Committee on Appropriations,''.

(12) Sections 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out ''Armed Services'' and inserting in lieu thereof ''National Security''.

(13) Section 1060(d) is amended by striking out ''Committee on Armed Services and the Committee on Foreign Affairs'' and inserting in lieu thereof ''Committee on National Security and the Committee on International Relations''.

(14) Section 2215 is amended—

(A) by inserting ''(a) CERTIFICATION REQUIRED.—'' at the beginning of the text of the section;

(B) by striking out ''to the Committees'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''to the congressional committees specified in subsection (b)''; and

(C) by adding at the end the following:

''(b) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a) are—

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

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

(15) Section 2218 is amended—

(A) in subsection (j), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives'' and inserting in lieu thereof ''the congressional defense committees''; and

(B) by adding at the end of subsection (k) the following new paragraph:

''(4) The term 'congressional defense committees' means—

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

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

(16) Section 2342(b) is amended—

(A) in the matter preceding paragraph (1), by striking out ''section—'' and inserting in lieu thereof ''section unless—'';

(B) in paragraph (1), by striking out ''unless''; and

(C) in paragraph (2), by striking out ''notifies the'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation''.

(17) Section 2350a(f)(2) is amended by striking out ''submit to the Committees'' and all that follows through ''House of Representatives'' and inserting in lieu thereof ''submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives''.

(18) Section 2366 is amended—

(A) in subsection (d), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''the congressional defense committees''; and

(B) by adding at the end of subsection (e) the following new paragraph:

''(7) The term 'congressional defense committees' means—

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

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

(19) Section 2399(h)(2) is amended by striking out ''means'' and all the follows and inserting in lieu thereof the following: ''means—

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

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

(20) Section 2401(b)(1) is amended—

(A) in subparagraph (B), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committees on Appropriations of the''; and

(B) in subparagraph (C), by striking out ''the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''those committees''.

(21) Section 2403(e) is amended—

(A) by inserting ''(1)'' before ''Before making'';

(B) by striking out ''shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''shall submit to the congressional committees specified in paragraph (2) notice''; and

(C) by adding at the end the following new paragraph:

''(2) The committees referred to in paragraph (1) are—

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

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

(22) Section 2515(d) is amended—

(A) by striking out ''REPORTING'' and all that follows through ''same time'' and inserting in lieu thereof ''ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time''; and

(B) by adding at the end the following new paragraph:

''(2) The committees referred to in paragraph (1) are—

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

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

(23) Section 2662 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''the Committee on

Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(ii) in the matter following paragraph (6), by striking out ''to be submitted to the Committees on Armed Services of the Senate and House of Representatives'';

(B) in subsection (b), by striking out ''shall report annually to the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''shall submit annually to the congressional committees named in subsection (a) a report'';

(C) in subsection (e), by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the congressional committees named in subsection (a)''; and

(D) in subsection (f), by striking out ''the Committees on Armed Services of the Senate and the House of Representatives shall'' and inserting in lieu thereof ''the congressional committees named in subsection (a) shall''.

(24) Section 2674(a) is amended—

(A) in paragraph (2), by striking out ''Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (3)''; and

(B) by adding at the end the following new paragraph:

''(3) The committees referred to in paragraph (2) are—

''(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

''(B) the Committee on National Security and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(25) Section 2813(c) is amended by striking out ''Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(26) Sections 2825(b)(1) and 2832(b)(2) are amended by striking out ''Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(27) Section 2865(e)(2) and 2866(c)(2) are amended by striking out ''Committees on Armed Services and Appropriations of the Senate and House of Representatives'' and inserting in lieu thereof ''appropriate committees of Congress''.

(28)(A) Section 7434 of such title is amended to read as follows:

''§ 7434. Annual report to congressional committees

''Not later than October 31 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the production from the naval petroleum reserves during the preceding calendar year.''.

(B) The item relating to such section in the table of contents at the beginning of chapter 641 is amended to read as follows:

''7434. Annual report to congressional committees.''.

(b) TITLE 37, UNITED STATES CODE.—Sections 301b(i)(2) and 406(i) of title 37, United States Code, are amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in sections 2922(b) and 2925(b) (10 U.S.C. 2687 note) by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended—

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and section 1304(a) (10 U.S.C. 113 note), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out ''the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce'' and inserting in lieu thereof ''the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce''.

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out ''the Committees on Armed Services and Foreign Affairs'' and inserting in lieu thereof ''the Committee on National Security and the Committee on International Relations''.

(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out ''Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(B) Section 1403 (50 U.S.C. 404b) is amended—

(i) in subsection (a), by striking out ''the Committees on'' and all that follows through ''each year'' and inserting in lieu thereof ''the congressional committees specified in subsection (d) each year''; and

(ii) by adding at the following new subsection:

''(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

''(1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

''(2) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

(C) Section 1457 (50 U.S.C. 404c) is amended—

(i) in subsection (a), by striking out ''shall submit to the'' and all that follows through ''each year'' and inserting in lieu thereof ''shall submit to the congressional committees specified in subsection (d) each year'';

(ii) in subsection (c)—

(I) by striking out ''(1) Except as provided in paragraph (2), the President'' and inserting in lieu thereof ''The President''; and

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

(iii) by adding at the end the following new subsection:

''(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

''(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

''(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.''.

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(A), by striking out ''the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees'' and inserting in lieu thereof ''the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee''; and

(ii) in subsection (g)(2), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note), is amended by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(6) Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended in subsections (b)(4) and (k)(2), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out ''the Committees on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives''.

(8) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended—

(A) in subsection (d), by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives''; and

(B) in subsection (e), by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in subsection (d)''.

(d) BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out ''Armed Services'' the first place it appears and inserting in lieu thereof ''National Security''.

(2) Section 2910(2) is amended by striking out ''the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives'' and inserting in lieu thereof ''the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(e) NATIONAL DEFENSE STOCKPILE.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''; and

(B) in paragraph (2), by striking out ''the Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''such congressional committees''; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed

Services of the Senate and the Committee on National Security of the House of Representatives''.

(f) OTHER DEFENSE-RELATED PROVISIONS.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out ''Committees on Appropriations and Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Appropriations and the Committees on Armed Services of the Senate and the Committee on Appropriations and the Committees on National Security of the House of Representatives''.

(2) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note), is amended by striking out ''the Committees on Appropriations and Armed Services of the House of Representatives and the Senate'' and inserting in lieu thereof ''the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives''.

(3) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out ''Committees on Appropriations and on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(4) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out ''Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives''.

(5) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out ''Committees on Armed Services of the Senate and House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

(6) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out ''Committees on Armed Services and Government Operations'' and inserting in lieu thereof ''Committee on National Security and the Committee on Government Reform and Oversight'';

(B) in subsection (b)(4), by striking out ''Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (3)'';

(C) in subsection (f)(1), by striking out ''Committees on Armed Services and Government Operations'' and inserting in lieu thereof ''Committee on National Security and the Committee on Government Reform and Oversight''; and

(D) in subsection (f)(2), by striking out ''Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives'' and inserting in lieu thereof ''congressional committees specified in paragraph (1)''.

(7) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out ''Committees on Armed Services of the Senate and of the House of Representatives'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives''.

SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code, is amended as follows:

(1) Section 113(i)(2)(B) is amended by striking out ''the five years covered'' and all that follows through ''section 114(g)'' and inserting in lieu thereof ''the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221''.

(2) Section 136(c) is amended by striking out ''Comptroller'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(3) Section 526 is amended—

(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

''(1) For the Army, 302.

''(2) For the Navy, 216.

''(3) For the Air Force, 279.'';

(B) by striking out subsection (b);

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);

(D) in subsection (b), as so redesignated, by striking out ''that are applicable on and after October 1, 1995''; and

(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—

(i) by striking out ''the'' after ''in the'';

(ii) by inserting ''to'' after ''reserve component, or''; and

(iii) by inserting ''than'' after ''in a grade other''.

(4) Section 528(a) is amended by striking out ''after September 30, 1995,''

(5) Section 573(a)(2) is amended by striking out ''active duty list'' and inserting in lieu thereof ''active-duty list''.

(6) Section 661(d)(2) is amended—

(A) in subparagraph (B), by striking out ''Until January 1, 1994'' and all that follows through ''each position so designated'' and inserting in lieu thereof ''Each position designated by the Secretary under subparagraph (A)'';

(B) in subparagraph (C), by striking out ''the second sentence of''; and

(C) by striking out subparagraph (D).

(7) Section 706(c)(1) is amended by striking out ''section 4301 of title 38'' and inserting in lieu thereof ''chapter 43 of title 38''.

(8) Section 1059 is amended by striking out ''subsection (j)'' in subsections (c)(2) and (g)(3) and inserting in lieu thereof ''subsection (k)''.

(9) Section 1060a(f)(2)(B) is amended by striking out ''(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))'' and inserting in lieu thereof '', as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)''.

(10) Section 1151 is amended—

(A) in subsection (b), by striking out ''(20 U.S.C. 2701 et seq.)'' in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof ''(20 U.S.C. 6301 et seq.)''; and

(B) in subsection (e)(1)(B), by striking out ''not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995'' and inserting in lieu thereof ''not later than October 5, 1995''.

(11) Section 1152(g)(2) is amended by striking out ''not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995'' and inserting in lieu thereof ''not later than April 3, 1994,''.

(12) Section 1177(b)(2) is amended by striking out ''provison of law'' and inserting in lieu thereof ''provision of law''.

*(13) The heading for chapter 67 is amended by striking out ''**NONREGULAR**'' and inserting in lieu thereof ''**NON-REGULAR**''.*

(14) Section 1598(a)(2)(A) is amended by striking out ''2701'' and inserting in lieu thereof ''6301''.

(15) Section 1745(a) is amended by striking out ''section 4107(d)'' both places it appears and inserting in lieu thereof ''section 4107(b)''.

(16) Section 1746(a) is amended—

(A) by striking out ''(1)'' before ''The Secretary of Defense''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(17) Section 2006(b)(2)(B)(ii) is amended by striking out ''section 1412 of such title'' and inserting in lieu thereof ''section 3012 of such title''.

(18) Section 2011(a) is amended by striking out ''TO'' and inserting in lieu thereof ''TO''.

(19) Section 2194(e) is amended by striking out ''(20 U.S.C. 2891(12))'' and inserting in lieu thereof ''(20 U.S.C. 8801)''.

(20) Sections 2217(b) and 2220(a)(2) are amended by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(21) Section 2401(c)(2) is amended by striking out ''pursuant to'' and all that follows through ''September 24, 1983,''.

(22) Section 2410f(b) is amended by striking out ''For purposes of'' and inserting in lieu thereof ''In''.

(23) Section 2410j(a)(2)(A) is amended by striking out ''2701'' and inserting in lieu thereof ''6301''.

(24) Section 2457(e) is amended by striking out ''title III of the Act of March 3, 1933 (41 U.S.C. 10a),'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10a)''.

(25) Section 2465(b)(3) is amended by striking out ''under contract'' and all that follows through the period and inserting in lieu thereof ''under contract on September 24, 1983.''.

(26) Section 2471(b) is amended—

(A) in paragraph (2), by inserting ''by'' after ''as determined''; and

(B) in paragraph (3), by inserting ''of'' after ''arising out''.

(27) Section 2524(e)(4)(B) is amended by inserting a comma before ''with respect to''.

(28) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(29) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(30) Section 2534(c) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading.

(31) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) OTHER SUBTITLES.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out ''Comptroller of the Department of Defense'' and inserting in lieu thereof ''Under Secretary of Defense (Comptroller)''.

(2) Section 6241 is amended by inserting ''or'' at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after ''section 1405'' in formula C in the table under the column designated ''Column 2''.

(4) The item relating to section 7428 in the table of sections at the beginning of chapter 641 is amended by striking out ''Agreement'' and inserting in lieu thereof ''Agreements''.

(5) The item relating to section 7577 in the table of sections at the beginning of chapter 649 is amended by striking out ''Officers'' and inserting in lieu thereof ''officers''.

(6) The center heading for part IV in the table of chapters at the beginning of subtitle D is amended by inserting a comma after ''SUPPLY''.

SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 103–337.—Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

(1) Section 322(1) (108 Stat. 2711) is amended by striking out ''SERVICE'' in both sets of quoted matter and inserting in lieu thereof ''SERVICES''.

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting ''item relating to section 1034 in the'' after ''The''.

(3) Section 541(c)(1) is amended—

(A) in subparagraph (B), by inserting a comma after ''chief warrant officer''; and

(B) in the matter after subparagraph (C), by striking out ''this''.

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out ''revaluated'' and inserting in lieu thereof ''reevaluated''.

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out ''National Academy of Science'' and inserting in lieu thereof ''National Academy of Sciences''.

(6) Section 904(d) (108 Stat. 2827) is amended by striking out ''subsection (c)'' the first place it appears and inserting in lieu thereof ''subsection (b)''.

(7) Section 1202 (108 Stat. 2882) is amended—

(A) by striking out ''(title XII of Public Law 103–60'' and inserting in lieu thereof ''(title XII of Public Law 103–160''; and

(B) in paragraph (2), by inserting ''in the first sentence'' before ''and inserting in lieu thereof''.

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out ''adding at the end'' and inserting in lieu thereof ''inserting after the item relating to section 123a''.

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out ''above paragraph (1)'' both places it appears and inserting in lieu thereof ''preceding subparagraph (A)''.

(b) PUBLIC LAW 103–160.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after ''Not later than April 30 of each year'';

(2) in paragraph (4), by striking out ''contributes'' and inserting in lieu thereof ''contribute''; and

(3) in paragraph (5), by striking out ''is'' and inserting in lieu thereof ''are''.

(c) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 note) is amended by inserting ''report'' after ''each''.

(2) Section 3163(1)(E) is amended by striking out ''paragraphs (1) through (4)'' and inserting in lieu thereof ''subparagraphs (A) through (D)''.

(3) Section 4403(a) (10 U.S.C. 1293 note) is amended by striking out ''through 1995'' and inserting in lieu thereof ''through fiscal year 1999''.

(d) PUBLIC LAW 102–190.—Section 1097(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1490) is amended by striking out ''the Federal Republic of Germany, France'' and inserting in lieu thereof ''France, Germany''.

SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.

(a) OFFICER PERSONNEL ACT OF 1947.—Section 437 of the Officer Personnel Act of 1947 is repealed.

(b) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out ''903(3)'' and inserting in lieu thereof ''903(a)'';

(B) in subsection (c)(1), by inserting ''section'' before ''39(b)''; and

(C) in subsection (d), by striking out ''(33 U.S.C. 18 and 21, respectively)'' and inserting in lieu thereof ''(33 U.S.C. 918 and 921)'';

(2) in sections 8172 and 8173, by striking out ''(33 U.S.C. 2(2))'' and inserting in lieu thereof ''(33 U.S.C. 902(2))''; and

(3) in section 8339(d)(7), by striking out ''Court of Military Appeals'' and inserting in lieu thereof ''Court of Appeals for the Armed Forces''.

(c) PUBLIC LAW 90–485.—Effective as of August 13, 1968, and as if included therein as originally enacted, section 1(6) of Public Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after the end of clause (4) of the matter inserted by the amendment made by that section; and

(2) by adding close quotation marks at the end.

(d) TITLE 37, UNITED STATES CODE.—Section 406(b)(1)(E) of title 37, United States Code, is amended by striking out ''of this paragraph''.

(e) BASE CLOSURE LAWS.—(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in section 2905(b)(1)(C), by striking out ''of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))'' and inserting in lieu thereof ''to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code'';

(B) in section 2906(d)(1), by striking out ''section 204(b)(4)(C)'' and inserting in lieu thereof ''section 204(b)(7)(C)''; and

(C) in section 2910—

(i) by designating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(ii) in such paragraph, as so designated, by striking out ''section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))'' and inserting in lieu thereof ''section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))''.

(2) Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out ''section 204(b)(4)(C)'' and inserting in lieu thereof ''section 204(b)(7)(C)''.

(3) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended

(A) in subsection (b)(1)(C), by striking out ''of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))'' and inserting in lieu thereof ''to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code''; and

(B) in subsection (b)(7)(A)(i), by striking out ''paragraph (3)'' and inserting in lieu thereof ''paragraphs (3) through (6)''.

(f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended—

(1) by striking out ''(A)'' after ''(5)''; and

(2) by striking out ''clause'' in subparagraph (B)(iv) and inserting in lieu thereof ''clauses''.

(g) ATOMIC ENERGY ACT.—Section 123a. of the Atomic Energy Act (42 U.S.C. 2153a.) is amended by striking out ''144b., or 144d.'' and inserting '', 144b., or 144d.''.

SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Corporation for the Promotion of Rifle Practice and Firearms Safety Act''.

Subtitle A—Establishment and Operation of Corporation

SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

(a) ESTABLISHMENT.—There is established a private, nonprofit corporation to be known as the ''Corporation for the Promotion of Rifle Practice and Firearms Safety'' (in this title referred to as the ''Corporation'').

(b) PRIVATE, NONPROFIT STATUS.—(1) The Corporation shall not be considered to be a department, agency, or instrumentality of the Federal Government. An officer or employee of the Corporation shall not be considered to be an officer or employee of the Federal Government.

(2) The Corporation shall be operated in a manner and for purposes that qualify the Corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code.

(c) BOARD OF DIRECTORS.—(1) The Corporation shall have a Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt by-laws, policies, and procedures for the Corporation and may take any other action that the Board of Directors considers necessary for the management and operation of the Corporation.

(3) Each member of the Board of Directors shall serve for a term of two years. Members of the Board of Directors are eligible for reappointment.

(4) A vacancy on the Board of Directors shall be filled by a majority vote of the remaining members of the Board.

(5) The Secretary of the Army shall appoint the initial Board of Directors. Four of the members of the initial Board of Directors, to be designated by the Secretary at the time of appointment, shall (notwithstanding paragraph (3)) serve for a term of one year.

(d) DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The Board of Directors shall appoint an individual to serve as the Director of Civilian Marksmanship.

(2) The Director shall be responsible for the performance of the daily operations of the Corporation and the functions described in section 1612.

SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) FUNCTIONS.—The Corporation shall have responsibility for the overall supervision, oversight, and control of the Civilian Marksmanship Program, pursuant to the transfer of the program under subsection (d), including the performance of the following:

(1) The instruction of citizens of the United States in marksmanship.

(2) The promotion of practice and safety in the use of firearms, including the conduct of matches and competitions in the use of those firearms.

(3) The award to competitors of trophies, prizes, badges, and other insignia.

(4) The provision of security and accountability for all firearms, ammunition, and other equipment under the custody and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, supplies, and appliances under section 1614.

(6) The procurement of necessary supplies, appliances, clerical services, other related services, and labor to carry out the Civilian Marksmanship Program.

(b) PRIORITY FOR YOUTH ACTIVITIES.—In carrying out the Civilian Marksmanship Program, the Corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

(c) ACCESS TO SURPLUS PROPERTY.—(1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM TO CORPORATION.—(1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

(a) CERTIFICATION REQUIREMENT.—(1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) INELIGIBILITY RESULTING FROM CERTAIN CONVICTIONS.—A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) AUTHORITY TO LIMIT PARTICIPATION.—The Director of Civilian Marksmanship may limit participation as necessary to ensure—

(1) quality instruction in the use of firearms;

(2) the safety of participants; and

(3) the security of firearms, ammunition, and equipment.

SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

(a) ISSUANCE AND LOAN.—For purposes of training and competition, the Corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.

(2) The Boy Scouts of America.

(3) 4–H Clubs.

(4) Future Farmers of America.

(5) Other youth-oriented organizations.

(b) SALES.—(1) The Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, repair parts, and accouterments to organizations affiliated with the Corporation that provide training in the use of firearms.

(2) Subject to subsection (e), the Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, ammunition, targets, repair parts and accouterments, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club affiliated with the Corporation. In addition to any other requirement, the Corporation shall establish procedures to obtain a criminal records check of the person with appropriate Federal and State law enforcement agencies.

(c) LIMITATIONS ON SALES.—(1) The Corporation may not offer for sale any repair part designed to convert any firearm to fire in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program to a person who has been convicted of a felony or a violation of section 922 of title 18, United States Code.

(d) OVERSIGHT AND ACCOUNTABILITY.—The Corporation shall be responsible for ensuring adequate oversight and accountability of all firearms issued or loaned under this section. The Corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with Federal, State, and local laws.

(e) APPLICABILITY OF OTHER LAW.—(1) Subject to paragraph (2), sales under subsection (b)(2) are subject to applicable Federal, State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of title 18, United States Code, do not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the Corporation of any item that the Corporation is authorized to issue, loan, sell, or receive under this title.

SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM THE ARMY TO THE CORPORATION.

(a) TRANSFERS REQUIRED.—The Secretary of the Army shall, in accordance with subsection (b), transfer to the Corporation all firearms and ammunition that on the day before the date of the enactment of this Act are under the control of the Director of the Civilian Marksmanship Program, including—

(1) all firearms on loan to affiliated clubs and State associations;

(2) all firearms in the possession of the Civilian Marksmanship Support Detachment; and

(3) all M–1 Garand and caliber .22 rimfire rifles stored at Anniston Army Depot, Anniston, Alabama.

(b) TIME FOR TRANSFER.—The Secretary shall transfer firearms and ammunition under subsection (a) as and when necessary to enable the Corporation—

(1) to issue or loan such items in accordance with section 1614(a); or

(2) to sell such items to purchasers in accordance with section 1614(b).

(c) PARTS.—The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) VESTING OF TITLE IN TRANSFERRED ITEMS.—Title to an item transferred to the Corporation under this section shall vest in the Corporation—

(1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or

(2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) COSTS OF TRANSFERS.—Any transfer of firearms, ammunition, or parts to the Corporation under this section shall be made without cost to the Corporation, except that the Corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

(a) RESERVATION OF FIREARMS AND AMMUNITION.—The Secretary of the Army shall reserve for the Corporation the following:

(1) All firearms referred to in section 1615(a).

(2) Ammunition for such firearms.

(3) All M–16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.

(4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) STORAGE OF FIREARMS AND AMMUNITION.—Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) LIMITATION ON DEMILITARIZATION OF M–1 RIFLES.—After the date of the enactment of this Act, the Secretary may not demilitarize any M–1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.

(d) EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.—The requirement specified in subsection (a) does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.

(a) LOGISTICAL SUPPORT.—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) RESERVE COMPONENT PERSONNEL.—The Secretary shall provide, without cost to the Corporation, for the use of members of the National Guard and Army Reserve to support the National Matches as part of the performance of annual training pursuant to titles 10 and 32, United States Code.

(c) USE OF DEPARTMENT OF DEFENSE FACILITIES FOR NATIONAL MATCHES.—The National Matches may continue to be held at those Department of Defense facilities at which the National Matches were held before the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.

(a) DONATIONS AND FEES.—(1) The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation to carry out the Civilian Marksmanship Program.

(3) Amounts collected by the Corporation under the authority of this subsection, including the proceeds from the sale of firearms, ammunition, targets, and other supplies and appliances, may be used only to support the Civilian Marksmanship Program.

(b) CORPORATE SEAL.—The Corporation may adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) CONTRACTS.—The Corporation may enter into contracts, leases, agreements, or other transactions.

(d) OBLIGATIONS AND EXPENDITURES.—The Corporation may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid and may incur, allow, and pay such obligations and expenditures.

(e) RELATED AUTHORITY.—The Corporation may take such other actions as are necessary or appropriate to carry out the authority provided in this section.

SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.

(a) DISTRIBUTION.—If the Corporation dissolves, then—

(1) upon the dissolution of the corporation, title to all firearms stored at Anniston Army Depot, Anniston, Alabama, on the date of the dissolution, all M–16 rifles that are transferred to the Corporation under section 1615(a)(2), that are referred to in section 1616(a)(3), or that are otherwise under the control of the Corporation, and all trophies received by the Corporation from the National Board for the Promotion of Rifle Practice as of such date, shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items;

(2) assets of the Corporation, other than assets described in paragraph (1), may be distributed by the Corporation to an organization that—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code; and

(B) performs functions similar to the functions described in section 1612(a); and

(3) all assets of the Corporation that are not distributed pursuant to paragraphs (1) and (2) shall be sold, and the proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION.—Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

Subtitle B—Transitional Provisions

SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

(a) FUNDS.—(1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation—

(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and

(B) all funds that are in the nonappropriated fund account known as the National Match Fund.

(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.

(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY.—The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES.—The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS.—Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) CONTINUATION OF ELIGIBILITY.—Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 1612(d) may, if the employee becomes employed by the Corporation, continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

(b) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a).

SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSITION.

(a) CERTIFICATION REQUIREMENT.—Upon completion of the appointment of the Board of Directors for the Corporation under section 1611(c)(5) and of the transition required under section 1612(d), the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification of the completion of such actions.

(b) PUBLICATION OF CERTIFICATION.—The Secretary shall take such actions as are necessary to ensure that the certification is published in the Federal Register promptly after the submission of the certification under subsection (a).

SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM BY THE ARMY.

(a) REPEALS.—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

(b) CONFORMING AMENDMENTS.—(1) Section 4313 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) in subsection (a)—

(i) by striking out ''(a) JUNIOR COMPETITORS.—'' and inserting in lieu thereof ''(a) ALLOWANCES FOR PARTICIPATION OF JUNIOR COMPETITORS.—''; and

(ii) in paragraph (3), by striking out ''(3) For the purposes of this subsection'' and inserting in lieu thereof ''(b) JUNIOR COMPETITOR DEFINED.—For the purposes of subsection (a)''.

(2) Section 4316 of such title is amended by striking out '', including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,''.

(3) Section 925(a)(2)(A) of title 18, United States Code, is amended by inserting after ''section 4308 of title 10'' the following: ''before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623; or

(2) October 1, 1996.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1996''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$5,900,000
	Redstone Arsenal	$5,000,000
Arizona	Fort Huachuca	$16,000,000
California	Fort Irwin	$25,500,000
	Presidio of San Francisco	$3,000,000
Colorado	Fort Carson	$30,850,000
District of Columbia	Fort McNair	$13,500,000
Georgia	Fort Benning	$37,900,000
	Fort Gordon	$5,750,000
	Fort Stewart	$8,400,000
Hawaii	Schofield Barracks	$30,000,000
Kansas	Fort Riley	$7,000,000
Kentucky	Fort Campbell	$10,000,000
	Fort Knox	$5,600,000
New Jersey	Picatinny Arsenal	$5,500,000
New Mexico	White Sands Missile Range	$2,050,000
New York	Fort Drum	$8,800,000

Army: Inside the United States—Continued

State	Installation or location	Amount
	United States Military Academy	$8,300,000
	Watervliet Arsenal	$680,000
North Carolina	Fort Bragg	$29,700,000
Oklahoma	Fort Sill	$14,300,000
South Carolina	Naval Weapons Station, Charleston	$25,700,000
	Fort Jackson	$32,000,000
Texas	Fort Hood	$32,500,000
	Fort Bliss	$56,900,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Eustis	$16,400,000
Washington	Fort Lewis	$32,100,000
CONUS Classified	Classified Location	$1,900,000
	Total:	$478,230,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$4,150,000
	Camp Hovey	$13,500,000
	Camp Pelham	$5,600,000
	Camp Stanley	$6,800,000
	Yongsan	$4,500,000
Overseas Classified	Classified Location	$48,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$102,550,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Kentucky	Fort Knox	150 units	$19,000,000
New York	United States Military Academy, West Point	119 units	$16,500,000
Virginia	Fort Lee	135 units	$19,500,000
Washington	Fort Lewis	84 units	$10,800,000
		Total:	$65,800,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $48,856,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,147,427,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $478,230,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $102,550,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,194,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $116,656,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,337,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military

construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$2,490,000
	Marine Corps Base, Camp Pendleton	$27,584,000
	Naval Command, Control, and Ocean Surveillance Center, San Diego	$3,170,000
	Naval Air Station, Lemoore	$7,600,000
	Naval Air Station, North Island	$99,150,000
	Naval Air Warfare Center Weapons Division, China Lake	$3,700,000
	Naval Air Warfare Center Weapons Division, Point Mugu	$1,300,000
	Naval Construction Batallion Center, Port Hueneme	$9,000,000
	Naval Station, San Diego	$19,960,000
Florida	Naval School Explosive Ordinance Disposal, Eglin Air Force Base	$16,150,000
	Naval Technical Training Center, Corry Station, Pensacola	$2,565,000
Georgia	Strategic Weapons Facility, Atlantic, Kings Bay	$2,450,000
Hawaii	Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific	$1,980,000
	Intelligence Center Pacific, Pearl Harbor	$2,200,000
	Naval Submarine Base, Pearl Harbor	$22,500,000
Illinois	Naval Training Center, Great Lakes	$12,440,000
Indiana	Crane Naval Surface Warfare Center	$3,300,000
Maryland	Naval Academy, Annapolis	$3,600,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$1,700,000
North Carolina	Marine Corps Air Station, Cherry Point	$11,430,000
	Marine Corps Air Station, New River	$14,650,000
	Marine Corps Base, Camp LeJeune	$59,300,000
Pennsylvania	Philadelphia Naval Shipyard	$6,000,000
South Carolina	Marine Corps Air Station, Beaufort	$15,000,000
Texas	Naval Air Station, Corpus Christi	$4,400,000
	Naval Air Station, Kingsville	$2,710,000
	Naval Station, Ingleside	$2,640,000
Virginia	Fleet and Industrial Supply Center, Williamsburg	$8,390,000
	Henderson Hall, Arlington	$1,900,000
	Marine Corps Combat Development Command, Quantico	$3,500,000
	Naval Hospital, Portsmouth	$9,500,000
	Naval Station, Norfolk	$10,580,000
	Naval Weapons Station, Yorktown	$1,300,000
Washington	Naval Undersea Warfare Center Division, Keyport	$5,300,000
	Puget Sound Naval Shipyard, Bremerton	$19,870,000
West Virginia	Naval Security Group Detachment	$7,200,000
CONUS Classified	Classified Locations	$1,200,000
	Total:	$427,709,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Computer and Telecommunications Area, Master Station Western Pacific	$2,250,000
	Navy Public Works Center, Guam	$16,180,000
Italy	Naval Air Station, Sigonella	$12,170,000
	Naval Support Activity, Naples	$24,950,000
Puerto Rico	Naval Security Group Activity, Sabana Seca	$2,200,000
	Naval Station, Roosevelt Roads	$11,500,000
	Total	$69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Base, Camp Pendleton	138 units	$20,000,000
	Marine Corps Base, Camp Pendleton	Community Center	$1,438,000
	Marine Corps Base, Camp Pendleton	Housing Office	$707,000
	Naval Air Station, Lemoore	240 units	$34,900,000
	Pacific Missile Test Center, Point Mugu	Housing Office	$1,020,000
	Public Works Center, San Diego	346 units	$49,310,000
Hawaii	Naval Complex, Oahu	252 units	$48,400,000
Maryland	Naval Air Test Center, Patuxent River	Warehouse	$890,000

Navy: Family Housing—Continued

State	Installation	Purpose	Amount
	US Naval Academy, Annapolis	Housing Office	$800,000
North Carolina	Marine Corps Air Station, Cherry Point	Community Center	$1,003,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	Housing Office	$300,000
Puerto Rico	Naval Station, Roosevelt Roads	Housing Office	$710,000
Virginia	Naval Surface Warfare Center, Dahlgren	Housing Office	$520,000
	Public Works Center, Norfolk	320 units	$42,500,000
	Public Works Center, Norfolk	Housing Office	$1,390,000
West Virginia	Security Group Naval Detachment, Sugar Grove	23 units	$3,590,000
		Total:	$207,478,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $290,831,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,119,317,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $427,709,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,515,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $522,699,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,048,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $7,700,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quarters at the Naval Construction Batallion Center, Port Hueneme, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION OF APPROPRIATIONS TO CLARIFY AVAILABILITY OF FUNDS FOR LARGE ANECHOIC CHAMBER FACILITY, PATUXENT RIVER NAVAL WARFARE CENTER, MARYLAND.

Section 2204(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3033) is amended—

(1) in the matter preceding paragraph (1), by striking out ''$1,591,824,000'' and inserting in lieu thereof ''$1,601,824,000'' and

(2) by adding at the end the following:

''(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.''.

SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION PROJECT, HAMPTON ROADS, VIRGINIA.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended—

(1) in the item relating to Damneck, Fleet Combat Training Center, Virginia, by striking out ''$19,427,000'' in the amount column and inserting in lieu thereof ''$14,927,000''; and

(2) by inserting after the item relating to Damneck, Fleet Combat Training Center, Virginia, the following new item:

	Hampton Roads	*$4,500,000*

SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) AUTHORITY TO ACQUIRE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including an abandoned mausoleum, consisting of approximately 0.75 acres and located in Arlington, Virginia, the site of Henderson Hall.

(b) DEMOLITION OF MAUSOLEUM.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may—

(1) demolish the mausoleum located on the parcel acquired under subsection (a); and

(2) provide for the removal and disposition in an appropriate manner of the remains contained in the mausoleum.

(c) AUTHORITY TO DESIGN PUBLIC WORKS FACILITY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may obtain architectural and engineering services and construction design for a warehouse and office facility for the Marine Corps to be constructed on the property acquired under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY FAMILY HOUSING IN VICINITY OF SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO USE LITIGATION PROCEEDS.—Upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82–0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. At the request of the Secretary of the Navy, the Secretary of the Treasury shall make available amounts in the account to the Secretary of the Navy solely for the acquisition or construction of military family housing, including the acquisition of land necessary for such acquisition or construction, for members of the Armed Forces and their dependents stationed in, or in the vicinity of, San Diego, California. In using amounts in the account, the Secretary of the Navy may use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801 of this Act.

(b) UNITS AUTHORIZED.—Not more than 150 military family housing units may be acquired or constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any other units of military family housing authorized to be acquired or constructed in, or in the vicinity of, San Diego, California.

(c) PAYMENT OF EXCESS INTO TREASURY.—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) LIMITATION.—The Secretary may not enter into any contract for the acquisition or construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the congressional defense committees a report containing the details of such contract.

(e) REPEAL OF EXISTING AUTHORITY.—Section 2848 of the Military Construction Authorization

Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1666) is repealed.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the project described in section 2304(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,200,000
Alaska	Eielson Air Force Base	$7,850,000
	Elmendorf Air Force Base	$9,100,000
	Tin City Long Range RADAR Site	$2,500,000
Arizona	Davis-Monthan Air Force Base	$4,800,000
	Luke Air Force Base	$5,200,000
Arkansas	Little Rock Air Force Base	$2,500,000
California	Beale Air Force Base	$7,500,000
	Edwards Air Force Base	$33,800,000
	Travis Air Force Base	$26,700,000
	Vandenberg Air Force Base	$6,000,000
Colorado	Buckley Air National Guard Base	$5,500,000
	Peterson Air Force Base	$4,390,000
	US Air Force Academy	$12,874,000
Delaware	Dover Air Force Base	$5,500,000
District of Columbia	Bolling Air Force Base	$12,100,000
Florida	Cape Canaveral Air Force Station	$1,600,000
	Eglin Air Force Base	$13,500,000
	Tyndall Air Force Base	$1,200,000
Georgia	Moody Air Force Base	$25,190,000
	Robins Air Force Base	$12,400,000
Hawaii	Hickam Air Force Base	$10,700,000
Idaho	Mountain Home Air Force Base	$18,650,000
Illinois	Scott Air Force Base	$12,700,000
Kansas	McConnell Air Force Base	$9,450,000
Louisiana	Barksdale Air Force Base	$2,500,000
Maryland	Andrews Air Force Base	$12,886,000
Mississippi	Columbus Air Force Base	$1,150,000
	Keesler Air Force Base	$6,500,000
Missouri	Whiteman Air Force Base	$24,600,000
Nevada	Nellis Air Force Base	$17,500,000
New Jersey	McGuire Air Force Base	$16,500,000
New Mexico	Cannon Air Force Base	$13,420,000
	Holloman Air Force Base	$6,000,000
	Kirtland Air Force Base	$9,156,000
North Carolina	Pope Air Force Base	$8,250,000
	Seymour Johnson Air Force Base	$5,530,000
North Dakota	Grand Forks Air Force Base	$14,800,000
	Minot Air Force Base	$1,550,000
Ohio	Wright Patterson Air Force Base	$4,100,000
Oklahoma	Altus Air Force Base	$4,800,000
	Tinker Air Force Base	$11,100,000
South Carolina	Charleston Air Force Base	$12,500,000
	Shaw Air Force Base	$1,300,000
South Dakota	Ellsworth Air Force Base	$7,800,000
Tennessee	Arnold Air Force Base	$5,000,000
Texas	Dyess Air Force Base	$5,400,000
	Goodfellow Air Force Base	$1,000,000
	Kelly Air Force Base	$3,244,000
	Laughlin Air Force Base	$1,400,000
	Randolph Air Force Base	$3,100,000
	Sheppard Air Force Base	$1,500,000
Utah	Hill Air Force Base	$8,900,000
Virginia	Langley Air Force Base	$1,000,000
Washington	Fairchild Air Force Base	$15,700,000
	McChord Air Force Base	$9,900,000
Wyoming	F.E. Warren Air Force Base	$9,000,000
CONUS Classified	Classified Location	$700,000
	Total:	$504,690,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$8,380,000
	Vogelweh Annex	$2,600,000
Greece	Araxos Radio Relay Site	$1,950,000
Italy	Aviano Air Base	$2,350,000
	Ghedi Radio Relay Site	$1,450,000
Turkey	Ankara Air Station	$7,000,000
	Incirlik Air Base	$4,500,000
United Kingdom	Lakenheath Royal Air Force Base	$1,820,000
	Mildenhall Royal Air Force Base	$2,250,000
Overseas Classified	Classified Location	$17,100,000
	Total:	$49,400,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
Alaska	Elmendorf Air Force Base	Housing Office/Maintenance Facility	$3,000,000
Arizona	Davis-Monthan Air Force Base	80 units	$9,498,000
Arkansas	Little Rock Air Force Base	Replace 1 General Officer Quarters	$210,000
California	Beale Air Force Base	Family Housing Office	$842,000
	Edwards Air Force Base	127 units	$20,750,000
	Vandenberg Air Force Base	Family Housing Office	$900,000
	Vandenberg Air Force Base	143 units	$20,200,000
Colorado	Peterson Air Force Base	Family Housing Office	$570,000
District of Columbia	Bolling Air Force Base	32 units	$4,100,000
Florida	Eglin Air Force Base	Family Housing Office	$500,000
	Eglin Auxiliary Field 9	Family Housing Office	$880,000
	MacDill Air Force Base	Family Housing Office	$646,000
	Patrick Air Force Base	70 units	$7,947,000
	Tyndall Air Force Base	82 units	$9,800,000
Georgia	Moody Air Force Base	1 Officer & 1 General Officer Quarter	$513,000
	Robins Air Force Base	83 units	$9,800,000
Guam	Andersen Air Force Base	Housing Maintenance Facility	$1,700,000
Idaho	Mountain Home Air Force Base	Housing Management Facility	$844,000
Kansas	McConnell Air Force Base	39 units	$5,193,000
Louisiana	Barksdale Air Force Base	62 units	$10,299,000
Massachusetts	Hanscom Air Force Base	32 units	$4,900,000
Mississippi	Keesler Air Force Base	98 units	$9,300,000
Missouri	Whiteman Air Force Base	72 units	$9,948,000
Nevada	Nellis Air Force Base	102 Units	$16,357,000
New Mexico	Holloman Air Force Base	1 General Officer Quarters	$225,000
	Kirtland Air Force Base	105 units	$11,000,000
North Carolina	Pope Air Force Base	104 units	$9,984,000
	Seymour Johnson Air Force Base	1 General Officer Quarters	$204,000
South Carolina	Shaw Air Force Base	Housing Maintenance Facility	$715,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$580,000
	Lackland Air Force Base	67 units	$6,200,000
	Sheppard Air Force Base	Management Office	$500,000
	Sheppard Air Force Base	Housing Maintenance Facility	$600,000
Turkey	Incirlik Air Base	150 units	$10,146,000
Washington	McChord Air Force Base	50 units	$9,504,000
		Total:	$198,355,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,735,086,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $504,690,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,835,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $298,303,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $849,213,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $5,400,000 (the balance of the amount authorized under section 2301(a) for the construction of a corrosion control facility at Tinker Air Force Base, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) RETENTION OF INTEREST.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) RETENTION OF INTEREST.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.''.

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: ''The number of units constructed using the transferred funds (and interest accrued on such funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993.''.

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

''(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a), and the remaining interest accrued on such funds, shall be deposited in the general fund of the Treasury of the United States.''.

(d) REPORTS ON ACCRUED INTEREST.—Such section is further amended by adding at the end the following new subsection:

''(e) REPORTS ON ACCRUED INTEREST.—Not later than March 1 of each year following a year in which funds available to the County under this section are used by the County for the purpose referred to in subsection (c), the Secretary shall submit to the congressional defense committees a report setting forth the amount of interest that accrued on such funds during the preceding year.''.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency/State	Installation or location	Amount
Ballistic Missile Defense Organization		
Texas	Fort Bliss	$13,600,000
Defense Finance & Accounting Service		
Ohio	Columbus Center	$72,403,000
Defense Intelligence Agency		
District of Columbia	Bolling Air Force Base	$498,000
Defense Logistics Agency		
Alabama	Defense Distribution Anniston	$3,550,000
California	Defense Distribution Stockton	$15,000,000
	DFSC, Point Mugu	$750,000
Delaware	DFSC, Dover Air Force Base	$15,554,000
Florida	DFSC, Eglin Air Force Base	$2,400,000
Louisiana	DFSC, Barksdale Air Force Base	$13,100,000
New Jersey	DFSC, McGuire Air Force Base	$12,000,000
Pennsylvania	Def Distribution New Cumberland—DDSP	$4,600,000
Virginia	Defense Distribution Depot—DDNV	$10,400,000
Defense Mapping Agency		
Missouri	Defense Mapping Agency Aerospace Center	$40,300,000
Defense Medical Facility Office		
Alabama	Maxwell Air Force Base	$10,000,000
Arizona	Luke Air Force Base	$8,100,000
California	Fort Irwin	$6,900,000
	Marine Corps Base, Camp Pendleton	$1,700,000
	Vandenberg Air Force Base	$5,700,000
Delaware	Dover Air Force Base	$4,400,000
Georgia	Fort Benning	$5,600,000
Louisiana	Barksdale Air Force Base	$4,100,000
Maryland	Bethesda Naval Hospital	$1,300,000
	Walter Reed Army Institute of Research	$1,550,000
Texas	Fort Hood	$5,500,000
	Lackland Air Force Base	$6,100,000
Virginia	Northwest Naval Security Group Activity	$4,300,000
National Security Agency		

Defense Agencies: Inside the United States—Continued

Agency/State	Installation or location	Amount
Maryland	Fort Meade	$18,733,000
Office of the Secretary of Defense		
Inside the United States	Classified location	$11,500,000
Department of Defense Dependents Schools		
Alabama	Maxwell Air Force Base	$5,479,000
Georgia	Fort Benning	$1,116,000
South Carolina	Fort Jackson	$576,000
Special Operations Command		
California	Camp Pendleton	$5,200,000
Florida	Eglin Air Force Base (Duke Field)	$2,400,000
	Eglin Auxiliary Field 9	$14,150,000
North Carolina	Fort Bragg	$23,800,000
Pennsylvania	Olmstead Field, Harrisburg IAP	$1,643,000
Virginia	Dam Neck	$4,500,000
	Naval Amphibious Base, Little Creek	$6,100,000
	Total:	$364,602,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency/Country	Installation Name	Amount
Defense Logistics Agency		
Puerto Rico	Defense Fuel Support Point, Roosevelt Roads	$6,200,000
Spain	DFSC Rota	$7,400,000
Defense Medical Facility Office		
Italy	Naval Support Activity, Naples	$5,000,000
Department of Defense Dependents Schools		
Germany	Ramstein Air Force Base	$19,205,000
Italy	Naval Air Station, Sigonella	$7,595,000
National Security Agency		
United Kingdom	Menwith Hill Station	$677,000
Special Operations Command		
Guam	Naval Station, Guam	$8,800,000
	Total:	$54,877,000

SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVESTMENT.

(a) AVAILABILITY OF FUNDS FOR INVESTMENT.—Of the amount authorized to be appropriated pursuant to section 2405(a)(11)(A), $22,000,000 shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code (as added by section 2801 of this Act).

(b) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title (as added by such section) with respect to military family housing.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,629,491,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $329,599,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $47,900,000.

(4) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United State Code, $68,837,000.

(9) For energy conservation projects authorized by section 2404, $40,000,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title

XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,897,892,000.

(11) For military family housing functions:

(A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

(a) SET ASIDE FOR 1995 ROUND.—Of the amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), $784,569,000 shall be available only for the purposes described in section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) with respect to military installations approved for closure or realignment in 1995.

(b) CONSTRUCTION.—Amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10) may not be obligated to carry out a construction project with respect to military installations approved for closure or realignment in 1995 until after the date on which the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation contained in this subsection shall not prohibit site surveys, environmental baseline surveys, environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and planning and design work conducted in anticipation of such construction.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out ''$3,000,000'' in the amount column and inserting in lieu thereof ''$115,000,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$12,000,000'' in the amount column and inserting in lieu thereof ''$186,000,000''.

SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 CONTINGENCY CONSTRUCTION PROJECTS.

Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1876) is amended—

(1) in the matter preceding paragraph (1), by striking out ''$3,268,394,000'' and inserting in lieu thereof ''$3,260,263,000''; and

(2) in paragraph (10), by striking out ''$12,200,000'' and inserting in lieu thereof ''$4,069,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 2501, in the amount of $161,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $134,802,000; and

(B) for the Army Reserve, $73,516,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,055,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $170,917,000; and

(B) for the Air Force Reserve, $36,232,000.

SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 AIR NATIONAL GUARD PROJECTS.

Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended by striking out ''$236,341,000'' and inserting in lieu thereof ''$229,641,000''.

SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

(a) IN GENERAL.—Subject to subsection (b), amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

(b) NOTICE AND WAIT.—The amounts referred to in subsection (a) shall not be available for construction with respect to a facility referred to in that subsection until 21 days after the date on which the Secretary of the Army submits to Congress a report describing the construction (including any land acquisition) to be carried out with respect to the facility.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act or in section 2201 of that Act (as amended by section 2206 of this Act), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000
Hawaii	Schofield Barracks	Add/Alter Sewage Treatment Plant	$17,500,000

Navy: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Treatment Plant Modifications	$19,740,000
Maryland	Patuxent River Naval Warfare Center	Large Anechoic Chamber, Phase I	$60,990,000

Navy: Extension of 1993 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Mississippi	Meridian Naval Air Station	Child Development Center	$1,100,000
Virginia	Hampton Roads	Land Acquisition	$4,500,000

Air Force: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Little Rock Air Force Base	Fire Training Facility	$710,000
District of Columbia	Bolling Air Force Base	Civil Engineer Complex	$9,400,000
Mississippi	Keesler Air Force Base	Alter Student Dormitory	$3,100,000
North Carolina	Pope Air Force Base	Construct Bridge Road and Utilities	$4,000,000
	Pope Air Force Base	Munitions Storage Complex	$4,300,000
Virginia	Langley Air Force Base	Base Engineer Complex	$5,300,000
Guam	Andersen Air Base	Landfill	$10,000,000
Portugal	Lajes Field	Water Wells	$865,000
	Lajes Field	Fire Training Facility	$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Tuscaloosa	Armory	$2,273,000
	Union Springs	Armory	$813,000
Oregon	La Grande	Organizational Maintenance Shop	$1,220,000
	La Grande	Armory Addition	$3,049,000
Pennsylvania	Indiana	Armory	$1,700,000
Rhode Island	North Kingston	Add/Alter Armory	$3,330,000

Army Reserve: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
West Virginia	Bluefield	United States Army Reserve Center	$1,921,000
	Clarksburg	United States Army Reserve Center	$1,566,000
	Grantville	United States Army Reserve Center	$2,785,000
	Lewisburg	United States Army Reserve Center	$1,631,000
	Weirton	United States Army Reserve Center	$3,481,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act, and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or Location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities	$7,500,000

Army National Guard: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Ohio	Toledo	Armory	$3,183,000

Army Reserve: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Tennessee	Jackson	Joint Training Facility	$1,537,000

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Housing Privatization Initiative

SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING

''Sec.
''2871. Definitions.
''2872. General authority.
''2873. Direct loans and loan guarantees.
''2874. Leasing of housing to be constructed.
''2875. Investments in nongovernmental entities.
''2876. Rental guarantees.
''2877. Differential lease payments.
''2878. Conveyance or lease of existing property and facilities.
''2879. Interim leases.
''2880. Unit size and type.
''2881. Ancillary supporting facilities.
''2882. Assignment of members of the armed forces to housing units.
''2883. Department of Defense Housing Funds.
''2884. Reports.
''2885. Expiration of authority.

''§ 2871. Definitions

''In this subchapter:

''(1) The term 'ancillary supporting facilities' means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

''(2) The term 'base closure law' means the following:

''(A) Section 2687 of this title.

''(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(3) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

''(4) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

''(5) The term 'Fund' means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

''(6) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

''(7) The term 'United States' includes the Commonwealth of Puerto Rico.

''§ 2872. General authority

''In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military

unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

''(1) Family housing units on or near military installations within the United States and its territories and possessions.

''(2) Military unaccompanied housing units on or near such military installations.

''§ 2873. Direct loans and loan guarantees

''(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

''(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

''(A) the amount equal to 80 percent of the value of the project; or

''(B) the amount of the outstanding principal of the loan.

''(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

''(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

''§ 2874. Leasing of housing to be constructed

''(a) BUILD AND LEASE AUTHORIZED.—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

''(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

''§ 2875. Investments in nongovernmental entities

''(a) INVESTMENTS AUTHORIZED.—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

''(b) FORMS OF INVESTMENT.—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

''(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

''(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

''(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

''(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

''§ 2876. Rental guarantees

''The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

''(1) the occupancy of such units at levels specified in the agreements; or

''(2) rental income derived from rental of such units at levels specified in the agreements.

''§ 2877. Differential lease payments

''Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

''§ 2878. Conveyance or lease of existing property and facilities

''(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

''(b) INAPPLICABILITY TO PROPERTY AT INSTALLATION APPROVED FOR CLOSURE.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

''(c) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

''(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

''(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

''(1) Section 2667 of this title.

''(2) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

''(3) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b).

''(4) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401).

''§ 2879. Interim leases

''Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

''§ 2880. Unit size and type

''(a) CONFORMITY WITH SIMILAR HOUSING UNITS IN LOCALE.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

''(b) INAPPLICABILITY OF LIMITATIONS ON SPACE BY PAY GRADE.—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

''(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

''§ 2881. Ancillary supporting facilities

''Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

''§ 2882. Assignment of members of the armed forces to housing units

''(a) IN GENERAL.—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

''(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

''(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

''(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§ 2883. Department of Defense Housing Funds

''(a) ESTABLISHMENT.—There are hereby established on the books of the Treasury the following accounts:

''(1) The Department of Defense Family Housing Improvement Fund.

''(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

''(b) COMMINGLING OF FUNDS PROHIBITED.—(1) The Secretary of Defense shall administer each Fund separately.

''(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

''(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

''(c) CREDITS TO FUNDS.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

''(A) Amounts authorized for and appropriated to that Fund.

''(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

''(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing.

''(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

''(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

''(A) Amounts authorized for and appropriated to that Fund.

''(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

''(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

''(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

''(d) USE OF AMOUNTS IN FUNDS.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

''(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

''(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

''(e) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

''(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

''(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

''(1) $850,000,000 for the acquisition or construction of military family housing; and

''(2) $150,000,000 for the acquisition or construction of military unaccompanied housing.

"§ 2884. Reports

''(a) PROJECT REPORTS.—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

(B) each conveyance or lease proposed under section 2878 of this title.

(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

''(b) ANNUAL REPORTS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

''(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

''(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

''(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

"§ 2885. Expiration of authority

''The authority to enter into a contract under this subchapter shall expire five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.''.

(2) The table of subchapters at the beginning of such chapter is amended by inserting after the item relating to subchapter III the following new item:

''IV. Alternative Authority for Acquisition and Improvement of Military Housing ..... 2871''.

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PARTNERSHIPS FOR DEVELOPMENT OF MILITARY FAMILY HOUSING.

(a) PARTICIPATION OF OTHER MILITARY DEPARTMENTS.—(1) Subsection (a)(1) of section 2837 of title 10, United States Code, is amended by striking out ''of the naval service'' and inserting in lieu thereof ''of the armed forces''.

(2) Subsection (b)(1) of such section is amended by striking out ''of the naval service'' and inserting in lieu thereof ''of the armed forces''.

(b) ADMINISTRATION.—(1) Subsection (a)(1) of such section is further amended by striking out ''the Secretary of the Navy'' in the first sentence and inserting in lieu thereof ''the Secretary of a military department''.

(2) Subsections (a)(2), (b), (c), (g), and (h) of such section are amended by striking out ''Secretary'' each place it appears and inserting in lieu thereof ''Secretary concerned''.

(c) ACCOUNT.—Subsection (d) of such section is amended to read as follows:

''(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Defense Housing Investment Account'.

''(2) There shall be deposited into the Account—

''(A) such funds as may be authorized for and appropriated to the Account;

''(B) any proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under subsection (a); and

''(C) any unobligated balances which remain in the Navy Housing Investment Account as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

''(3) From such amounts as are provided in advance in appropriation Acts, funds in the Account shall be available to the Secretaries concerned in amounts determined by the Secretary of Defense for contracts, investments, and expenses necessary for the implementation of this section.

''(4) The Secretary concerned may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Account is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.''.

(d) TERMINATION OF NAVY HOUSING INVESTMENT BOARD.—Such section is further amended—

(1) by striking out subsection (e); and

(2) in subsection (h)—

(A) by striking out ''AUTHORITIES'' in the subsection heading and inserting in lieu thereof ''AUTHORITY'';

(B) by striking out ''(1)''; and

(C) by striking out paragraph (2).

(e) REPORT.—Subsection (f) of such section is amended—

(1) by striking out ''the Secretary carries out activities'' and inserting in lieu thereof ''activities are carried out''; and

(2) by striking out ''the Secretary shall'' and inserting in lieu thereof ''the Secretaries concerned shall jointly''.

(f) EXTENSION OF AUTHORITY.—Subsection (h) of such section is further amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(g) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking out ''NAVY'' in the subsection heading.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY DEFICIENCIES.

(a) SPECIAL THRESHOLD.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: ''However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than $3,000,000.''; and

(2) in subsection (c)(1), by striking out ''not more than $300,000.'' and inserting in lieu thereof ''not more than—

''(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

''(B) $300,000, in the case of any other unspecified military construction project.''.

(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of such title is amended by striking out ''section 2805(a)(2)'' and inserting in lieu thereof ''section 2805(a)(1)''.

SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

Section 2805(a)(1) of title 10, United States Code, as amended by section 2811 of this Act, is further amended by striking out ''(1) that is for a single undertaking at a military installation, and (2)'' in the second sentence.

SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION FOR FAMILY HOUSING ACQUIRED IN LIEU OF CONSTRUCTION.

Section 2824(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.''.

SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION ON ACQUISITION BY PURCHASE OF CERTAIN MILITARY FAMILY HOUSING.

Section 2826(e) of title 10, United States Code, is amended by striking out the second sentence.

SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITATIONS ON SPACE BY PAY GRADE FOR MILITARY FAMILY HOUSING UNITS.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

''(2) The total number of military family housing units constructed, acquired, or improved during any fiscal year in the period referred to in paragraph (1) shall be the total number of such units authorized by law for that fiscal year.''.

SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''300 units'' in the first sentence and inserting in lieu thereof ''450 units''; and

(B) by striking out ''220 such units'' in the second sentence and inserting in lieu thereof ''350 such units''; and

(2) in paragraph (2), by striking out ''300 units'' and inserting in lieu thereof ''450 units''.

SEC. 2817. CLARIFICATION OF SCOPE OF REPORT REQUIREMENT ON COST INCREASES UNDER CONTRACTS FOR MILITARY FAMILY HOUSING CONSTRUCTION.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

''(d) The limitation on cost increases in subsection (a) does not apply to the settlement of a contractor claim under a contract.''.

SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIORATED MILITARY FAMILY HOUSING.

(a) AUTHORITY.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2854 the following new section:

''§2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

''(a) AUTHORITY TO CONVEY.—(1) The Secretary concerned may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

''(2) The authority of this section does not apply to family housing facilities located at military installations approved for closure under a base closure law or family housing facilities located at installation outside the United States at which the Secretary of Defense terminates operations.

''(3) The aggregate total value of the family housing facilities conveyed by the Department of Defense under the authority in this subsection in any fiscal year may not exceed $5,000,000.

''(4) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such facility.

''(b) CONSIDERATION.—(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

''(2) The Secretary concerned shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determination shall be final.

''(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

''(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

''(A) an estimate of the consideration to be provided the United States under the agreement;

''(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

''(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

''(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

''(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

''(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

''(2) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

''(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the appropriate fund established under section 2883 of this title and shall be available—

''(A) to construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed;

''(B) to repair or restore existing military family housing; and

''(C) to reimburse the Secretary concerned for the costs incurred by the Secretary in conveying the family housing facility.

''(2) Notwithstanding section 2883(d) of this title, proceeds derived from a conveyance of a family housing facility under this section shall be available under paragraph (1) without any further appropriation.

''(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary concerned considers satisfactory, including by survey in the case of real property.

''(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2854 the following new item:

''2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds.''.

(b) CONFORMING AMENDMENT.—Section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) is amended—

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

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

''(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10, United States Code.''.

SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS FOR THE DEPARTMENT OF DEFENSE.

(a) INCLUSION OF WATER EFFICIENT MAINTENANCE IN ENERGY PERFORMANCE PLAN.—Paragraph (3) of section 2865(a) of title 10, United States Code, is amended by striking out ''energy efficient maintenance'' and inserting in lieu thereof ''energy efficient maintenance or water efficient maintenance''.

(b) SCOPE OF TERM.—Paragraph (4) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking out '''energy efficient maintenance''' and inserting in lieu thereof '''energy efficient maintenance or water efficient maintenance''';

(2) in subparagraph (A), by striking out ''systems or industrial processes,'' in the matter preceding clause (i) and inserting in lieu thereof ''systems, industrial processes, or water efficiency applications,''; and

(3) in subparagraph (B), by inserting ''or water cost savings'' before the period at the end.

SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 2680 of title 10, United States Code, is amended in the first sentence by striking out ''September 30, 1995'' and inserting in lieu thereof ''September 30, 2000''.

(b) REPORTING REQUIREMENT.—Such section is further amended by adding at the end the following new subsection:

''(e) REPORTS.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on the Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that—

''(1) identifies each leasehold interest acquired during the previous fiscal year under subsection (a); and

''(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) during such fiscal year.''.

(c) CONFORMING REPEAL.—Section 2863 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out subsection (b).

SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

''§ 2782. Damage to real property: disposition of amounts recovered

''Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

''2782. Damage to real property: disposition of amounts recovered.''.

SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Military Housing Assistance Act of 1995''.

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

''§ 3708. Authority to buy down interest rates: pilot program

''(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (6), or (10) of section 3710(a) of this title.

''(b) An individual is an eligible veteran for the purposes of this section if—

''(1) the individual is a veteran, as defined in section 3701(b)(4) of this title;

''(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

''(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

''(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

''(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

''(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

''(1) provide for a buy down period of not more than three years in duration;

''(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

''(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

''(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

''(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

''(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

''(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.''.

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

''3708. Authority to buy down interest rates: pilot program.''.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagees under section 3708 of title 38, United States Code, as added by subsection (b).

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than March 30, 1998, the Secretary shall submit to Congress a report regarding the effectiveness of the authority provided in section 3708 of title 38, United States Code, in ensuring that members of the Armed Forces and their dependents have access to suitable housing. The report shall include the recommendations of the Secretary regarding whether the authority provided in this subsection should be extended beyond the date specified in paragraph (5).

(4) EARMARK.—Of the amount provided in section 2405(a)(11)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle C—Defense Base Closure and Realignment

SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting ''or (5)'' after ''paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(b) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—(1) Section 207(a)(7) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''.

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended—

(A) in subparagraph (C), by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''; and

(B) in subparagraph (D), by striking out ''transfer or disposal'' and inserting in lieu thereof ''lease, transfer, or disposal''.

SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

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

''(4) The Secretary concerned may accept under subsection (b)(5) services of a lessee for an entire installation to be closed or realigned under a base closure law, or for any part of such installation, without regard to the requirement in subsection (b)(5) that a substantial part of the installation be leased.''.

SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding after paragraph (4), as added by section 2832 of this Act, the following new paragraph:

''(5)(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 disposal decision with respect to the property, even if final disposal of the property is delayed until completion of the term of the interim lease. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

''(C) Subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

''(i) significantly affect 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. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING ENVIRONMENTAL REMEDIATION AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended in the matter following subparagraph (C)—

(1) by striking out the first sentence; and

(2) by adding at the end, flush to the paragraph margin, the following:

''The requirements of subparagraph (B) shall not apply in any case in which the person or

entity to whom the real property is transferred is a potentially responsible party with respect to such property. The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.''.

SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary may transfer not more than $300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

''(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by striking out ''Subject to subparagraph (C)'' in the matter preceding clause (i) and inserting in lieu thereof ''Subject to subparagraph (B)''; and

(B) by striking out ''in effect on the date of the enactment of this Act'' each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

''(B) The Secretary may, with the concurrence of the Administrator of General Services—

''(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

''(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.''; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

''(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

''(iii) A lease under clause (i) may not require rental payments by the United States.

''(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.''.

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended to read as follows:

''(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).''.

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out ''the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)'' and inserting in lieu thereof ''the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)''.

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting ''the Secretary of Defense and'' before ''the Secretary of Housing and Urban Development''; and

(2) in clause (ii), by striking out ''the Secretary of Housing and Urban Development'' and inserting in lieu thereof ''such Secretaries''.

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

''(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

''(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

''(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

''(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

''(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).''.

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

''(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

''(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

''(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

''(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

''(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

''(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

''(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

''(V) In the case of a request for a conveyance under subclause (I) of buildings and property

for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).''.

(e) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting ''or (L)'' after ''subparagraph (K)''.

(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

''(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.''.

SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

''(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.''.

(b) 1990 LAW.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

''(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.''.

SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

''(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

''(2) A transfer of real property or facilities may be made under paragraph (1) only if—

''(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

''(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

''(3) Notwithstanding section 207(a)(7), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

''(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

''(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.''.

(b) 1990 LAW.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

''(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as property essential to the reuse or redevelopment of the installation.

''(2) A transfer of real property or facilities may be made under paragraph (1) only if—

''(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

''(B) in the event the fair market value of the housing units is less than the fiar market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

''(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

''(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

''(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.''.

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES FOR DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION OF BASE CLOSURE AUTHORITIES.—In the case of the property and facilities at Fort Holabird, Maryland, described in subsection (b), the Secretary of Defense shall dispose of such property and facilities in accordance with section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2838 of this Act.

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), but have not been disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that were approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that were prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2853. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsections (b) and (c), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation, Massachusetts, that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge.

(b) LAND CONVEYANCE.—Subject to subsection (c), the Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) REQUIREMENTS RELATING TO TRANSFER AND CONVEYANCE.—(1) The transfer under subsection (a) and the conveyance under subsection (b) may not be made unless the property to be transferred and conveyed is determined to be excess to the needs of the Department of Defense.

(2) The transfer and conveyance shall be made as soon as practicable after the date on which the property is determined to be excess to the needs of the Department of Defense.

(d) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectman of the Town. The cost of the survey shall be borne by the Town.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) and the conveyance under subsection (b) as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) DESIGNATION OF RECIPIENT.—Subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658) is amended by striking out ''any grantee selected in accordance with subsection (e)'' and inserting in lieu thereof ''the County of Fairfax, Virginia (in this section referred to as the 'grantee'),''.

(b) CONSIDERATION.—Subsection (b)(1) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) grant title, free of liens and other encumbrances, to the Department to such facilities and, if not already owned by the Department, to the underlying land; and''.

(c) CONTENT OF AGREEMENT.—Subsection (c) of such section is amended to read as follows:

''(c) CONTENT OF AGREEMENT.—An agreement entered into under this section shall include the following:

''(1) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

''(2) A requirement that the construction of facilities and infrastructure improvements referred to in paragraph (1) be carried out in accordance with plans and specifications approved by the Secretary.

''(3) A requirement that the Secretary retain a lien or other security interest against the property conveyed to the grantee in the amount of the fair market value of the property, as determined under subsection (b)(2). The agreement will specify the terms for releasing the lien or other security interest, in whole or in part. In the event of default by the County on its obligations under the terms of the agreement, the Secretary shall enforce the lien or security interest. The proceeds obtained through enforcing the lien or security interest may be used by the Secretary to construct facilities and make infrastructure improvements in lieu of those provided for in the agreement.''.

(d) SURVEYS.—Subsection (g) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: ''The grantee shall be responsible for completing any such survey without cost to the United States.''.

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking out ''Subject to subsections (b) through (h), the'' and inserting in lieu thereof ''The'';

(2) in subsection (b)(1), by striking out ''subsection (c)(1)(D)'' both places it appears and inserting in lieu thereof ''subsection (c)(1)(A)'';

(3) by striking out subsections (e) and (f); and

(4) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

SEC. 2855. LAND EXCHANGE, FORT LEWIS, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as ''WRECO''), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 26E (consisting of 0.03 acre).

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States, by warranty deed acceptable to the Secretary, a 0.39 acre parcel of real property located adjacent to Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of the land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 4.2 acres and located on Shallowford Road in Gainesville, Georgia, the site of the Army Reserve Center, Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres located in the Atlas Industrial Park, Gainesville, Georgia, that is acceptable to the Secretary;

(2) design and construct on such real property suitable facilities (as determined by the Secretary) for training activities of the Army Reserve to replace facilities conveyed under subsection (a);

(3) carry out, at cost to the City, any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the land conveyances under subsection (a) and paragraph (1) and the construction under paragraph (2);

(4) pay the Secretary the amount (as determined by the Secretary) equal to the cost of relocating Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed under paragraph (2); and

(5) if the fair market value of the real property conveyed by the Secretary under subsection (a) exceeds the fair market value of the consideration provided by the City under paragraphs (1) through (4), pay the United States the amount equal to the amount of such excess.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be furnished by the City under subsection (b). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 6.5 acres located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and a portion of the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army such amounts as may be necessary to cover morale, welfare, and recreation activities at Army installations in the general vicinity of Fort Ord during fiscal years 1996 through 2000. The amount deposited by the Secretary into the Account shall not exceed the fair market value, as established under subsection (b), of the two Fort Ord Golf Courses conveyed under subsection (a). The Secretary shall notify Congress of the amount to be deposited not later than 90 days after the date of the conveyance.

(2) The Secretary shall deposit the balance of any funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 31 acres located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with the following services at the portion of Parks Reserve Forces Training Area retained by the Army:

(A) Relocation of the main gate of the retained Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street.

(B) Enclosing and landscaping of the southern boundary of the retained Training Area installation located northerly of Dublin Boulevard.

(C) Enclosing and landscaping of the eastern boundary of the retained Training Area from Dublin Boulevard to Gleason Drive.

(D) Resurfacing of roadways within the retained Training Area.

(E) Provision of such other services in connection with the retained Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate.

(F) Provision for and funding of any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Training Area. The preparation costs of such specifications shall be borne by the County.

(3) The fair market value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised fair market value of the real property to be conveyed under subsection (a)(1). The appraisal of the fair market value of the property shall be subject to Secretary review and approval.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) TIME FOR TRANSFER OF TITLE.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake. Illinois) in order to determine the most appropriate use of the property to be conveyed.

(h) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (g).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, that consists of approximately 6 acres, and any interest the United States may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. MODIFICATION OF EXISTING LAND CONVEYANCE, ARMY PROPERTY, HAMILTON AIR FORCE BASE, CALIFORNIA.

(a) APPLICATION OF SECTION.—The authority provided in subsection (b) shall apply only in the event that the purchaser purchases only a portion of the Sale Parcel referred to in section 9099 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1924) and exercises the purchaser's option to withdraw from the sale as to the rest of the Sale Parcel.

(b) CONVEYANCE AUTHORITY IN EVENT OF PARTIAL SALE.—The Secretary of the Army may convey to the City of Novato, California (in this section referred to as the ''City'')—

(1) that portion of the Sale Parcel (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site) that is not purchased as provided in subsection (a); and

(2) any of the land referred to in subsection (e) of such section 9099 that is not purchased by the purchaser.

(c) CONSIDERATION AND CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be made as a public benefit transfer to the City for the sum of One Dollar, subject to the condition that the conveyed property be used for school, classroom, or other educational purposes or as a public park or recreation area.

(d) SUBSEQUENT CONVEYANCE BY THE CITY.—(1) If, within 10 years after the conveyance under subsection (b), the City conveys all or any part of the conveyed property to a third party without the use restrictions specified in subsection (c), the City shall pay to the Secretary of the Army an amount equal to the proceeds received by the City from the conveyance, minus the demonstrated reasonable costs of making the conveyance and of any improvements made by the City to the property following its acquisition of the land (but only to the extent such improvements increase the value of the property conveyed). The Secretary of the Army shall deliver into the applicable closing escrow an acknowledgement of receipt of the proceeds and a release of the reverter right under subsection (e) as to the affected land, effective upon such receipt.

(2) Until one year after the completion of the cleanup of contaminated soil in the Landfill located on the Sale Parcel and completion of the groundwater treatment facilities, any conveyance by the City must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification for the purchase of the Sale Parcel by the purchaser. Thereafter, any conveyance by the City must be at a price at least equal to the fair market value of the portion sold.

(3) This subsection shall not apply to a conveyance by the City to another public or quasi-public agency for public uses of the kind described in subsection (c).

(e) REVERSION.—If the Secretary of the Army determines that the City has failed to make a payment as required by subsection (d)(1) or that any portion of the conveyed property retained by the City or conveyed under subsection (d)(3) is not being utilized in accordance with subsection (c), title to the applicable portion of such property shall revert to the United States at the election of the Administrator of the General Services Administration.

(f) SPECIAL CONVEYANCE REGARDING BUILDING 138 PARCEL.—The Secretary of the Army may convey to the purchaser of the Sale Parcel the Building 138 parcel, which has been designated by the parties as Parcel A4. The per-acre price for the portion conveyed under this subsection shall be at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, dated September 25, 1990, as amended.

PART II—NAVY CONVEYANCES

SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3058), the Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) SURVEY.—The cost of any survey necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended to read as follows:

''(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection services, and maintenance services provided by the Community Development Agency for the property.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking out ''subsection (a)'' and inserting in lieu thereof ''subsection (a) or a lease under subsection (c)''.

SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1896) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3057), is further amended by adding at the end the following new paragraphs:

''(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under that paragraph, the Secretary may convey, without consideration, the property described in that paragraph to the City of Oakland, California, the Port of Oakland, California, the City of Alameda, California, or the City of Richmond, California, under such terms and conditions as the Secretary considers appropriate.

''(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property.''.

SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant, McGregor, Texas.

(2) After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses by the Department of the Navy, the Secretary may include in the conveyance under paragraph (1) any facilities, equipment, and fixtures on the parcel not to be so used if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance under paragraph (1).

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection services, and maintenance services provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating members of the Armed Forces residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such members under subsection (e); and

(E) carry out such activities for the operation, maintenance, and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES.—In providing for the education of dependents of members of the Armed Forces under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(1) meet such standards for schools and schools districts as the Secretary shall establish; and

(2) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF MEMBERS OF THE ARMED FORCES.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate—

(1) members of the Armed Forces residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B); and

(2) other Government tenants located on such property to other facilities.

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretrary of the Navy may convey to the Port of Stockton, California (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to

a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station, Stockton, California.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(d) CONSIDERATION.—The conveyance may be made as a public benefit conveyance for port development as defined in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) if the Port satisfies the criteria in such section and the regulations prescribed to implement such section. If the Port fails to qualify for a public benefit conveyance and still desires to acquire the property, the Port shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port lease to the Department of Defense or any other Federal agency all or any part of the property being used by the Federal Government at the time of conveyance. Any such lease shall be made under the same terms and conditions as in force at the time of the conveyance. Such terms and conditions will continue to include payment to the Port for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State, and local laws and ordinances.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) LEASE AUTHORIZED.—Notwithstanding section 2692(a)(1) of title 10, United States Code, the Secretary of the Navy may lease to the City of San Diego, California (in this subsection referred to as the ''City''), the parcel of real property, including improvements thereon, described in subsection (b) in order to permit the City to carry out activities on the parcel relating to solid waste management, including the operation and maintenance of one or more solid waste landfills. Pursuant to the lease, the Secretary may authorize the City to construct and operate on the parcel facilities related to solid waste management, including a sludge processing facility.

(b) COVERED PROPERTY.—The parcel of property to be leased under subsection (a) is a parcel of real property consisting of approximately 1,400 acres that is located at Naval Air Station, Miramar, California, or Marine Corps Air Station, Miramar, California.

(c) LEASE TERM.—The lease authorized under subsection (a) shall be for an initial term of not more than 50 years. Under the lease, the Secretary may provide the City with an option to extend the lease for such number of additional periods of such length as the Secretary considers appropriate.

(d) FORM OF CONSIDERATION.—The Secretary may provide in the lease under subsection (a) for the provision by the City of in-kind consideration under the lease.

(e) USE OF MONEY RENTALS.—In such amounts as are provided in advance in appropriation Acts, the Secretary may use money rentals received by the Secretary under the lease authorized under subsection (a) to carry out the following programs at Department of the Navy installations that utilize the solid waste landfill or landfills located on the leased property:

(1) Environmental programs, including natural resource management programs, recycling programs, and pollution prevention programs.

(2) Programs to improve the quality of military life, including programs to improve military unaccompanied housing and military family housing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) DEFINITIONS.—In this section, the terms ''sludge'', ''solid waste'', and ''solid waste management'' have the meanings given such terms in paragraphs (26A), (27), and (28), respectively, of section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

PART III—AIR FORCE CONVEYANCES

SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SOUTH CAROLINA.

(a) LAND ACQUISITION.—By means of an exchange of property, acceptance as a gift, or other means that do not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) LAND EXCHANGE AUTHORIZED.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the parcel to be conveyed by the Secretary does not exceed the fair market value of the parcel to be acquired by the Secretary.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b). Such determinations shall be final.

(d) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE TO PRIVATE PERSON AUTHORIZED.—The Secretary of the Air Force may convey to such private person as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Alaska, and identified in land lease W–95–507–ENG–58.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W–95–507–ENG–58, with an expiration date of June 13, 2024.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser of the property—

(1) permit the lease of the apartment complex located on the property by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents; and

(2) maintain the apartment complex in a condition suitable for such leases.

(d) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the amount received from the purchaser under subsection (b) in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser of the real property.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2876. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcel of property (including any improvements thereon) consisting of approximately 58 acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms

and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING SITE, POWELL, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Northwest College Board of Trustees (in this section referred to as the ''Board''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 24 acres located in Powell, Wyoming, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Powell, Wyoming.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board use the property conveyed under that subsection for housing and recreation purposes and for such other purposes as the Secretary and the Board jointly determine appropriate.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date that the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the County, directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Land Conveyances Involving Utilities

SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately six acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) RELATED EASEMENTS.—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the resource recovery facility authorized by subsection (a) unless the County agrees to accept the facility in its existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

(1) That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.

(2) That the County comply with all applicable environmental laws and regulations (including any permit or license requirements) relating to the resource recovery facility.

(3) That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.

(4) That the County not commence any expansion of the resource recovery facility without approval of such expansion by the Secretary.

(e) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the ''City''), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the water and wastewater treatment plants and distribution and collection systems conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water and wastewater treatment plants and distribution and collection systems authorized by subsection (a) unless the City agrees to accept the water and wastewater treatment plants and distribution and collection systems in their existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the City comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the real property conveyed under subsection (a).

(3) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(4) That the City not commence any expansion of the water and wastewater treatment plants and distribution and collection systems without approval of such expansion by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the ''Company''), all right, title, and interest of the United States in and to the electricity distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electricity distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electricity distribution lines (including poles, switches, reclosers, transformers, regulators, switchgears, and service lines) and includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electricity services at Fort Irwin. The system does not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electricity distribution system conveyed under subsection (a).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the electricity distribution system authorized by subsection (a) unless the Company agrees to accept the electricity distribution system in its existing condition at the time of the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company provide electricity service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the Company comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the electricity distribution system.

(3) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electricity distribution system.

(4) That the Company not commence any expansion of the electricity distribution system without approval of such expansion by the Secretary.

(f) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2884. CONVEYANCE OF WATER TREATMENT PLANT, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at Fort Pickett, Virginia:

(A) A parcel of real property consisting of approximately 10 acres, including a reservoir and improvements thereon, the site of the Fort Pickett water treatment plant.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are jointly identified by the Secretary and the Town as owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Pickett.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the finished water lines from the system to the Town.

(3) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal, State, or municipal agency relating to the maintenance of a buffer zone around the water distribution system.

(c) WATER RIGHTS.—The Secretary shall grant to the Town as part of the conveyance under subsection (a) all right, title, and interest of the United States in and to any water of the Nottoway River, Virginia, that is connected with the reservoir referred to in paragraph (2)(A) of such subsection. The grant of such water rights shall not impair the right that any other local jurisidiction may have to withdraw water from the Nottoway River, on or after the date of the enactment of this Act, pursuant to the law of the Commonwealth of Virginia.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized under subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the system to be conveyed under this section before carrying out the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town reserve for provision to Fort Pickett, and provide to Fort Pickett on demand, not less than 1,500,000 million gallons per day of treated water from the water distribution system.

(2) That the Town provide water to and distribute water at Fort Pickett at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Town maintain and operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), of any easements granted under subsection (b), and of any water rights granted under subsection (c) shall be determined by a survey and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the Town.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a), the easements granted under subsection (b), and the water rights granted under subsection (c) that the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATIONAL PURPOSES.

Section 2008 of title 10, United States Code, is amended by striking out ''section 10'' and all that follows through the period at the end and inserting in lieu thereof ''construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.''.

SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program (to be known as the ''Department of Defense Laboratory Revitalization Demonstration Program'') for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department of Defense laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from such laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department of Defense laboratories that are contractor owned.

(3) The Secretary shall notify Congress of the laboratories designated under paragraph (1)(A).

(d) REPORT.—Not later than February 1, 1998, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendations regarding the desirability of extending the authority set forth in subsection (b) to cover all Department of Defense laboratories.

(e) EXCLUSIVITY OF PROGRAM.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

(f) DEFINITIONS.—In this section:

(1) The term ''laboratory'' includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term ''supporting facility'', with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) EXPIRATION OF AUTHORITY.—The Secretary may not commence a construction project under the program after September 30, 1998.

SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE OF MISSISSIPPI TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the ''Port Authority''), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the ''Center'').

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction,

or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that provides for or permits civil aircraft to regularly use Naval Air Station or Marine Corps Air Station, Miramar, California.

SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report setting forth—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to respond affirmatively to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

SEC. 2896. RESIDUAL VALUE REPORTS.

(a) REPORTS REQUIRED.—The Secretary of Defense, in coordination with the Director of the Office of Management and Budget, shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany. Such status reports shall be submitted within 30 days after the receipt of such reports by the Office of Management and Budget.

(b) CONTENT OF STATUS REPORTS.—The status reports required by subsection (a) shall include the following information:

(1) The estimated residual value of United States capital value and improvements to facilities in Germany that the United States has turned over to Germany.

(2) The actual value obtained by the United States for each facility or installation turned over to Germany.

(3) The reasons for any difference between the estimated and actual value obtained.

SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) Fitzsimons Army Medical Center in Aurora, Colorado, was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services.

(3) Reuse of the Fitzsimons Army Medical Center at the earliest opportunity would provide significant benefit to the cities of Aurora, Colorado, and Denver, Colorado.

(4) Reuse of the Fitzsimons Army Medical Center by the communities in the vicinity of the center will ensure that the center is fully utilized, thereby providing a benefit to such communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) determinations as to the use by other departments and agencies of the Federal Government of buildings and property at military installations approved for closure under the Defense Base Closure and Realignment Act of 1990, including Fitzsimons Army Medical Center, Colorado, should be completed as soon as practicable;

(2) the Secretary of Defense should consider the expedited transfer of appropriate facilities (including facilities that remain operational) at such installations to the redevelopment authorities for such installations in order to ensure continuity of use of such facilities after the closure of such installations, in particular, the Secretary should consider the expedited transfer of the Fitzsimons Army Medical Center because of the significant preparation underway by the redevelopment authority concerned;

(3) the Secretary should not enter into leases with redevelopment authorities for facilities at such installations until the Secretary determines that such leases fall within the categorical exclusions established by the Secretary pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the closure and redevelopment of Fitzsimons Army Medical Center.

(2) The report shall include the following:

(1) The results of the determinations as to the use of buildings and property at Fitzsimons Army Medical Center by other departments and agencies of the Federal Government under section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990.

(2) A description of any actions taken to expedite such determinations.

(3) A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.

(4) A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.

(5) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army.

(6) The results of the environmental baseline survey regarding Fitzsimons Army Medical Center and a finding of suitability or nonsuitability.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Illinois Land Conservation Act of 1995''.

SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES.—The term ''agricultural purposes'' means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL.—The term ''Arsenal'' means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT.—The term ''Arsenal land use concept'' means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.

(5) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(6) ENVIRONMENTAL LAW.—The term ''environmental law'' means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment. Such term includes CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP.—The term ''MNP'' means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON.—The term ''person'' has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT.—The term ''pollutant or contaminant'' has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE.—The term ''release'' has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION.—The term ''response action'' has the meaning given the term ''response'' by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to

such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) GENERAL RULE FOR TRANSFER OF JURISDICTION.—

(1) TRANSFER REQUIRED SUBJECT TO RESPONSE ACTIONS.—Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that—

(A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and

(B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) EFFECT OF LESS THAN COMPLETE TRANSFER.—If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(b) SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN PARCELS.—Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site 1. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) DOCUMENTATION OF ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) DOCUMENTATION.—The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) ASSESSMENT.—The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) TIME FOR SUBMISSION OF DOCUMENTATION AND ASSESSMENT.—The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted—

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE IMMEDIATE TRANSFER.—If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the terms of any memorandum of understanding have been satisfied.

(e) IDENTIFICATION OF ARSENAL PROPERTY FOR TRANSFER.—

(1) MAP OF PROPOSED TRANSFERS.—The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment.

(2) METHOD OF EFFECTING TRANSFER.—The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 2913. RESPONSIBILITY AND LIABILITY.

(a) CONTINUED LIABILITY OF SECRETARY OF THE ARMY.—The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) LIABILITY OF OTHER PERSONS.—Nothing in this title shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.

(d) PAYMENT OF RESPONSE ACTION COSTS.—A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) CONSULTATION.—

(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the

Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) RESPONSIBILITY OF SECRETARY OF THE ARMY.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 2912(b) or 2916 or acquired under section 2914(d).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) AVAILABILITY OF LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the Secretary of Agriculture may use monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) for the acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing in this title shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13 of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the ''MNP Rental Fee Account''). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the ''Midewin National Tallgrass Prairie Restoration Fund''). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.

SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—The following areas of the Arsenal may be transferred under this section:

(1) Study Area 2, explosive burning ground.
(2) Study Area 3, flashing ground.
(3) Study Area 4, lead azide area.
(4) Study Area 10, toluene tank farms.
(5) Study Area 11, landfill.
(6) Study Area 12, sellite manufacturing area.
(7) Study Area 14, former pond area.
(8) Study Area 15, sewage treatment plan.
(9) Study Area L1, load assemble packing area, group 61.
(10) Study Area L4, landfill area.
(11) Study Area L7, group 1.
(12) Study Area L8, group 2.
(13) Study Area L9, group 3.
(14) Study Area L10, group 3A.
(15) Study Area L14, group 4.
(16) Study Area L15, group 5.
(17) Study Area L18, group 8.
(18) Study Area L19, group 9.

(19) Study Area L33, PVC area.

(20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) INFORMATION REGARDING ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) INFORMATION.—Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) ASSESSMENT.—At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

(3) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) OFFER OF TRANSFER.—Not later than 180 days after the date on which information is provided under subsection (b)(1) with regard to a parcel of the Arsenal property described in subsection (a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the parcel, without reimbursement, to be added to the Midewin National Tallgrass Prairie. The transfer shall be subject to the terms and conditions of this subtitle, including the liability provisions contained in section 2913. The Secretary of Agriculture has the option to accept or decline the offered transfer. The transfer of property under this section may be made on a parcel-by-parcel basis.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE TRANSFER.—If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary of Agriculture may decline immediate transfer of the parcel and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—The Secretary of Agriculture may accept or decline at any time for any reason the transfer of a parcel covered by this section. However, if the Secretary of Agriculture and the Secretary of the Army enter into a memorandum of understanding under paragraph (1) providing for transfer of the parcel, the Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of the reaching the concurrence required by subsection (b)(1), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) INCLUSIONS AND EXCEPTIONS.—

(1) INCLUSIONS.—The parcels of Arsenal property described in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the manufacturing and load assembly and packing sites of the Arsenal as shown in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant, Joliet, Illinois (May 30, 1993, Contract No. DAAA15–90–D–0015 task order No. 6 prepared for the United States Army Environmental Center).

(2) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for transfer or conveyance under subtitle B.

Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of the Department of Veterans Affairs under chapter 24 of title 38, United States Code.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31, Jackson Township, Township 34 North, Range 10 East, and part of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be conveyed under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 16, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or their agents or assigns) may use the landfill established on the real property conveyed under subsection (a) for the disposal of construction debris, refuse, and other materials related to any restoration and cleanup of Arsenal property. Such use shall be subject to applicable environmental laws and at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—If, at the end of the five-year period beginning on the date of the conveyance under subsection (a), the Secretary of Agriculture determines that the conveyed property is not opened for operation as a landfill, then, at the option of the Secretary of Agriculture, all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. Upon any such reversion, the property shall be included in the Midewin National Tallgrass Prairie. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property.

(e) INFORMATION REGARDING ENVIRONMENTAL CONDITIONS.—At the request of the Secretary of Agriculture, Will County, the Secretary of the Army, and the Administrator shall provide to the Secretary of Agriculture all information in their possession at the time of the request regarding the environmental condition of the real property to be conveyed under this section. The liability and responsibility of any person under any environmental law shall remain unchanged with respect to the landfill, except as provided in this title, including section 2913.

(f) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by Will County, Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR INDUSTRIAL PARKS.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey to the State of Illinois, all right, title, and interest of the United States in and to the parcels of real property at the Arsenal described in subsection (b), which shall be used as industrial parks to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property at the Arsenal authorized to be transferred under subsection (a) consists of the following parcels:

(1) A parcel of approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511 feet by 596 feet around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal land

use concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993.

(2) A parcel of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, and 18 in Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONSIDERATION.—

(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the State of Illinois shall pay to the United States an amount equal to fair market value of the conveyed property as of the time of the conveyance.

(2) EFFECT OF RECONVEYANCE BY STATE.—If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).

(5) DEPOSIT OF PROCEEDS.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(d) CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by the State of Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle C—Miscellaneous Provisions

SEC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this title shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under subtitle A and the additional real property transfers or conveyances authorized under subtitle B shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under subtitle B shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRONMENTAL CLEANUP.

(a) RETENTION OF CERTAIN PROPERTY.—Unless and until the Arsenal property described in this subsection is actually transferred or conveyed under this title or other applicable law, the Secretary of the Army may retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(1) water treatment;

(2) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(3) other purposes related to any response action at the Arsenal; and

(4) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(b) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this section and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and with the other provisions of sections 2914 and 2915.

(c) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action required under CERCLA, or any other action required under any other environmental law, including actions to remediate petroleum products or their derivatives, the response action or other action shall take priority.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,567,175,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,159,708,000, to be allocated as follows:

(A) For operation and maintenance, $1,078,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $17,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $37,400,000:

Project 96–D–111, national ignition facility, location to be determined, $37,400,000.

(3) For technology transfer and education, $160,000,000.

(4) For Marshall Islands, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,025,083,000, to be allocated as follows:

(1) For operation and maintenance, $1,911,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex–21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $115,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $37,200,000, for savings resulting from procurement reform; and

(2) $209,744,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (h), funds are hereby authorized to

be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,635,973,000.

(b) WASTE MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,470,598,000, to be allocated as follows:

(1) For operation and maintenance, $2,295,994,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $174,604,000, to be allocated as follows:

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $42,000,000.

Project 96–D–407, mixed waste/low-level waste treatment projects, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland Washington, $1,000,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $6,606,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $5,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $440,510,000.

(d) TRANSPORTATION MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $13,158,000.

(e) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,561,854,000 to be allocated as follows:

(1) For operation and maintenance, $1,447,108,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $114,746,000, to be allocated as follows:

Project 96–D–457, thermal treatment system, Richland Washington, $1,000,000.

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–468, residue elimination project, Rocky Flats Plant, Golden, Colorado, $33,100,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River Site, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(f) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $46,251,000, to be allocated as follows:

(1) For operation and maintenance, $31,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of a project authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials training center, Richland, Washington, $15,000,000.

(g) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $78,522,000.

(h) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (g) reduced by the sum of—

(1) $652,334,000, for use of prior year balances; and

(2) $37,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,351,975,600, to be allocated as follows:

(1) For verification and control technology, $428,205,600, to be allocated as follows:

(A) For nonproliferation and verification research and development, $224,905,000.

(B) For arms control, $160,964,600.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $20,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $17,679,000.

(6) For worker and community transition assistance, $82,500,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $652,568,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $29,600,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $6,600,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by $70,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $248,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not later than 30 days after the date of the enactment of this Act, and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

(2) Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

(B) the amount of the obligation;

(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and

(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).

SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds authorized to be appropriated pursuant to this title for construction of the National Ignition Facility may be obligated until—

(1) the Secretary of Energy determines that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and

(2) the Secretary of Energy notifies the congressional defense committees of that determination.

SEC. 3133. TRITIUM PRODUCTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall—

(1) complete the tritium supply and recycling environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(2) assess alternative means for tritium production, including production through—

(A) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

(B) an accelerator; and

(C) multipurpose reactor projects carried out by the private sector and the Government.

(b) FUNDING.—Of funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $50,000,000 shall be available for the tritium production program established pursuant to subsection (a).

(c) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(d) COST-BENEFIT ANALYSIS.—(1) The Secretary shall include in the statements referred to in paragraph (2) a comparison of the costs and benefits of carrying out two projects for the separate performance of the tritium production mission of the Department and the plutonium disposition mission of the Department with the costs and benefits of carrying out one multipurpose project for the performance of both such missions.

(2) The statements referred to in paragraph (1) are—

(A) the environmental impact statement referred to in subsection (a)(1);

(B) the plutonium disposition environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(C) assessments related to the environmental impact statements referred to in subparagraphs (A) and (B).

(e) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the tritium production program established pursuant to subsection (a). The report shall include a specification of—

(1) the planned expenditures of the Department during fiscal year 1996 for any of the alternative means for tritium production assessed under subsection (a)(2);

(2) the amount of funds required to be expended by the Department, and the program milestones (including feasibility demonstrations) required to be met, during fiscal years 1997 through 2001 to ensure tritium production beginning not later than 2005 that is adequate to meet the tritium requirements of the United States for nuclear weapons; and

(3) the amount of such funds to be expended and such program milestones to be met during such fiscal years to ensure such tritium production beginning not later than 2011.

(f) TRITIUM TARGETS.—Of the funds made available pursuant to subsection (b), not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the types of reactors assessed under subsection (a)(2)(A).

SEC. 3134. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of $350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Colorado.

SEC. 3135. FISSILE MATERIALS DISPOSITION.

(a) IN GENERAL.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 pursuant to section 3103, $70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition (including storage and disposition through the use of advanced light water reactors and gas turbine gas-cooled reactors) of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States.

(b) AVAILABILITY OF FUNDS FOR MULTIPURPOSE REACTORS.—Of funds made available pursuant to subsection (a), sufficient funds shall be made available for the complete consideration of multipurpose reactors for the disposition of fissile materials in the programmatic environmental impact statement of the Department.

(c) LIMITATION.—Of funds made available pursuant to subsection (a), $10,000,000 shall be available only for a plutonium resource assessment.

SEC. 3136. TRITIUM RECYCLING.

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

(1) To provide a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To fabricate and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y–12 Plant, Oak Ridge, Tennessee.

(3) The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.

(4) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

(1) $35,000,000 shall be available for activities at the Pantex Plant;

(2) $30,000,000 shall be available for activities at the Y–12 Plant, Oak Ridge, Tennessee;

(3) $35,000,000 shall be available for activities at the Savannah River Site; and

(4) $43,000,000 shall be available for activities at the Kansas City Plant.

(e) PLAN AND REPORT.—The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

SEC. 3138. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available to prepare for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site, Nevada. The purpose of the program shall be to maintain confidence in the reliability and safety of the nuclear weapons stockpile.

SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT HYDRONUCLEAR TESTS.

Nothing in this Act may be construed to authorize the conduct of hydronuclear tests or to amend or repeal the requirements of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1343; 42 U.S.C. 2121 note).

SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y–12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) PROCESSING OF SPENT NUCLEAR FUEL RODS.—Of the amounts appropriated pursuant to section 3102, there shall be available to the Secretary of Energy to respond effectively to new requirements for managing spent nuclear fuel—

(1) not more than $30,000,000, for the Savannah River Site for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with aluminum clad spent fuel rods and foreign spent fuel rods; and

(2) not more than $15,000,000, for the Idaho National Engineering Laboratory for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste and spent nuclear fuel (including naval spent nuclear fuel), nonaluminum clad fuel rods, and foreign fuel rods for interim storage and final disposition.

(b) IMPLEMENTATION PLAN.—Not later than April 30, 1996, the Secretary shall submit to Congress a five-year plan for the implementation of the programs referred to in subsection (a). The plan shall include—

(1) an assessment of the facilities required to be constructed or upgraded to carry out the processing, separation, reduction, isolation and interim storage of high-level nuclear waste;

(2) a description of the technologies, including stabilization technologies, that are required to be developed for the efficient conduct of the programs;

(3) a projection of the dates upon which activities under the programs are sufficiently completed to provide for the transfers of such waste to permanent repositories; and

(4) a projection of the total cost to complete the programs.

(c) ELECTROMETALLURGICAL WASTE TREATMENT TECHNOLOGIES.—Of the amount appropriated pursuant to section 3102(c), not more than $25,000,000 shall be available for development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

(d) USE OF FUNDS FOR SETTLEMENT AGREEMENT.—Funds made available pursuant to subsection (a)(2) for the Idaho National Engineering Laboratory shall be considered to be funds made available in partial fulfillment of the terms and obligations set forth in the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement.

SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

Subtitle D—Other Matters

SEC. 3151. REPORT ON FOREIGN TRITIUM PURCHASES.

(a) REPORT.—Not later than May 1, 1996, the President shall submit to the congressional defense committees a report on the feasibility of, the cost of, and the policy, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3152. STUDY ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the costs, programmatic issues, and other issues associated with sustaining the capability of the Department of Energy—

(1) to conduct an underground nuclear test 6 months after the date on which the President determines that such a test is necessary to ensure the national security of the United States;

(2) to conduct such a test 18 months after such date; and

(3) to conduct such a test 36 months after such date.

SEC. 3153. MASTER PLAN FOR THE CERTIFICATION, STEWARDSHIP, AND MANAGEMENT OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) MASTER PLAN REQUIREMENT.—Not later than March 15, 1996, the President shall submit to Congress a master plan for maintaining the nuclear weapons stockpile. The President shall submit to Congress an update of the master plan not later than March 15 of each year thereafter.

(b) PLAN ELEMENTS.—The master plan and each update of the master plan shall set forth the following:

(1) The numbers of weapons (including active and inactive weapons) for each type of weapon in the nuclear weapons stockpile.

(2) The expected design lifetime of each weapon type, the current age of each weapon type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon type.

(3) An estimate of the lifetime of the nuclear and nonnuclear components of the weapons (including active weapons and inactive weapons) in the nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active and inactive weapons) in the nuclear weapons stockpile and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship and management programs, including a detailed project plan that demonstrates the manner by which the Government will develop by 2002 the capability to refabricate and certify warheads in the nuclear weapons stockpile and to design, fabricate, and certify new warheads.

(c) FORM OF PLAN.—The master plan and each update of the master plan shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3154. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) PROHIBITION ON INSPECTIONS.—(1) The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no restricted data will be revealed during such inspection.

(2) For purposes of paragraph (1), the term ''restricted data'' has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(b) EXTENSION OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.—Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3092) is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''October 1, 1996''.

SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.

(a) IN GENERAL.—The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains restricted data.

(b) LIMITATION ON DECLASSIFICATION.—The Secretary may not implement the automatic declassification provisions of Executive Order 12958 if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing restricted data.

(c) RESTRICTED DATA DEFINED.—In this section, the term ''restricted data'' has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental restoration and waste management activities and projects for a site at a Department of Energy defense nuclear facility if the Secretary determines that such an accelerated schedule will achieve meaningful, long-term cost savings to the Federal Government and could substantially accelerate the release of land for local reuse.

(b) CONSIDERATION OF FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The cost savings achievable by the Federal Government.

(2) The amount of time for completion of environmental restoration and waste management activities and projects at the site that can be reduced from the time specified for completion of such activities and projects in the baseline environmental management report required to be submitted for 1995 under section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k).

(3) The potential for reuse of the site.

(4) The risks that the site poses to local health and safety.

(5) The proximity of the site to populated areas.

(c) REPORT.—Not later than May 1, 1996, the Secretary shall submit to Congress a report on each site for which the Secretary has accelerated the schedule for environmental restoration and waste management activities and projects under subsection (a). The report shall include an explanation of the basis for the determination for that site required by such subsection, including an explanation of the consideration of the factors described in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect a specific statutory requirement for a specific environmental

restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment.

SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

(1) an individual acting within the scope of that individual's employment with a Federal agency should not be personally subject to civil or criminal sanctions (to the extent such sanctions are provided for by law) as a result of the failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under a comparable Federal, State, or local law, in any circumstance under which such failure to comply is due to an insufficiency of funds appropriated to carry out such requirement;

(2) Federal and State enforcement authorities should refrain from an enforcement action in a circumstance described in paragraph (1); and

(3) if funds appropriated for a fiscal year after fiscal year 1995 are insufficient to carry out any such environmental cleanup requirement, Congress should elicit the views of Federal agencies, affected States, and the public, and consider appropriate legislative action to address personal criminal liability in a circumstance described in paragraph (1) and any related issues pertaining to potential liability of a Federal agency.

SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(c) DEFINITION.—In this section, the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.

(a) REPORT.—The Secretary of Energy shall direct the joint preparation by the Directors of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages with respect to the safety and reliability of the nuclear weapons stockpile of permitting alternative limits to the current limit on the explosive yield of hydronuclear and other explosive tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).

(2) 400 pounds (TNT equivalent).

(3) 4,000 pounds (TNT equivalent).

(4) 40,000 pounds (TNT equivalent).

(5) 400 tons (TNT equivalent).

(b) FUNDING.—The Secretary shall make available funds appropriated to the Department of Energy pursuant to section 3101 for preparation of the report required under subsection (a).

SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1998''.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1998''.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91d. of such Act (42 U.S.C. 2391) is amended—

(1) by striking out '', and the Los Alamos School Board;'' and all that follows through ''county of Los Alamos, New Mexico'' and inserting in lieu thereof ''; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico''; and

(2) by adding at the end the following new sentence: ''If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.''.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out ''June 30, 1996'' each place it appears in the proviso in the first sentence and inserting in lieu thereof ''June 30, 1997''; and

(2) by striking out ''July 1, 1996'' in the second sentence and inserting in lieu thereof ''July 1, 1997''.

SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has entered into a settlement agreement with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho, regarding shipment of naval spent nuclear fuel to Idaho, examination and storage of such fuel in Idaho, and other matters.

(2) Under this court enforceable agreement—

(A) the State of Idaho has agreed—

(i) to accept 575 shipments of naval spent nuclear fuel from the Navy into Idaho between October 17, 1995 and 2035;

(ii) to accept certain shipments of spent nuclear fuel from the Department of Energy into Idaho between October 17, 1995 and 2035; and

(iii) to allow the Navy and the Department of Energy, on an interim basis, to store the spent nuclear fuel in Idaho over the next 40 years; and

(B) the United States has made commitments—

(i) to remove all spent nuclear fuel (except certain quantities for testing) from Idaho by 2035; and

(ii) to facilitate the cleanup and stabilization of radioactive waste at the Idaho National Engineering Laboratory.

(3) The settlement agreement allows the Department of Energy and the Department of the Navy to meet responsibilities that are important to the national security interests of the United States.

(4) Authorizations and appropriations of funds will be necessary in order to provide for fulfillment of the terms and obligations set forth in the settlement agreement.

(b) SENSE OF CONGRESS.—(1) Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement referred to in subsection (a)(1) and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement in accordance with those terms, conditions, rights, and obligations.

(2) It is the sense of Congress that funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorization of Disposals and Use of Funds

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term ''domestic ferroalloy upgrader'' means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material.

(c) DOMESTIC FERROALLOY PRODUCER DEFINED.—For purposes of this section, the term ''domestic ferroalloy producer'' means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

Subtitle B—Programmatic Change

SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MATERIALS TO STOCKPILE FOR DISPOSAL.

(a) TRANSFER AND DISPOSAL.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

''(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following:

''(10) Materials transferred to the stockpile under subsection (c).''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Subtitle A—Administration of Naval Petroleum Reserves

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $101,028,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

Subtitle B—Sale of Naval Petroleum Reserve

SEC. 3411. DEFINITIONS.

For purposes of this subtitle:

(1) The terms ''Naval Petroleum Reserve Numbered 1'' and ''reserve'' mean Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912.

(2) The term ''naval petroleum reserves'' has the meaning given that term in section 7420(2) of title 10, United States Code, except that the term does not include Naval Petroleum Reserve Numbered 1.

(3) The term ''unit plan contract'' means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

(4) The term ''effective date'' means the date of the enactment of this Act.

(5) The term ''Secretary'' means the Secretary of Energy.

(6) The term ''appropriate congressional committees means the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives.

SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) SALE OF RESERVE REQUIRED.—Subject to section 3414, not later than one year after the effective date, the Secretary of Energy shall enter into one or more contracts for the sale of all right, title, and interest of the United States in and to all lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1. Chapter 641 of title 10, United States Code, shall not apply to the sale of the reserve.

(b) EQUITY FINALIZATION.—(1) Not later than five months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in Naval Petroleum Reserve Numbered 1 in accordance with the recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, the dispute shall be resolved in the manner provided in the unit plan contract within five months after the effective date. The resolution shall be considered final for all purposes under this section.

(c) NOTICE OF SALE.—Not later than two months after the effective date, the Secretary shall publish a notice of intent to sell Naval Petroleum Reserve Numbered 1. The Secretary shall make all technical, geological, and financial information relevant to the sale of the reserve available to all interested and qualified buyers upon request. The Secretary, in consultation with the Administrator of General Services, shall ensure that the sale process is fair and open to all interested and qualified parties.

(d) ESTABLISHMENT OF MINIMUM SALE PRICE.—(1) Not later than two months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the value of the interest of the United States in Naval Petroleum Reserve Numbered 1. The independent experts shall complete their assessments within six months after the effective date. In making their assessments, the independent experts shall consider (among other factors)—

(A) all equipment and facilities to be included in the sale;

(B) the estimated quantity of petroleum and natural gas in the reserve; and

(C) the net present value of the anticipated revenue stream that the Secretary and the Director of the Office of Management and Budget jointly determine the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold.

(2) The independent experts retained under paragraph (1) shall also determine and submit to the Secretary the estimated total amount of the cost of any environmental restoration and remediation necessary at the reserve. The Secretary shall report the estimate to the Director of the Office of Management and Budget, the Secretary of the Treasury, and Congress.

(3) The Secretary, in consultation with the Director of the Office of Management and Budget, shall set the minimum acceptable price for the reserve. The Secretary may not set the minimum acceptable price below the higher of—

(A) the average of the five assessments prepared under paragraph (1); and

(B) the average of three assessments after excluding the high and low assessments.

(e) ADMINISTRATION OF SALE; DRAFT CONTRACT.—(1) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section. Costs and fees of retaining the investment banker may be paid out of the proceeds of the sale of the reserve.

(2) Not later than six months after the effective date, the investment banker retained under paragraph (1) shall complete a draft contract or contracts for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the solicitation of offers and describe the terms and provisions of the sale of the interest of the United States in the reserve.

(3) The draft contract or contracts shall identify—

(A) all equipment and facilities to be included in the sale; and

(B) any potential claim or liability (including liability for environmental restoration and remediation), and the extent of any such claim or liability, for which the United States is responsible under subsection (g).

(4) The draft contract or contracts, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget. Each of those officials shall complete the review of, and approve or disapprove, the draft contract or contracts not later than seven months after the effective date.

(f) SOLICITATION OF OFFERS.—(1) Not later than seven months after the effective date, the Secretary shall publish the solicitation of offers for Naval Petroleum Reserve Numbered 1.

(2) Not later than 10 months after the effective date, the Secretary shall identify the highest responsible offer or offers for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that, in total, meet or exceed the minimum acceptable price determined under subsection (d)(3).

(3) The Secretary shall take such action immediately after the effective date as is necessary to obtain from an independent petroleum engineer within six months after that date a reserve report prepared in a manner consistent with commercial practices. The Secretary shall use the reserve report in support of the preparation of the solicitation of offers for the reserve.

(g) FUTURE LIABILITIES.—To effectuate the sale of the interest of the United States in Naval Petroleum Reserve Numbered 1, the Secretary may extend such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser from claims arising from the ownership in the reserve by the United States.

(h) MAINTAINING PRODUCTION.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract.

(i) NONCOMPLIANCE WITH DEADLINES.—At any time during the one-year period beginning on the effective date, if the Secretary determines that the actions necessary to complete the sale of the reserve within that period are not being taken or timely completed, the Secretary shall transmit to the appropriate congressional committees a written notification of that determination together with a plan setting forth the actions that will be taken to ensure that the sale of the reserve will be completed within that period. The Secretary shall consult with the Director of the Office of Management and Budget in preparing the plan for submission to the committees.

(j) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the appropriate congressional committees any findings on such actions that the Comptroller General considers appropriate to report to the committees.

(k) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

SEC. 3413. EFFECT OF SALE OF RESERVE.

(a) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of the production shall not exceed the anticipated closing date for the sale of the reserve.

(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–ACO1–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve.

(b) EFFECT ON ANTITRUST LAWS.—Nothing in this subtitle shall be construed to alter the application of the antitrust laws of the United States to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under section 3412 upon the completion of the sale.

(c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this subtitle shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

(d) TRANSFER OF OTHERWISE NONTRANSFERABLE PERMIT.—The Secretary may transfer to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 the incidental take permit regarding the reserve issued to the Secretary by the United States Fish and Wildlife Service and in effect on the effective date if the Secretary determines that transfer of the permit is necessary to expedite the sale of the reserve in a manner that maximizes the value of the sale to the United States. The transferred permit shall cover the identical activities, and shall be subject to the same terms and conditions, as apply to the permit at the time of the transfer.

SEC. 3414. CONDITIONS ON SALE PROCESS.

(a) NOTICE REGARDING SALE CONDITIONS.—The Secretary may not enter into any contract for the sale of Naval Petroleum Reserve Numbered 1 under section 3412 until the end of the 31-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a written notification—

(1) describing the conditions of the proposed sale; and

(2) containing an assessment by the Secretary of whether it is in the best interests of the United States to sell the reserve under such conditions.

(b) AUTHORITY TO SUSPEND SALE.—(1) The Secretary may suspend the sale of Naval Petroleum Reserve Numbered 1 under section 3412 if the Secretary and the Director of the Office of Management and Budget jointly determine that—

(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve; or

(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States.

(2) Immediately after making a determination under paragraph (1) to suspend the sale of Naval Petroleum Reserve Numbered 1, the Secretary shall submit to the appropriate congressional committees a written notification describing the basis for the determination and requesting a reconsideration of the merits of the sale of the reserve.

(c) EFFECT OF RECONSIDERATION NOTICE.—After the Secretary submits a notification under subsection (b), the Secretary may not complete the sale of Naval Petroleum Reserve Numbered 1 under section 3412 or any other provision of law unless the sale of the reserve is authorized in an Act of Congress enacted after the date of the submission of the notification.

SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING RESERVE.

(a) RESERVATION OF FUNDS.—After the costs incurred in the conduct of the sale of Naval Petroleum Reserve Numbered 1 under section 3412 are deducted, nine percent of the remaining proceeds from the sale of the reserve shall be reserved in a contingent fund in the Treasury for payment to the State of California for the Teachers' Retirement Fund of the State in the event that, and to the extent that, the claims of the State against the United States regarding production and proceeds of sale from Naval Petroleum Reserve Numbered 1 are—

(1) settled by agreement with the United States under subsection (c); or

(2) finally resolved in favor of the State by a court of competent jurisdiction, if a settlement agreement is not reached.

(b) DISPOSITION OF FUNDS.—In such amounts as may be provided in appropriation Acts, amounts in the contingent fund shall be available for paying a claim described in subsection (a). After final disposition of the claims, any unobligated balance in the contingent fund shall be credited to the general fund of the Treasury. If no payment is made from the contingent fund within 10 years after the effective date, amounts in the contingent fund shall be credited to the general fund of the Treasury.

(c) SETTLEMENT OFFER.—Not later than 30 days after the date of the sale of Naval Petroleum Reserve Numbered 1 under section 3412, the Secretary shall offer to settle all claims of the State of California against the United States with respect to lands in the reserve located in sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, and production or proceeds of sale from the reserve, in order to provide proper compensation for the State's claims. The Secretary shall base the amount of the offered settlement payment from the contingent fund on the fair value for the State's claims, including the mineral estate, not to exceed the amount reserved in the contingent fund.

(d) RELEASE OF CLAIMS.—Acceptance of the settlement offer made under subsection (c) shall be subject to the condition that all claims against the United States by the State of California for the Teachers' Retirement Fund of the State be released with respect to lands in Naval Petroleum Reserve Numbered 1, including sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, or production or proceeds of sale from the reserve.

SEC. 3416, STUDY OF FUTURE OF OTHER NAVAL PETROLEUM RESERVES.

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which of the following options, or combinations of options, regarding the naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1) would maximize the value of the reserves to the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency for administration under chapter 641 of title 10, United States Code.

(3) Transfer of all or a part of the naval petroleum reserves to the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the value to be derived by the United States from the transfer or sale of the naval petroleum reserves shall include an assessment and estimate of the fair market value of the interest of the United States in the naval petroleum reserves. The assessment and estimate shall be made in a manner consistent with customary property valuation practices in the oil and gas industry.

(d) REPORT AND RECOMMENDATIONS REGARDING STUDY.—Not later than June 1, 1996, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations (including proposed legislation) as the Secretary considers necessary to

implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to the United States.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1996''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which—

(1) not more than $15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama) at a cost per vehicle of not more than $19,500. A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Amendments Act of 1995''.

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

(a) IN GENERAL.—Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

''ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF COMMISSION

''SEC. 1101. (a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the 'Commission') is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

''(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it considers necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

''1101. Establishment, Purposes, Offices, and Residence of Commission.''.

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking out so much as precedes subsection (b) and inserting in lieu thereof the following:

''SUPERVISORY BOARD

''SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring to the Commission's affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense.''.

SEC. 3524. GENERAL AND SPECIFIC POWERS OF COMMISSION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:

''GENERAL POWERS OF COMMISSION

''SEC. 1102a. (a) The Commission may adopt, alter, and use a corporate seal, which shall be judicially noticed.

''(b) The Commission may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law.

''(c) The Commission may sue and be sued in its corporate name, except that—

''(1) the amenability of the Commission to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

''(2) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

''(3) the Commission is exempt from the payment of interest on claims and judgments.

''(d) The Commission may enter into contracts, leases, agreements, or other transactions.

''(e) The Commission—

''(1) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid; and

''(2) may incur, allow, and pay its obligations and expenditures, subject to pertinent provisions of law generally applicable to Government corporations.

''(f) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

''(g) The authority of the Commission under this section and section 1102B is subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code.

''SPECIFIC POWERS OF COMMISSION

''SEC. 1102b. (a) The Commission may manage, operate, and maintain the Panama Canal.

''(b) The Commission may construct or acquire, establish, maintain, and operate such activities, facilities, and appurtenances as necessary and appropriate for the accomplishment of the purposes of this Act, including the following:

''(1) Docks, wharves, piers, and other shoreline facilities.

''(2) Shops and yards.

''(3) Marine railways, salvage and towing facilities, fuel-handling facilities, and motor transportation facilities.

''(4) Power systems, water systems, and a telephone system.

''(5) Construction facilities.

''(6) Living quarters and other buildings.

''(7) Warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith.

''(8) Recreational facilities.

''(c) The Commission may use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

''(d) The Commission may take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 1102 the following new items:

''1102a. General powers of Commission.

''1102b. Specific powers of Commission.''.

SEC. 3525. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—

(1) in subsection (c)—

(A) by striking out ''and subject to paragraph (2)'' in paragraph (1);

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

(C) by redesignating paragraph (3) as paragraph (2); and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

''(e) In accordance with section 9104 of title 31, United States Code, Congress shall review the annual budget of the Commission.''.

SEC. 3526. AUDITS.

(a) IN GENERAL.—Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—

(1) by striking out the heading for the section and inserting in lieu thereof the following: ''AUDITS'';

(2) in subsection (a)—

(A) by striking out ''Financial transactions'' and inserting in lieu thereof ''Notwithstanding any other provision of law, and subject to subsection (d), financial transactions'';

(B) by striking out ''pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)'';

(C) by striking out ''audit pursuant to such Act'' in the second sentence and inserting in lieu thereof ''such audit'';

(D) by striking out ''An audit pursuant to such Act'' in the last sentence and inserting in lieu thereof ''Any such audit''; and

(E) by adding at the end the following new sentence: ''An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31, United States Code.'';

(3) in subsection (b), by striking out ''The Comptroller General'' in the first sentence and inserting in lieu thereof ''Subject to subsection (d), the Comptroller General''; and

(4) by adding at the end the following new subsections:

''(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

''(e) In addition to auditing the financial statements of the Commission, the Comptroller

General (or the independent auditor if one is employed pursuant to subsection (d)) shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

''1313. Audits.''.

SEC. 3527. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

''PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

''SEC. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

''(1) the rules for the measurement of vessels for the Panama Canal; and

''(2) the tolls that shall be levied for use of the Panama Canal.''.

SEC. 3528. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a), by striking out ''1601(a)'' in the first sentence and inserting in lieu thereof ''1601'';

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

''(c) After the proceedings have been conducted pursuant to subsections (a) and (b), the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall publish notice of any such change in the Federal Register not less than 30 days before the effective date of the change.''; and

(3) by striking out subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3529. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645), by striking out ''appropriation'' in the last sentence and inserting in lieu thereof ''fund'';

(2) in section 1303 (22 U.S.C. 3713), by striking out ''The authority of this section may not be used for administrative expenses.'';

(3) in section 1321(d) (22 U.S.C. 3731(d)), by striking out ''appropriations or'' in the second sentence;

(4) in section 1401(c) (22 U.S.C. 3761(c)), by striking out ''appropriated for or'' in the first sentence;

(5) in section 1415 (22 U.S.C. 3775), by striking out ''appropriated or'' in the second sentence; and

(6) in section 1416 (22 U.S.C. 3776), by striking out ''appropriated or'' in the third sentence.

SEC. 3530. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(P) the Panama Canal Commission.''.

DIVISION D—FEDERAL ACQUISITION REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Federal Acquisition Reform Act of 1995''.

TITLE XLI—COMPETITION

SEC. 4101. EFFICIENT COMPETITION.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.''.

(c) REVISIONS TO NOTICE THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(A) by striking out ''subsection (f)—'' and all that follows through the end of the subparagraph and inserting in lieu thereof ''subsection (b); and''; and

(B) by inserting after ''property or services'' the following: ''for a price expected to exceed $10,000, but not to exceed $25,000,''.

SEC. 4102. EFFICIENT APPROVAL PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(f)(1)(B) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by striking out ''$100,000 (but equal to or less than $1,000,000)'' and inserting in lieu thereof ''$500,000 (but equal to or less than $10,000,000)''; and

(B) by striking out ''(ii), (iii), or (iv)'' and inserting in lieu thereof ''(ii) or (iii)'';

(2) in clause (ii)—

(A) by striking out ''$1,000,000 (but equal to or less than $10,000,000)'' and inserting in lieu thereof ''$10,000,000 (but equal to or less than $50,000,000)''; and

(B) by adding ''or'' at the end;

(3) by striking out clause (iii); and

(4) by redesignating clause (iv) as clause (iii).

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking out ''$100,000 (but equal to or less than $1,000,000)'' and inserting in lieu thereof ''$500,000 (but equal to or less than $10,000,000)''; and

(B) by striking out ''(ii), (iii), or (iv);'' and inserting in lieu thereof ''(ii) or (iii); and'';

(2) in clause (ii)—

(A) by striking out ''$1,000,000 (but equal to or less than $10,000,000)'' and inserting in lieu thereof ''$10,000,000 (but equal to or less than $50,000,000)''; and

(B) by striking out the semicolon after ''civilian'' and inserting in lieu thereof a comma; and

(3) in clause (iii), by striking out ''$10,000,000'' and inserting in lieu thereof ''$50,000,000''.

SEC. 4103. EFFICIENT COMPETITIVE RANGE DETERMINATIONS.

(a) ARMED SERVICES ACQUISITIONS.—Paragraph (4) of 2305(b) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out ''(C)'', by transferring the text to the end of subparagraph (B), and in that text by striking out ''Subparagraph (B)'' and inserting in lieu thereof ''This subparagraph'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting before subparagraph (C) (as so redesignated) the following new subparagraph (B):

''(B) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under subparagraph (A)(i) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting before paragraph (3) (as so redesignated) the following new paragraph (2):

''(2) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under paragraph (1)(A) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.''.

SEC. 4104. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (F) of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (9); and

(3) by inserting after paragraph (5) the following new paragraphs:

''(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

''(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

''(C) The debriefing conducted under this subsection shall include—

''(i) the executive agency's evaluation of the significant elements in the offeror's offer;

''(ii) a summary of the rationale for the offeror's exclusion; and

''(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

''(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

''(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.

''(8) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (i), (j), (k), and (l), respectively; and

(3) by inserting after subsection (e) the following new subsections:

''(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

''(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

''(3) The debriefing conducted under this subsection shall include—

''(A) the executive agency's evaluation of the significant elements in the offeror's offer;

''(B) a summary of the rationale for the offeror's exclusion; and

''(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

''(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

''(g) The contracting officer shall include a summary of any debriefing conducted under subsection (e) or (f) in the contract file.

''(h) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.''.

SEC. 4105. DESIGN-BUILD SELECTION PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

''§ 2305a. Design-build selection procedures

''(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (41 U.S.C. 541 et seq.) is used or another acquisition procedure authorized by law is used, the head of an agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

''(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

''(1) The extent to which the project requirements have been adequately defined.

''(2) The time constraints for delivery of the project.

''(3) The capability and experience of potential contractors.

''(4) The suitability of the project for use of the two-phase selection procedures.

''(5) The capability of the agency to manage the two-phase selection process.

''(6) Other criteria established by the agency.

''(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

''(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

''(2) The contracting officer solicits phase-one proposals that—

''(A) include information on the offeror's—

''(i) technical approach; and

''(ii) technical qualifications; and

''(B) do not include—

''(i) detailed design information; or

''(ii) cost or price information.

''(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

''(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

''(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

''(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with paragraphs (2), (3), and (4) of section 2305(a) of this title.

The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

''(5) The agency awards the contract in accordance with section 2305(b)(4) of this title.

''(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

''(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

''(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

''(2) regarding the factors that may be used in selecting contractors; and

''(3) providing for a uniform approach to be used Government-wide.''.

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2305 the following new item:

''2305a. Design-build selection procedures.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303L the following new section:

''SEC. 303M. DESIGN-BUILD SELECTION PROCEDURES.

''(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (title IX of this Act) is used or another acquisition procedure authorized by law is used, the head of an executive agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

''(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

''(1) The extent to which the project requirements have been adequately defined.

''(2) The time constraints for delivery of the project.

''(3) The capability and experience of potential contractors.

''(4) The suitability of the project for use of the two-phase selection procedures.

''(5) The capability of the agency to manage the two-phase selection process.

''(6) Other criteria established by the agency.

''(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

''(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

''(2) The contracting officer solicits phase-one proposals that—

''(A) include information on the offeror's—

''(i) technical approach; and

''(ii) technical qualifications; and

''(B) do not include—

''(i) detailed design information; or

''(ii) cost or price information.

''(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction

members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

''(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

''(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

''(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with subsections (b), (c), and (d) of section 303A. The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

''(5) The agency awards the contract in accordance with section 303B of this title.

''(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

''(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

''(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

''(2) regarding the factors that may be used in selecting contractors; and

''(3) providing for a uniform approach to be used Government-wide.''.

(2) The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303L the following new item:

''Sec. 303M. Design-build selection procedures.''.

TITLE XLII—COMMERCIAL ITEMS

SEC. 4201. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR CERTIFIED COST OR PRICING DATA.

(a) ARMED SERVICES ACQUISITIONS.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

''(A) for which the price agreed upon is based on—

''(i) adequate price competition; or

''(ii) prices set by law or regulation;

''(B) for the acquisition of a commercial item; or

''(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

''(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

''(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

''(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

''(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

''(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

''(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

''(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this paragraph.

''(d) SUBMISSION OF OTHER INFORMATION.—

''(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

''(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

''(A) Reasonable limitations on requests for sales data relating to commercial items.

''(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

''(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.''.

(2) Section 2306a of such title is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

''(A) for which the price agreed upon is based on—

''(i) adequate price competition; or

''(ii) prices set by law or regulation;

''(B) for the acquisition of a commercial item; or

''(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

''(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

''(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

''(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

''(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

''(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

''(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

''(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate the functions under this paragraph.

''(d) SUBMISSION OF OTHER INFORMATION.—

''(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

''(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the

following provisions regarding the types of information that contracting officers may require under paragraph (1):

''(A) Reasonable limitations on requests for sales data relating to commercial items.

''(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

''(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.''.

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 4202. APPLICATION OF SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304(g) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out ''shall provide for special simplified procedures for purchases of'' and all that follows through the end of the paragraph and inserting in lieu thereof the following: ''shall provide for—

''(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

''(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.''; and

(B) by adding at the end the following new paragraph:

''(4) The head of an agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).''.

(2) Section 2305 of title 10, United States Code, is amended in subsection (a)(2) by inserting after ''(other than for'' the following: ''a procurement for commercial items using special simplified procedures or''.

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out ''shall provide for special simplified procedures for purchases of'' and all that follows through the end of the paragraph and inserting in lieu thereof the following: ''shall provide for—

''(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

''(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.''; and

(B) by adding at the end the following new paragraph:

''(5) An executive agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).''.

(2) Section 303A of such Act (41 U.S.C. 253a) is amended in subsection (b) by inserting after ''(other than for'' the following: ''a procurement for commercial items using special simplified procedures or''.

(c) ACQUISITIONS GENERALLY.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) in subsection (a), by striking out ''shall provide for special simplified procedures for purchases of'' and all that follows through the end of the subsection and inserting in lieu thereof the following: ''shall provide for—

''(1) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

''(2) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items.''; and

(2) by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR COMMERCIAL ITEMS.—The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items using special simplified procedures, an executive agency—

''(1) shall publish a notice in accordance with section 18 and, as provided in subsection (b)(4) of such section, permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency;

''(2) may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with section 2304 of title 10, United States Code, or section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as applicable; and

''(3) shall include in the contract file a written description of the procedures used in awarding the contract and the number of offers received.''.

(d) SIMPLIFIED NOTICE.—(1) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(A) in subsection (a)(6), by inserting before ''submission'' the following: ''issuance of solicitations and the''; and

(B) in subsection (b)(6), by striking out ''threshold—'' and inserting in lieu thereof ''threshold, or a contract for the procurement of commercial items using special simplified procedures—''.

(e) EFFECTIVE DATE.—The authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section, shall expire three years after the date on which such amendments take effect pursuant to section 4401(b). Contracts may be awarded pursuant to solicitations that have been issued before such authority expires, notwithstanding the expiration of such authority.

SEC. 4203. INAPPLICABILITY OF CERTAIN PROCUREMENT LAWS TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) LAWS LISTED IN THE FAR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401) et seq.) is amended by adding at the end the following:

''SEC. 35. COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITIONS: LISTS OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

''(a) LISTS OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items.

''(2) A provision of law that, pursuant to paragraph (3), is properly included on a list referred to in paragraph (1) may not be construed as being applicable to contracts referred to in paragraph (1). Nothing in this section shall be construed to render inapplicable to such contracts any provision of law that is not included on such list.

''(3) A provision of law described in subsection (b) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Administrator for Federal Procurement Policy makes a written determination that it would not be in the best interest of the United States to exempt such contracts from the applicability of that provision of law. Nothing in this section shall be construed as modifying or superseding, or as being intended to impair or restrict authorities or responsibilities under—

''(A) section 15 of the Small Business Act (15 U.S.C. 644); or

''(B) bid protest procedures developed under the authority of subchapter V of chapter 35 of title 31, United States Code; subsections (e) and (f) of section 2305 of title 10, United States Code; or subsections (h) and (i) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b).

''(b) COVERED LAW.—Except as provided in subsection (a)(3), the list referred to in subsection (a)(1) shall include each provision of law that, as determined by the Administrator, imposes on persons who have been awarded contracts by the Federal Government for the procurement of commercially available off-the-shelf items Government-unique policies, procedures, requirements, or restrictions for the procurement of property or services, except the following:

''(1) A provision of law that provides for criminal or civil penalties.

''(2) A provision of law that specifically refers to this section and provides that, notwithstanding this section, such provision of law shall be applicable to contracts for the procurement of commercial off-the-shelf items.

''(c) DEFINITION.—(1) As used in this section, the term 'commercially available off-the-shelf item' means, except as provided in paragraph (2), an item that—

''(A) is a commercial item (as described in section 4(12)(A));

''(B) is sold in substantial quantities in the commercial marketplace; and

''(C) is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace.

''(2) The term 'commercially available off-the-shelf item' does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following:

''Sec. 35. Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.''.

SEC. 4204. AMENDMENT OF COMMERCIAL ITEMS DEFINITION.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by inserting ''or market'' after ''catalog''.

SEC. 4205. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

''(i) Contracts or subcontracts for the acquisition of commercial items.''; and

(2) by striking out clause (iii).

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Subtitle A—Additional Acquisition Reform Provisions

SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out ''certification and''.

(2) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting ''and'' after the semicolon at the end of subparagraph (A).

(3) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out ''has certified to the contracting agency that it will'' and inserting in lieu thereof ''agrees to'';

(B) in subsection (a)(2), by striking out ''contract includes a certification by the individual'' and inserting in lieu thereof ''individual agrees''; and

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out ''such certification by failing to carry out''; and

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

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—(A) Not later than 210 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue for public comment a proposal to amend the Federal Acquisition Regulation to remove from the Federal Acquisition Regulation certification requirements for contractors and offerors that are not specifically imposed by statute. The Administrator may omit such a certification requirement from the proposal only if—

(i) the Federal Acquisition Regulatory Council provides the Administrator with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(ii) the Administrator approves in writing the retention of the certification requirement.

(B)(i) Not later than 210 days after the date of the enactment of this Act, the head of each executive agency that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute shall issue for public comment a proposal to amend the regulations to remove the certification requirements. The head of the executive agency may omit such a certification requirement from the proposal only if—

(I) the senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(II) the head of the executive agency approves in writing the retention of such certification requirement.

(ii) For purposes of clause (i), the term ''head of the executive agency'' with respect to a military department means the Secretary of Defense.

(2) FUTURE CERTIFICATION REQUIREMENTS.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

''SEC. 29. CONTRACT CLAUSES AND CERTIFICATIONS.'';

(ii) by inserting ''(a) NONSTANDARD CONTRACT CLAUSES.—'' before ''The Federal Acquisition''; and

(iii) by adding at the end the following new subsection:

''(c) PROHIBITION ON CERTIFICATION REQUIREMENTS.—(1) A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation unless—

''(A) the certification requirement is specifically imposed by statute; or

''(B) written justification for such certification requirement is provided to the Administrator for Federal Procurement Policy by the Federal Acquisition Regulatory Council, and the Administrator approves in writing the inclusion of such certification requirement.

''(2)(A) A requirement for a certification by a contractor or offeror may not be included in a procurement regulation of an executive agency unless—

''(i) the certification requirement is specifically imposed by statute; or

''(ii) written justification for such certification requirement is provided to the head of the executive agency by the senior procurement executive of the agency, and the head of the executive agency approves in writing the inclusion of such certification requirement.

''(B) For purposes of subparagraph (A), the term 'head of the executive agency' with respect to a military department means the Secretary of Defense.''.

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

''Sec. 29. Contract clauses and certifications.''.

(c) POLICY OF CONGRESS.—Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is further amended by adding after subsection (a) the following new subsection:

''(b) CONSTRUCTION OF CERTIFICATION REQUIREMENTS.—A provision of law may not be construed as requiring a certification by a contractor or offeror in a procurement made or to be made by the Federal Government unless that provision of law specifically provides that such a certification shall be required.''.

SEC. 4302. AUTHORITIES CONDITIONED ON FACNET CAPABILITY.

(a) COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.—Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note; 108 Stat. 3355) is amended to read as follows:

''(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on January 1, 1997, and shall expire on January 1, 2001. A contract entered into before such authority expires in an agency pursuant to a test shall remain in effect, in accordance with the terms of the contract, the notwithstanding of expiration the authority to conduct the test under this section.''.

(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Subsection (e) of section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out ''ACQUISITION PROCEDURES.—'' and all that follows through ''(B) The simplified acquisition'' in paragraph (2)(B) and inserting in lieu thereof ''ACQUISITION PROCEDURES.—The simplified acquisition''; and

(2) by striking out ''pursuant to this section'' in the remaining text and inserting in lieu thereof ''pursuant to section 2304(g)(1)(A) of title 10, United States Code, section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)), and subsection (a)(1) of this section''.

SEC. 4303. INTERNATIONAL COMPETITIVENESS.

(a) ADDITIONAL AUTHORITY TO WAIVE RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Subject to subsection (b), section 21(e)(2) of the Arms Export Control Act (22 U.S.C. 2761(e)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraphs:

''(B) The President may waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for a particular sale if the President determines that—

''(i) imposition of the charge or charges likely would result in the loss of the sale; or

''(ii) in the case of a sale of major defense equipment that is also being procured for the use of the Armed Forces, the waiver of the charge or charges would (through a resulting increase in the total quantity of the equipment purchased from the source of the equipment that causes a reduction in the unit cost of the equipment) result in a savings to the United States on the cost of the equipment procured for the use of the Armed Forces that substantially offsets the revenue foregone by reason of the waiver of the charge or charges.

''(C) The President may waive, for particular sales of major defense equipment, any increase in a charge or charges previously considered appropriate under paragraph (1)(B) if the increase results from a correction of an estimate (reasonable when made) of the production quantity base that was used for calculating the charge or charges for purposes of such paragraph.''.

(b) CONDITIONS.—Subsection (a) shall be effective only if—

(1) the President, in the budget of the President for fiscal year 1997, proposes legislation that if enacted would be qualifying offsetting legislation; and

(2) there is enacted qualifying offsetting legislation.

(c) EFFECTIVE DATE.—If the conditions in subsection (b) are met, then the amendments made by subsection (a) shall take effect on the date of the enactment of qualifying offsetting legislation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''qualifying offsetting legislation'' means legislation that includes provisions that—

(A) offset fully the estimated revenues lost as a result of the amendments made by subsection (a) for each of the fiscal years 1997 through 2005;

(B) expressly state that they are enacted for the purpose of the offset described in subparagraph (A); and

(C) are included in full on the PayGo scorecard.

(2) The term ''PayGo scorecard'' means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4304. PROCUREMENT INTEGRITY.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

''SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

''(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(2) Paragraph (1) applies to any person who—

''(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

''(B) by virtue of that office, employment, or relationship has or had access to contractor bid

or proposal information or source selection information.

''(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

''(c) ACTIONS REQUIRED OF PROCUREMENT OFFICERS WHEN CONTACTED BY OFFERORS REGARDING NON-FEDERAL EMPLOYMENT.—(1) If an agency employee who is participating personally and substantially in a Federal agency procurement for a contract in excess of the simplified acquisition threshold contacts or is contacted by a person who is a bidder or offeror in that Federal agency procurement regarding possible non-Federal employment for that employee, the employee shall—

''(A) promptly report the contact in writing to the employee's supervisor and to the designated agency ethics official (or designee) of the agency in which the employee is employed; and

''(B)(i) reject the possibility of non-Federal employment; or

''(ii) disqualify himself or herself from further personal and substantial participation in that Federal agency procurement until such time as the agency has authorized the employee to resume participation in such procurement, in accordance with the requirements of section 208 of title 18, United States Code, and applicable agency regulations on the grounds that—

''(I) the person is no longer a bidder or offeror in that Federal agency procurement; or

''(II) all discussions with the bidder or offeror regarding possible non-Federal employment have terminated without an agreement or arrangement for employment.

''(2) Each report required by this subsection shall be retained by the agency for not less than two years following the submission of the report. All such reports shall be made available to the public upon request, except that any part of a report that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public.

''(3) An employee who knowingly fails to comply with the requirements of this subsection shall be subject to the penalties and administrative actions set forth in subsection (e).

''(4) A bidder or offeror who engages in employment discussions with an employee who is subject to the restrictions of this subsection, knowing that the employee has not complied with subparagraph (A) or (B) of paragraph (1), shall be subject to the penalties and administrative actions set forth in subsection (e).

''(d) PROHIBITION ON FORMER EMPLOYEE'S ACCEPTANCE OF COMPENSATION FROM CONTRACTOR.—(1) A former employee of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within a period of one year after such former employee—

''(A) served, at the time of selection of the contractor or the award of a contract to that contractor, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team in a procurement in which that contractor was selected for award of a contract in excess of $10,000,000;

''(B) served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of $10,000,000 awarded to that contractor; or

''(C) personally made for the Federal agency—

''(i) a decision to award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order in excess of $10,000,000 to that contractor;

''(ii) a decision to establish overhead or other rates applicable to a contract or contracts for that contractor that are valued in excess of $10,000,000;

''(iii) a decision to approve issuance of a contract payment or payments in excess of $10,000,000 to that contractor; or

''(iv) a decision to pay or settle a claim in excess of $10,000,000 with that contractor.

''(2) Nothing in paragraph (1) may be construed to prohibit a former employee of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph.

''(3) A former employee who knowingly accepts compensation in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

''(4) A contractor who provides compensation to a former employee knowing that such compensation is accepted by the former employee in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

''(5) Regulations implementing this subsection shall include procedures for an employee or former employee of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether the employee or former employee is or would be precluded by this subsection from accepting compensation from a particular contractor.

''(e) PENALTIES AND ADMINISTRATIVE ACTIONS.—

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of subsection (a) or (b) for the purpose of either—

''(A) exchanging the information covered by such subsection for anything of value, or

''(B) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.

''(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting a violation of subsection (a), (b), (c), or (d). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

''(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d), the Federal agency shall consider taking one or more of the following actions, as appropriate:

''(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

''(ii) Rescission of a contract with respect to which—

''(I) the contractor or someone acting for the contractor has been convicted for an offense punishable under paragraph (1), or

''(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

''(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

''(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

''(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

''(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), (c), or (d) affects the present responsibility of a Government contractor or subcontractor.

''(f) DEFINITIONS.—As used in this section:

''(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h)), with respect to procurements subject to that section).

''(B) Indirect costs and direct labor rates.

''(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

''(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

''(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

''(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

''(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

''(C) Source selection plans.

''(D) Technical evaluation plans.

''(E) Technical evaluations of proposals.

''(F) Cost or price evaluations of proposals.

''(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

''(H) Rankings of bids, proposals, or competitors.

''(I) The reports and evaluations of source selection panels, boards, or advisory councils.

''(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

''(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

''(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

''(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

''(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement

contract, pursuant to subchapter V of chapter 35 of title 31, United States Code.

''(g) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging a violation of subsection (a), (b), (c), or (d), nor may the Comptroller General of the United States consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement, no later than 14 days after the person first discovered the possible violation, the information that the person believed constitutes evidence of the offense.

''(h) SAVINGS PROVISIONS.—This section does not—

''(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

''(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

''(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

''(4) prohibit individual meetings between a Federal agency employee and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

''(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

''(6) authorize the withholding of information from, nor restrict its receipt by, the Comptroller General of the United States in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

''(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.''.

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 33 of the Federal Energy Administration Act of 1974 (15 U.S.C. 789).

(3) Section 281 of title 18, United States Code.

(4) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(5) The first section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5918).

(6) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218).

(7) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a).

(8) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392).

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(4) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

(5) The table of contents for the Energy Policy and Conservation Act is amended by striking out the item relating to section 522.

SEC. 4305. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) REVISED STATEMENT OF PURPOSE.—Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

''(a) There is in the Office of Management and Budget an Office of Federal Procurement Policy (hereinafter referred to as the 'Office') to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies and to promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.''.

(2) REPEAL OF FINDINGS, POLICIES, AND PURPOSES.—Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) OBSOLETE PROVISIONS.—

(1) RELATIONSHIP TO FORMER REGULATIONS.—Section 10 of the Office of Federal Procurement Policy Act (41 U.S.C. 409) is repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of such Act (41 U.S.C. 410) is amended to read as follows:

''SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for the Office of Federal Procurement Policy each fiscal year such sums as may be necessary for carrying out the responsibilities of that office for such fiscal year.''.

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, and 10.

SEC. 4306. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4203, is further amended by adding at the end the following new section:

''SEC. 36. VALUE ENGINEERING.

''(a) IN GENERAL.—Each executive agency shall establish and maintain cost-effective value engineering procedures and processes.

''(b) DEFINITION.—As used in this section, the term 'value engineering' means an analysis of the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of an executive agency, performed by qualified agency or contractor personnel, directed at improving performance, reliability, quality, safety, and life cycle costs.''.

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

''Sec. 36. Value engineering.''.

SEC. 4307. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4306, is further amended by adding at the end the following new section:

''SEC. 37. ACQUISITION WORKFORCE.

''(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

''(b) MANAGEMENT POLICIES.—

''(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in section 2301(b) of title 5, United States Code.

''(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

''(3) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

''(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

''(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

''(e) APPLICABILITY TO ACQUISITION WORKFORCE.—The programs established by this section shall apply to the acquisition workforce of each executive agency. For purposes of this section, the acquisition workforce of an agency consists of all employees serving in acquisition positions listed in subsection (g)(1)(A).

''(f) CAREER DEVELOPMENT.—

''(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make information available on such career paths.

''(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

''(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

''(4) PERFORMANCE INCENTIVES.—The head of each executive agency shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

''(A) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(b))); and

''(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

''(g) QUALIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), the Administrator shall establish qualification requirements, including education requirements, for the following positions:

''(i) Entry-level positions in the General Schedule Contracting series (GS–1102).

''(ii) Senior positions in the General Schedule Contracting series (GS–1102).

''(iii) All positions in the General Schedule Purchasing series (GS–1105).

''(iv) Positions in other General Schedule series in which significant acquisition-related functions are performed.

''(B) Subject to paragraph (2), the Administrator shall prescribe the manner and extent to which such qualification requirements shall apply to any person serving in a position described in subparagraph (A) at the time such requirements are established.

''(2) RELATIONSHIP TO REQUIREMENTS APPLICABLE TO DEFENSE ACQUISITION WORKFORCE.—The Administrator shall establish qualification requirements and make prescriptions under paragraph (1) that are comparable to those established for the same or equivalent positions pursuant to chapter 87 of title 10, United States Code, with appropriate modifications.

''(3) APPROVAL OF REQUIREMENTS.—The Administrator shall submit any requirement established or prescription made under paragraph (1) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove a requirement or prescription within 30 days after the date on which the Director receives it, the requirement or prescription is deemed to be approved by the Director.

''(h) EDUCATION AND TRAINING.—

''(1) FUNDING LEVELS.—(A) The head of an executive agency shall set forth separately the funding levels requested for education and training of the acquisition workforce in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31, United States Code.

''(B) Funds appropriated for education and training under this section may not be obligated for any other purpose.

''(2) TUITION ASSISTANCE.—The head of an executive agency may provide tuition reimbursement in education (including a full-time course of study leading to a degree) in accordance with section 4107 of title 5, United States Code, for personnel serving in acquisition positions in the agency.''.

(2) The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

''Sec. 37. Acquisition workforce.''.

(b) ADDITIONAL AMENDMENTS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405), is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) (as transferred by section 4321(h)(1)) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (5)—

(A) in subparagraph (A), by striking out ''Government-wide career management programs for a professional procurement work force'' and inserting in lieu thereof ''the development of a professional acquisition workforce Government-wide''; and

(B) in subparagraph (B)—

(i) by striking out ''procurement by the'' and inserting in lieu thereof ''acquisition by the'';

(ii) by striking out ''and'' at the end of the subparagraph; and

(iii) by striking out subparagraph (C) and inserting in lieu thereof the following:

''(C) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

''(D) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

''(E) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

''(F) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

''(G) evaluate the effectiveness of training and career development programs for acquisition personnel;

''(H) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

''(I) facilitate, to the extent requested by agencies, interagency intern and training programs; and

''(J) perform other career management or research functions as directed by the Administrator.''; and

(3) by inserting before paragraph (7) (as so redesignated) the following new paragraph (6):

''(6) administering the provisions of section 37;''.

SEC. 4308. DEMONSTRATION PROJECT RELATING TO CERTAIN PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

(a) COMMENCEMENT.—The Secretary of Defense is encouraged to take such steps as may be necessary to provide for the commencement of a demonstration project, the purpose of which would be to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5, United States Code, and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) EXCEPTIONS.—Subject to paragraph (3), in applying section 4703 of title 5, United States Code, with respect to a demonstration project described in subsection (a)—

(A) ''180 days'' in subsection (b)(4) of such section shall be deemed to read ''120 days'';

(B) ''90 days'' in subsection (b)(6) of such section shall be deemed to read ''30 days''; and

(C) subsection (d)(1)(A) of such section shall be disregarded.

(3) CONDITION.—Paragraph (2) shall not apply with respect to a demonstration project unless it—

(A) involves only the acquisition workforce of the Department of Defense (or any part thereof); and

(B) commences during the 3-year period beginning on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term ''acquisition workforce'' refers to the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of title 10, United States Code.

SEC. 4309. COOPERATIVE PURCHASING.

(a) DELAY IN OPENING CERTAIN FEDERAL SUPPLY SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

(1) the date on which the 18-month period beginning on the date of the enactment of this Act expires; or

(2) the date on which all of the following conditions are met:

(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

(C) A period of 30 days after the date of submission of such comments to Congress has expired.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949. The report shall include the following:

(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

(c) COMMENTS ON REPORT BY ADMINISTRATOR.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator's comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(d) CALCULATION OF 30-DAY PERIOD.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.

SEC. 4310. PROCUREMENT NOTICE TECHNICAL AMENDMENT.

Section 18(c)(1)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by inserting after ''requirements contract'' the following: '', a task order contract, or a delivery order contract''.

SEC. 4311. MICRO-PURCHASES WITHOUT COMPETITIVE QUOTATIONS.

Section 32(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as redesignated by section 4304(c)(3), is amended by striking out ''the contracting officer'' and inserting in lieu thereof ''an employee of an executive agency or a member of the Armed Forces of the United States authorized to do so''.

Subtitle B—Technical Amendments

SEC. 4321. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

(a) PUBLIC LAW 103–355.—Effective as of October 13, 1994, and as if included therein as enacted, the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3243 et seq.) is amended as follows:

(1) Section 1073 (108 Stat. 3271) is amended by striking out ''section 303I'' and inserting in lieu thereof ''section 303K''.

(2) Section 1202(a) (108 Stat. 3274) is amended by striking out the closing quotation marks and second period at the end of paragraph (2)(B) of the subsection inserted by the amendment made by that section.

(3) Section 1251(b) (108 Stat. 3284) is amended by striking out ''Office of Federal Procurement Policy Act'' and inserting in lieu thereof ''Federal Property and Administrative Services Act of 1949''.

(4) Section 2051(e) (108 Stat. 3304) is amended by striking out the closing quotation marks and second period at the end of subsection (f)(3) in the matter inserted by the amendment made by that section.

(5) Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is amended by replacing ''regulation'' with ''regulations'' in the first quoted matter.

(6) Section 2351(a) (108 Stat. 3322) is amended by inserting ''(1)'' before ''Section 6''.

(7) The heading of section 2352(b) (108 Stat. 3322) is amended by striking out ''PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—'' and inserting in lieu thereof ''PROCEDURES.—''.

(8) Section 3022 (108 Stat. 3333) is amended by striking out ''each place'' and all that follows through the end of the section and inserting in lieu thereof ''in paragraph (1) and ', rent,' after 'sell' in paragraph (2).''.

(9) Section 5092(b) (108 Stat. 3362) is amended by inserting ''of paragraph (2)'' after ''second sentence''.

(10) Section 6005(a) (108 Stat. 3364) is amended by striking out the closing quotation marks and second period at the end of subsection (e)(2) of the matter inserted by the amendment made by that section.

(11) Section 10005(f)(4) (108 Stat. 3409) is amended in the second matter in quotation marks by striking out ''''SEC. 5. This Act'' and inserting in lieu thereof ''''SEC. 7. This title''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2220(b) is amended by striking out ''the date of the enactment of the Federal Acquisition Streamlining Act of 1994'' and inserting in lieu thereof ''October 13, 1994''.

(2)(A) The section 2247 added by section 7202(a)(1) of Public Law 103–355 (108 Stat. 3379) is redesignated as section 2249.

(B) The item relating to that section in the table of sections at the beginning of subchapter I of chapter 134 is revised to conform to the redesignation made by subparagraph (A).

(3) Section 2302(3)(K) is amended by adding a period at the end.

(4) Section 2304(f)(2)(D) is amended by striking out ''the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act,'' and inserting in lieu thereof ''the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),''.

(5) Section 2304(h) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.).''.

(6)(A) The section 2304a added by section 848(a)(1) of Public Law 103–160 (107 Stat. 1724) is redesignated as section 2304e.

(B) The item relating to that section in the table of sections at the beginning of chapter 137 is revised to conform to the redesignation made by subparagraph (A).

(7) Section 2306a is amended—

(A) in subsection (d)(2)(A)(ii), by inserting ''to'' after ''The information referred'';

(B) in subsection (e)(4)(B)(ii), by striking out the second comma after ''parties''; and

(C) in subsection (i)(3), by inserting ''(41 U.S.C. 403(12))'' before the period at the end.

(8) Section 2323 is amended—

(A) in subsection (a)(1)(C), by inserting a closing parenthesis after ''1135d–5(3))'' and after ''1059c(b)(1))'';

(B) in subsection (a)(3), by striking out ''(issued under'' and all that follows through ''421(c))'';

(C) in subsection (b), by inserting ''(1)'' after ''AMOUNT.—''; and

(D) in subsection (i)(3), by adding at the end a subparagraph (D) identical to the subparagraph (D) set forth in the amendment made by section 811(e) of Public Law 103–160 (107 Stat. 1702).

(9) Section 2324 is amended—

(A) in subsection (e)(2)(C)—

(i) by striking out ''awarding the contract'' at the end of the first sentence; and

(ii) by striking out ''title III'' and all that follows through ''Act)'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10b–1)''; and

(B) in subsection (h)(2), by inserting ''the head of the agency or'' after ''in the case of any contract if''.

(10) Section 2350b is amended—

(A) in subsection (c)(1)—

(i) by striking out ''specifically—'' and inserting in lieu thereof ''specifically prescribes—''; and

(ii) by striking out ''prescribe'' in each of subparagraphs (A), (B), (C), and (D); and

(B) in subsection (d)(1), by striking out ''subcontract to be'' and inserting in lieu thereof ''subcontract be''.

(11) Section 2372(i)(1) is amended by striking out ''section 2324(m)'' and inserting in lieu thereof ''section 2324(l)''.

(12) Section 2384(b) is amended—

(A) in paragraph (2)—

(i) by striking ''items, as'' and inserting in lieu thereof ''items (as''; and

(ii) by inserting a closing parenthesis after ''403(12))''; and

(B) in paragraph (3), by inserting a closing parenthesis after ''403(11))''.

(13) Section 2400(a)(5) is amended by striking out ''the preceding sentence'' and inserting in lieu thereof ''this paragraph''.

(14) Section 2405 is amended—

(A) in paragraphs (1) and (2) of subsection (a), by striking out ''the date of the enactment of the Federal Acquisition Streamlining Act of 1994'' and inserting in lieu thereof ''October 13, 1994''; and

(B) in subsection (c)(3)—

(i) by striking out ''the later of—'' and all that follows through ''(B)''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs accordingly.

(15) Section 2410d(b) is amended by striking out paragraph (3).

(16) Section 2410g(d)(1) is amended by inserting before the period at the end the following: ''(as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))''.

(17) Section 2424(c) is amended—

(A) by inserting ''EXCEPTION.—'' after ''(c)''; and

(B) by striking out ''drink'' the first and third places it appears in the second sentence and inserting in lieu thereof ''beverage''.

(18) Section 2431 is amended—

(A) in subsection (b)—

(i) by striking out ''Any report'' in the first sentence and inserting in lieu thereof ''Any documents''; and

(ii) by striking out ''the report'' in paragraph (3) and inserting in lieu thereof ''the documents''; and

(B) in subsection (c), by striking ''reporting'' and inserting in lieu thereof ''documentation''.

(19) Section 2461(e)(1) is amended by striking out ''the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act'' and inserting in lieu thereof ''the Javits-Wagner-O'Day Act (41 U.S.C. 47)''.

(20) Section 2533(a) is amended by striking out ''title III of the Act'' and all that follows through ''such Act'' and inserting in lieu thereof ''the Buy American Act (41 U.S.C. 10a)) whether application of such Act''.

(21) Section 2662(b) is amended by striking out ''small purchase threshold'' and inserting in lieu thereof ''simplified acquisition threshold''.

(22) Section 2701(i)(1) is amended—

(A) by striking out ''Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act','' and inserting in lieu thereof ''Miller Act (40 U.S.C. 270a et seq.)''; and

(B) by striking out ''such Act of August 24, 1935'' and inserting in lieu thereof ''the Miller Act''.

(c) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 632 et seq.) is amended as follows:

(1) Section 8(d) (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1), by striking out the second comma after ''small business concerns'' the first place it appears; and

(B) in paragraph (6)(C), by striking out ''and small business concerns owned and controlled by the socially and economically disadvantaged individuals'' and inserting in lieu thereof '', small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women''.

(2) Section 8(f) (15 U.S.C. 637(f)) is amended by inserting ''and'' after the semicolon at the end of paragraph (5).

(3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is amended by striking out the second comma after the first appearance of ''small business concerns''.

(d) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Section 3551 is amended—

(A) by striking out ''subchapter—'' and inserting in lieu thereof ''subchapter:''; and

(B) in paragraph (2), by striking out ''or proposed contract'' and inserting in lieu thereof ''or a solicitation or other request for offers''.

(2) Section 3553(b)(3) is amended by striking out ''3554(a)(3)'' and inserting in lieu thereof ''3554(a)(4)''.

(3) Section 3554(b)(2) is amended by striking out ''section 3553(d)(2)(A)(i)'' and inserting in lieu thereof ''section 3553(d)(3)(C)(i)(I)''.

(e) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) The table of contents in section 1 (40 U.S.C. 471 prec.) is amended—

(A) by striking out the item relating to section 104;

(B) by striking out the item relating to section 201 and inserting in lieu thereof the following:

''Sec. 201. Procurements, warehousing, and related activities.'';

(C) by inserting after the item relating to section 315 the following new item:

''Sec. 316. Merit-based award of grants for research and development.'';

(D) by striking out the item relating to section 603 and inserting in lieu thereof the following:

''Sec. 603. Authorizations for appropriations and transfer authority.''; and

(E) by inserting after the item relating to section 605 the following new item:

''Sec. 606. Sex discrimination.''.

(2) Section 303(f)(2)(D) (41 U.S.C. 253(f)(2)(D)) is amended by striking out ''the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act,'' and inserting in lieu thereof ''the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),''.

(3) The heading for paragraph (1) of section 304A(c) (41 U.S.C. 254b(c)) is amended by changing each letter that is capitalized (other than the first letter of the first word) to lower case.

(4) Subsection (d)(2)(A)(ii) of section 304A (41 U.S.C. 254b) is amended by inserting ''to'' after ''The information referred''.

(5) Section 304C(a)(2) is amended by striking out ''section 304B'' and inserting in lieu thereof ''section 304A''.

(6) Section 307(b) is amended by striking out ''section 305(c)'' and inserting in lieu thereof ''section 305(d)''.

(7) The heading for section 314A (41 U.S.C. 264a) is amended to read as follows:

''SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF COMMERCIAL ITEMS.''.

(8) Section 315(b) (41 U.S.C. 265(b)) is amended by striking out ''inspector general'' both places it appears and inserting in lieu thereof ''Inspector General''.

(9) The heading for section 316 (41 U.S.C. 266) is amended by inserting at the end a period.

(f) WALSH-HEALEY ACT.—

(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.) is amended—

(A) by transferring the second section 11 (as added by section 7201(4) of Public Law 103–355) so as to appear after section 10; and

(B) by redesignating the three sections following such section 11 (as so transferred) as sections 12, 13, and 14.

(2) Such Act is further amended in section 10—

(A) in subsection (b), by striking out ''section 1(b)'' and inserting in lieu thereof ''section 1(a)''; and

(B) in subsection (c), by striking out the comma after '''locality''''.

(g) ANTI-KICKBACK ACT OF 1986.—Section 7(d) of the Anti-Kickback Act of 1986 (41 U.S.C. 57(d)) is amended—

(1) by striking out ''such Act'' and inserting in lieu thereof ''the Office of Federal Procurement Policy Act''; and

(2) by striking out the second period at the end.

(h) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6 (41 U.S.C. 405) is amended by transferring paragraph (12) of subsection (d) (as such paragraph was redesignated by section 5091(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 108 Stat. 3361)) to the end of that subsection.

(2) Section 6(11) (41 U.S.C. 405(11)) is amended by striking out ''small business'' and inserting in lieu thereof ''small businesses''.

(3) Section 18(b) (41 U.S.C. 416(b)) is amended by inserting ''and'' after the semicolon at the end of paragraph (5).

(4) Section 26(f)(3) (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out ''Not later than 180 days after the date of enactment of this section, the Administrator'' and inserting in lieu thereof ''The Administrator''.

(i) OTHER LAWS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended as follows:

(A) Section 126(c) (107 Stat. 1567) is amended by striking out ''section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401 or 2401a of title 10, United States Code.''.

(B) Section 127 (107 Stat. 1568) is amended—

(i) in subsection (a), by striking out ''section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401 or 2401a of title 10, United States Code.''; and

(ii) in subsection (e), by striking out ''section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).'' and inserting in lieu thereof ''section 2401a of title 10, United States Code.''.

(2) The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is amended by striking out section 824.

(3) Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 2431 note) is amended by striking out subsection (c).

(4) The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is amended by striking out section 825 (10 U.S.C. 2432 note).

(5) Section 11 of Public Law 101–552 (5 U.S.C. 581 note) is amended by inserting ''under'' before ''the amendments made by this Act''.

(6) The last sentence of section 6 of the Federal Power Act (16 U.S.C. 799) is repealed.

(7) Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(A)) is amended by striking out ''the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46 et seq.)'' and inserting in lieu thereof ''the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)''.

(8) The first section 5 of the Miller Act (40 U.S.C. 270a note) is redesignated as section 7 and, as so redesignated, is transferred to the end of that Act.

(9) Section 3737(g) of the Revised Statutes of the United States (41 U.S.C. 15(g)) is amended by striking out ''rights of obligations'' and inserting in lieu thereof ''rights or obligations''.

(10) The Act of June 15, 1940 (41 U.S.C. 20a; Chapter 367; 54 Stat. 398), is repealed.

(11) The Act of November 28, 1943 (41 U.S.C. 20b; Chapter 328; 57 Stat. 592), is repealed.

(12) Section 3741 of the Revised Statutes of the United States (41 U.S.C. 22), as amended by section 6004 of Public Law 103–355 (108 Stat. 3364), is amended by striking out ''No member'' and inserting in lieu thereof ''SEC. 3741. No Member''.

(13) Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701(a)(1)) is amended by striking out ''as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting in lieu thereof ''(as defined in section 4(12) of such Act (41 U.S.C. 403(12)))''.

SEC. 4322. MISCELLANEOUS AMENDMENTS TO FEDERAL ACQUISITION LAWS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6(b) (41 U.S.C. 405(b)) is amended by striking out the second comma after ''under subsection (a)'' in the first sentence.

(2) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is amended by striking out ''Under Secretary of Defense for Acquisition'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(b) OTHER LAWS.—

(1) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out the second comma after ''Community Service''.

(2) Section 908(e) of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking out ''section 2325(g)'' and inserting in lieu thereof ''section 2326(g)''.

(3) Effective as of August 9, 1989, and as if included therein as enacted, Public Law 101–73 is amended in section 501(b)(1)(A) (103 Stat. 393) by striking out ''be,'' and inserting in lieu thereof ''be;'' in the second quoted matter therein.

(4) Section 3732(a) of the Revised Statutes of the United States (41 U.S.C. 11(a)) is amended by striking out the second comma after ''quarters''.

(5) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended in paragraphs (3), (5), (6), and (7), by striking out ''The'' and inserting in lieu thereof ''the''.

(6) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by inserting after ''United States Code'' each place it appears the following: ''(as in effect on September 30, 1995)''.

(7) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(A) in subsection (a), by striking out ''section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)'' and inserting in lieu thereof ''section 1304 of title 31, United States Code''; and

(B) in subsection (c), by striking out ''section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)'' and inserting in lieu thereof ''section 1304 of title 31, United States Code,''.

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 4401. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this division, this division and the amendments made by this division shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—

(1) SOLICITATIONS, UNSOLICITED PROPOSALS, AND RELATED CONTRACTS.—An amendment made by this division shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) OTHER MATTERS.—An amendment made by this division shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) DEMARCATION DATE.—The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be January 1, 1997, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 4402. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this Act may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—

(1) VALIDITY OF PRIOR ACTIONS.—Nothing in this division shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 4401(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) RENEGOTIATION AND MODIFICATION OF PREEXISTING CONTRACTS.—Except as specifically provided in this division, nothing in this division shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) CONTINUED APPLICABILITY OF PREEXISTING LAW.—Except as otherwise provided in this division, a law amended by this division shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, January 1, 1997.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Information Technology Management Reform Act of 1995''.

SEC. 5002. DEFINITIONS.

In this division:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(3) INFORMATION TECHNOLOGY.—(A) The term ''information technology'', with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term ''information technology'' includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term ''information technology'' does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) INFORMATION RESOURCES.—The term ''information resources'' has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) INFORMATION RESOURCES MANAGEMENT.—The term ''information resources management'' has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) INFORMATION SYSTEM.—The term ''information system'' has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) COMMERCIAL ITEM.—The term ''commercial item'' has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

SEC. 5111. RESPONSIBILITY OF DIRECTOR.

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) USE OF BUDGET PROCESS.—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue clear and concise direction to the head of each executive agency—

(A) to establish for the executive agency and each of its major components effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) to determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) to analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) to ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—

(A) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

Subtitle C—Executive Agencies

SEC. 5121. RESPONSIBILITIES.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking out ''senior official'' and inserting in lieu thereof ''Chief Information Officer'';

(B) in paragraph (2)(B)—

(i) by striking out ''senior officials'' in the first sentence and inserting in lieu thereof ''Chief Information Officers'';

(ii) by striking out ''official'' in the second sentence and inserting in lieu thereof ''Chief Information Officer''; and

(iii) by striking out ''officials'' in the second sentence and inserting in lieu thereof ''Chief Information Officers''; and

(C) in paragraphs (3) and (4), by striking out ''senior official'' each place it appears and inserting in lieu thereof ''Chief Information Officer''; and

(2) in subsection (c)(1), by striking out ''official'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''Chief Information Officer''.

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—

(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

(d) INFORMATION TECHNOLOGY ARCHITECTURE DEFINED.—In this section, the term ''information technology architecture'', with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Information Officer, Department of Agriculture.

''Chief Information Officer, Department of Commerce.

''Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

''Chief Information Officer, Department of Education.

''Chief Information Officer, Department of Energy.

''Chief Information Officer, Department of Health and Human Services.

''Chief Information Officer, Department of Housing and Urban Development.

''Chief Information Officer, Department of Interior.

''Chief Information Officer, Department of Justice.

''Chief Information Officer, Department of Labor.

''Chief Information Officer, Department of State.

''Chief Information Officer, Department of Transportation.

''Chief Information Officer, Department of Treasury.

''Chief Information Officer, Department of Veterans Affairs.

''Chief Information Officer, Environmental Protection Agency.

''Chief Information Officer, National Aeronautics and Space Administration.

''Chief Information Officer, Agency for International Development.

''Chief Information Officer, Federal Emergency Management Agency.

''Chief Information Officer, General Services Administration.

''Chief Information Officer, National Science Foundation.

''Chief Information Officer, Nuclear Regulatory Agency.

''Chief Information Officer, Office of Personnel Management.

''Chief Information Officer, Small Business Administration.''.

SEC. 5126. ACCOUNTABILITY.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

SEC. 5127. SIGNIFICANT DEVIATIONS.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

SEC. 5128. INTERAGENCY SUPPORT.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Subtitle D—Other Responsibilities

SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

(a) STANDARDS AND GUIDELINES.—

(1) AUTHORITY.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) WAIVER OF STANDARDS.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

(d) DEFINITIONS.—In this section, the terms ''Federal computer system'' and ''operator of a Federal computer system'' have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).

(e) TECHNICAL AMENDMENTS.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—

(A) in paragraph (2), by striking out ''the Computer Security Act of 1987 (40 U.S.C. 759 note)'' and inserting in lieu thereof ''sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4), section 5131 of the Information Technology Management Reform Act of 1995, and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)''; and

(B) in paragraph (3), by striking out ''the Computer Security Act of 1987 (40 U.S.C. 759 note)'' and inserting in lieu thereof ''the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1995 and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)''; and

(2) in section 3518(d), by striking out ''Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or'' and inserting in lieu thereof ''section 5131 of the Information Technology Management Reform Act of 1995 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or''.

SEC. 5132. SENSE OF CONGRESS.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

Subtitle E—National Security Systems

SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not apply to national security systems.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 5123, 5125, and 5126 apply to national security systems.

(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) PERFORMANCE AND RESULTS OF INFORMATION TECHNOLOGY INVESTMENTS.—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

(a) DEFINITION.—In this subtitle, the term ''national security system'' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) LIMITATION.—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SEC. 5201. PROCUREMENT PROCEDURES.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) POLICY.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

''(b) MODULAR CONTRACTING DESCRIBED.—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

''(c) IMPLEMENTATION.—The Federal Acquisition Regulation shall provide that—

''(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

''(A) are easier to manage individually than would be one comprehensive acquisition;

''(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

''(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

''(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

''(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation

is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

''(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

''Sec. 35. Modular contracting for information technology.''.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the ''Administrator''), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 5302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 5303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 5304. RECOMMENDED LEGISLATION.

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

SEC. 5305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

Subtitle B—Specific Pilot Programs

SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out one project and enter into not more than five contracts for the project.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical

approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) MONITORING BY GAO.—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as ''FACNET''), not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) ADDITIONAL FACNET FUNCTIONS.—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) STREAMLINED PROCEDURES.—

(1) PILOT PROGRAM.—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term ''FACNET'' means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 5501. PERIOD FOR PROCESSING PROTESTS.

Title 31, United States Code, is amended as follows:

(1) Section 3553(b)(2)(A) is amended by striking out ''35'' and inserting in lieu thereof ''30''.

(2) Section 3554 is amended—

(A) in subsection (a)(1), by striking out ''125'' and inserting in lieu thereof ''100''; and

(B) in subsection (e)—

(i) in paragraph (1), by striking out ''Government Operations'' and inserting in lieu thereof ''Government Reform and Oversight''; and

(ii) in paragraph (2), by striking out ''125'' and inserting in lieu thereof ''100''.

SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''or other action referred to in subsection (b)'' after ''protest'' the first place it appears;

(B) by striking out ''90 working days'' and inserting in lieu thereof ''100 days''; and

(C) by inserting ''or other action'' after ''protest'' the second place it appears; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) Subsection (a) applies with respect to—

''(1) any protest filed under subchapter V of chapter 35 of this title; or

''(2) an action commenced under administrative procedures or for a judicial remedy if—

''(A) the action involves a challenge to—

''(i) a solicitation for a contract;

''(ii) a proposed award of a contract;

''(iii) an award of a contract; or

''(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

''(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§1558. Availability of funds following resolution of a formal protest or other challenge''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

''1558. Availability of funds following resolution of a formal protest or other challenge.''.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) PROTEST FILE.—Section 2305(e) is amended by striking out paragraph (3).

(b) MULTIYEAR CONTRACTS.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, United States Code, is amended by striking out ''Section 111'' and all that follows through ''use of equipment or services if,'' and inserting in lieu thereof the following: ''For the purposes of the Information Technology Management Reform Act of 1995, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which''.

SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) REFERENCES TO BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out ''section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)'' and inserting in lieu thereof ''the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995'';

(2) in subsection (g), by striking out ''sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)'' and inserting in lieu thereof ''section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)'';

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) REFERENCES TO AUTOMATIC DATA PROCESSING.—Section 612 of title 28, United States Code, is further amended—

(1) in the heading, by striking out the second word and inserting in lieu thereof ''**Information Technology**'';

(2) in subsection (a), by striking out ''Judiciary Automation Fund'' and inserting in lieu thereof ''Judiciary Information Technology Fund''; and

(3) by striking out ''automatic data processing'' and inserting in lieu thereof ''information technology'' each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:

''§310. Chief Information Officer

''(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

''(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1995.''.

SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

''(9) the term 'information technology' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1995 but does not include national security systems as defined in section 5142 of that Act;''.

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out ''section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))'' and inserting in lieu thereof ''section 5131 of the Information Technology Management Reform Act of 1995''.

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out ''sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)'' and inserting in lieu thereof ''the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)''.

(d) COLLECTION OF INFORMATION.—Section 3507(j)(2) of such title is amended by striking out ''90 days'' in the second sentence and inserting in lieu thereof ''180 days''.

SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out ''or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies''.

SEC. 5607. OTHER LAWS.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(1) in subsection (a)—

(A) by striking out ''section 3502(2) of title 44'' each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof ''section 3502(9) of title 44''; and

(B) in paragraph (4), by striking out ''section 111(d) of the Federal Property and Administrative Services Act of 1949'' and inserting in lieu thereof ''section 5131 of the Information Technology Management Reform Act of 1995'';

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out ''section 111(d) of the Federal Property and Administrative Services Act of 1949'' and inserting in lieu thereof ''section 5131 of the Information Technology Management Reform Act of 1995''; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—

(A) in paragraph (1)(B)(v), by striking out ''as defined'' and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—

(i) by striking out ''system'—'' and all that follows through ''means'' in subparagraph (A) and inserting in lieu thereof ''system' means''; and

(ii) by striking out ''; and'' at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out ''by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))''.

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

(A) by striking out ''Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949,'' and inserting in lieu thereof ''Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1995,''; and

(B) by striking out ''Copies'' and all that follows through ''Code.''.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out ''of automatic data processing and telecommunications equipment and services or''.

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

''310. Chief Information Officer.''.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.

SEC. 5702. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator

of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS.—

(1) PROCEEDINGS GENERALLY.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) ORDERS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) OTHER AUTHORITY AND PROHIBITION.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) STANDARDS AND GUIDELINES FOR FEDERAL COMPUTER SYSTEMS.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

SEC. 5703. RULES OF CONSTRUCTION.

(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) RELATIONSHIP TO COMPUTER SECURITY ACT OF 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100–235) and the amendments made by such Act.

And the Senate agree to the same.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sections 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, Jr.,
WALTER B. JONES, Jr.,
JIM LONGLEY,
G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, Jr.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, JR.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J. C. WATTS, JR.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,
WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–1–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN, A. GILMAN,
WILLIAM F. GOODLING,
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
JAMES F. SENSENBRENNER, JR.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,
Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,
RICK SANTORUM,
SAM NUNN,
ROBERT C. BYRD,
CHUCK ROBB,
JOSEPH LIEBERMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $264.7 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill in fiscal year 1996 and, in addition, summarizes the national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
DIVISION A									
TITLE I									
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805	1,223.067	1,423.067	1,396.451	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555	676.430	862.830	894.430	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745	1,298.986	1,359.664	1,547.964	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991	795.015	1,062.715	1,120.115	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443	2,256.601	2,545.587	2,811.101	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394	3,886.488	4,106.488	4,916.588	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827	1,787.121	1,626.411	1,771.421	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958	5,051.935	6,227.958	7,111.935	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053	-	461.779	-	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771	2,396.080	2,461.472	2,471.861	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947	474.116	399.247	683.416	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783	6,183.886	7,031.952	6,318.586	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883	3,647.711	3,430.083	3,627.499	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848	-	321.328	-	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430	6,804.696	6,784.801	6,516.001	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379	2,179.917	2,205.917	2,118.324	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000	-	770.000	777.400	777.000
Chemical Agents and Munitions Destruction, Army									
O&M	393.850	393.850	393.850	(40.000)	353.850	393.850	393.850	393.850	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000	299.448	299.448	224.448	265.000
R&D	53.400	53.400	53.400	-	53.400	53.400	53.400	53.400	53.400
Defense Production Act Purchases	-	-	-		-	-			
Defense Health, Procurement	288.033	288.033	288.033	-	288.033	-			
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000	-			
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095	39,408.747	43,827.997	44,754.790	44,589.062
TITLE II									
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581	4,444.175	4,774.947	4,845.097	4,737.581

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783	8,204.530	8,516.509	8,624.230	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868	12,598.439	13,184.102	13,087.389	12,914.868
Research, Development, Test, and Evaluation, Defense-w	8,802.881	9,287.058	9,271.220	616.630	9,419.511	8,802.881	9,287.058	9,271.220	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587	22.587	22.587	22.587	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082	259.341	239.341	239.341	251.082
Undistributed Reduction			(40.000)	-	-			(40.000)	
FFRDC Reduction	-	(90.097)	(90.000)	(90.000)	(90.000)	-	(90.097)	(90.000)	(90.000)
Total Research & Development	34,331.953	35,934.447	35,959.864	1,398.459	35,730.412	34,331.953	35,934.447	35,959.864	35,730.412
TITLE III									
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	561.959	18,746.695	18,184.736	19,339.936	18,064.436	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155	21,225.710	21,677.510	21,346.910	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822	2,269.722	2,603.622	2,405.722	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277	18,256.597	18,984.162	18,230.097	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476	10,366.782	10,681.871	10,035.867	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525	9,865.525	9,876.525	9,943.825	9,876.525
Defense Health Program,PROC	-	-	-	-	-	288.033	288.033	288.033	288.033
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191	1,068.591	1,139.591	1,062.591	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342	826.042	838.042	840.842	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283	90.283	91.783	90.283	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287	1,485.947	1,507.447	1,482.947	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808	2,304.108	2,394.108	2,304.108	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121	2,712.221	2,734.221	2,734.221	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226	138.226	177.226	138.226	138.226
Office of the Inspector General, Proc						1.000	1.000	1.000	1.000
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521	6.521	6.521	6.521	6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200	1,622.200	1,422.200	1,601.800	1,422.200
Drug Interdiction and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432	680.432	680.432	680.432	680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000	371.000	200.000	365.000	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000	15.000	15.000	15.000	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-	65.000	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
Humanitarian Assistance	79.790	-	60.000	(79.790)	-	79.790	-	60.000	-
Disposal and Lease of DOD Real Property	-	-	-		-	8.000	8.000	8.000	8.000
DOD 50th Anniversary of World War II Commemoration	-	-	-		-	0.100	0.100	0.100	0.100
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000	-	50.000	-	50.000
National Science Center, Army	-	-	-	-	-	0.085	0.085	0.085	0.085
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361	91,931.651	94,717.415	91,706.046	92,913.579
Revolving Funds									
Defense Business OperationsFund	878.700	878.700	878.700	-	878.700	878.700	878.700	878.700	878.700
National Defense Sealift Fund	974.220	1,574.220	1,084.220	50.000	1,024.220	974.220	1,574.220	1,084.220	1,024.220
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Stockpile Fund-Public Enterprise	-	-	-	-	-	(202.000)	(202.000)	(202.000)	(202.000)
Totals	1,852.920	2,452.920	1,962.920	50.000	1,902.920	1,500.920	2,100.920	1,610.920	1,550.920
TITLE IV-V-VI-VII									
Total Military Personnel (Sec 431)		68,951.663	68,814.863	494.345	69,191.008	68,696.663	68,951.663	68,814.863	69,191.008
GENERAL PROVISIONS DIVISION B									
Military Construction, Army	472.724	631.608	547.877	144.865	617.589	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	60.203	548.289	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	91.915	587.570	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	(235.179)	622.226	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	(18.000)	161.000	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	30.553	73.516	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	11.135	19.055	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	9.230	36.232	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	116.322	134.802	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	78.570	164.217	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-	-	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	-	3,897.892	3,897.892	3,897.892	3,799.192	3,897.892

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
Total Military Construction	6,572.774	6,878.840	6,690.261	289.614	6,862.388	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	73.156	116.656	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	-	1,337.596	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	56.944	522.699	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329		1,048.329	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	49.300	298.303	249.003	294.503	287.965	298.303
Family Housing Support, Air Force	849.213	846.213	849.213		849.213	849.213	846.213	849.213	849.213
Family Housing, Defense-wide	25.772	25.772	25.772	-	25.772	25.772	25.772	25.772	25.772
Family Housing Support, Defense-wide	30.467	40.467	30.467	10.000	40.467	30.467	40.467	30.467	40.467
Homeowners Assistance Fund, Defense	75.586	75.586	75.586	-	75.586	75.586	75.586	75.586	75.586
Sec 2809-Authority to convey Family Housing	-		5.000		-	-	-	-	-
Total Family Housing	4,125.221	4,319.155	4,212.727	189.400	4,314.621	4,125.221	4,319.155	4,207.727	4,314.621
DIVISION C									
TITLE XXXI, XXXII									
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314	3,540.175	3,610.914	3,666.219	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400	198.400	198.400	198.400	248.400
Defense Environmental Restoration and Waste Managem	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532	6,008.002	5,265.478	5,905.955	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976	1,432.159	1,328.841	1,408.162	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000	18.500	17.000	18.500	17.000
Total DOE	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
TITLE XXXIII									
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
OTHER									
Salaries and Expenses	44.006	-	-	(44.01)	-	44.006	-	-	-
Emergency Management Planning and Assistance	24.025	-	-	(24.03)	-	24.025	-	-	-
FEMA Civil Defense (Total)	68.031	-	-	(68.031)	-	68.031	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	Request BA 1996	BA Implications House	BA Implications Senate	BA Implications Conference
RECAPITULATION									
Department of Defense (Division A)	167,517.086	245,425.942	243,190.298	8,105.047	244,318.796	236,019.934	245,682.442	242,996.483	244,124.981
Department of Defense (Division B)	10,697.995	11,197.995	10,902.988	479.014	11,177.009	10,697.995	11,197.995	10,897.988	11,177.009
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Other Funds	28.010	-	-	(28.010)	-	482.995	454.985	454.985	454.985
Offsetting Receipts	-	-	-	-	-	(1,207.785)	(1,207.785)	(1,207.785)	(1,207.785)
General Provisions (Sec. 1008)	-	-	-	(832.000)	(832.000)	-	-	-	(832.000)
Total DoD Military (051)	178,243.091	256,623.937	254,093.286	7,724.051	254,663.805	245,843.139	255,977.637	252,991.671	253,567.190
Total Atomic Energy Defense Act (053)	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
Total Other Defense (054)	68.031	-	-	(68.031)	-	562.261	494.230	494.230	494.230
Total National Defense Function (050)	189,508.358	267,044.570	265,290.522	7,094.006	265,299.027	257,602.636	266,892.500	264,683.137	264,696.642
Total National Defense Function (050)/Outlays									
Military Retirement Trust Fund	-	403.000	-	-	-	-	403.000	-	-

Congressional defense committees

The term ''congressional defense committees'' is often used in this statement of the managers. It means the Defense Authorization and Appropriations Committees of the Senate and House of Representatives.

DIVISION A: DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1996 contained an authorization of $39,697.8 million for procurement in the Department of Defense. The House bill would authorize $44,117.0 million. The Senate amendment would authorize $45,043.8 million. The conferees recommended an authorization of $44,878.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE I					
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000
Chemical Agents and Munitions Destruction, Army					
O&M	393.850	393.850	393.850	(40.000)	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000
R&D	53.400	53.400	53.400	-	53.400
Defense Production Act Purchases	-	-	-		-
Defense Health, Procurement	288.033	288.033	288.033	-	288.033
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095

Overview

The budget request for fiscal year 1996 contained an authorization of $1,223.1 million for Aircraft Procurement, Army in the Department of Defense. The House bill would authorize $1,423.1 million. The Senate amendment would authorize $1,396.5 million. The conferees recommended an authorization of $1,558.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
1	ARL (TIARA)	1	18,403	1	18,403	1	18,403			1	18,403
2	C21A AIRCRAFT		-		-		-				-
3	C-XX (MEDIUM RANGE) AIRCRAFT		-		-	4	23,000		23,000	4	23,000
4	GUARDRAIL COMMON SENSOR (TIARA)		6,014		6,014		6,014				6,014
	ROTARY										
5	TOTAL PACKAGE FIELDING		-		-		-				-
6	AH-64 ATTACK HELICOPTER (APACHE)		3,268		3,268		3,268				3,268
7	UH-60 BLACKHAWK (MYP)	60	526,041	60	526,041	50	472,825			60	526,041
7	LESS: ADVANCE PROCUREMENT (PY)		(191,161)		(191,161)		(191,161)				(191,161)
8	ADVANCE PROCUREMENT (CY)		-		75,000		-		70,000		70,000
9	HELICOPTER NEW TRAINING		458		458		458				458
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
10	TRACTOR DEW		-		-		-				-
11	GUARDRAIL MODS (TIARA)		48,969		48,969		48,969		9,000		57,969
12	AH1F MODS		2,165		2,165		2,165				2,165
13	AH-64 MODS		53,596		53,596		53,596				53,596
14	CH-47 CARGO HELICOPTER MODS (MYP)		14,081		14,081		14,081				14,081
15	C-12 CARGO AIRPLANE MODS		675		675		675				675
16	OH-58 MODS		2,886		2,886		2,886				2,886
17	C-20 AIRCRAFT MODS		929		929		929				929
18	LONGBOW		421,406		421,406		503,406		76,200		497,606
18	LESS: ADVANCE PROCUREMENT (PY)		(79,438)		(79,438)		(79,438)				(79,438)
19	ADVANCE PROCUREMENT (CY)		12,879		12,879		12,879				12,879
20	UH-1 MODS		4,975		4,975		4,975				4,975
21	UH-1 HUEY SLEP		-		-		-				-
22	UH-60 MODS		19,300		19,300		19,300				19,300
23	KIOWA WARRIOR		71,334		196,334	20	196,334		140,000	20	211,334
24	EH-60 QUICKFIX MODS		38,049		38,049		38,049				38,049
25	AIRBORNE AVIONICS		30,424		30,424		30,424				30,424
26	ASE MODS		4,215		4,215		4,215				4,215
27	MODIFICATIONS < $2.0M		1,882		1,882		1,882				1,882
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
28	SPARES AND REPAIR PARTS		49,177		49,177		49,177		(14,562)		34,615
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	GROUND SUPPORT AVIONICS										
29	AIRCRAFT SURVIVABILITY EQUIPMENT		22,304		22,304		22,304		32,100		54,404
	OTHER SUPPORT										
30	AIRBORNE COMMAND & CONTROL		3,981		3,981		3,981				3,981
31	AVIONICS SUPPORT EQUIPMENT		22,168		22,168		22,168				22,168
32	TRAINING DEVICES		37,206		37,206		37,206				37,206
33	COMMON GROUND EQUIPMENT		30,539		30,539		27,139				30,539
34	AVIATION LIFE SUPPORT EQUIPMENT (ALSE)		9,732		9,732		9,732				9,732
35	AIR TRAFFIC CONTROL		8,187		8,187		8,187				8,187
36	INDUSTRIAL FACILITIES		2,826		2,826		2,826				2,826

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	AIRBORNE COMMUNICATIONS		25,597		25,597		25,597				25,597
38	CLOSED ACCOUNT ADJUSTMENT				-		-				-
	AIRCRAFT PROCUREMENT, ARMY -TOTAL		1,223,067		1,423,067		1,396,451		335,738		1,558,805

Airborne reconnaissance low

The budget request included $18.4 million to procure one additional aircraft.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize the budget request and express a continued strong support for the Airborne Reconnaissance Low (ARL) program, to include the procurement of a total of 9 aircraft as soon as possible.

The conferees expect the Department to evaluate the advantages of linking the airborne workstations of the ARL to an Unmanned Aerial Vehicle, to provide for airborne analysis and assured dissemination of information.

UH–60 Black Hawk helicopter

The budget request included $526.0 million for the procurement of 60 Black Hawk helicopters in the final year of a five-year multiyear procurement. No funds were requested for advance procurement.

The House bill would approve the budget request and add $75.0 million for advance procurement.

The Senate amendment would decrease procurement funds to $475.8 million to procure 50 helicopters, and would not provide funds for advance procurement.

The conferees agree to authorize $526.0 million for the procurement of 60 Black Hawk helicopters and $70.0 million for advance procurement. The conferees also agree to provide authority for multiyear procurement for the Black Hawk helicopter program.

Overview

The budget request for fiscal year 1996 contained an authorization of $676.4 million for Missile Procurement, Army in the Department of Defense. The House bill would authorize $862.8 million. The Senate amendment would authorize $894.4 million. The conferees recommended an authorization of $865.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	SURFACE-TO-AIR MISSILE SYSTEM										
1	HAWK SYSTEM SUMMARY		-		-		-				-
2	PATRIOT SYSTEM SUMMARY		5,070		5,070		5,070				5,070
3	STINGER SYSTEM SUMMARY		-		-		-				-
4	AVENGER SYSTEM SUMMARY		31,441		31,441		31,441				31,441
4	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIR-TO-SURFACE MISSILE SYSTEM										
5	HELLFIRE SYS SUMMARY	352	209,460		249,460	1102	249,460		37,225	1102	246,685
	ANTI-TANK/ASSAULT MISSILE SYSTEM										
6	JAVELIN (AAWS-M) SYSTEM SUMMARY	557	171,428		210,428	1010	210,428		35,500	1010	206,928
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	TOW 2 SYSTEM SUMMARY		7,378		27,378	1000	27,378		5,000	500	12,378
8	MLRS ROCKET		3,086		46,086	1500	46,086		43,000	1500	46,086
9	MLRS LAUNCHER SYSTEMS		48,158		64,558		96,158		50,400		98,558
10	ARMY TACTICAL MSL SYS (ATACMS) - SYS	91	106,971		124,971	120	124,971		18,000	120	124,971
10	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MODIFICATION OF MISSILES										
	MODIFICATIONS										
11	PATRIOT MODS		6,988		6,988		6,988				6,988
12	STINGER MODS		10,095		20,095		20,095				10,095
13	AVENGER MODS		-		-		-				
14	TOW MODS		33,358		33,358		33,358				33,358
15	MLRS MODS		17,996		17,996		17,996				17,996
16	MODIFICATIONS LESS THAN $2.0M		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
17	SPARES AND REPAIR PARTS		11,841		11,841		11,841				11,841
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	SUPPORT EQUIPMENT AND FACILITIES										
18	AIR DEFENSE TARGETS		6,791		6,791		6,791				6,791
19	ITEMS LESS THAN $2.0M (MISSILES)		1,000		1,000		1,000				1,000
20	MISSILE DEMILITARIZATION		1,693		1,693		1,693				1,693
21	PRODUCTION BASE SUPPORT		3,676		3,676		3,676				3,676
22	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	MISSILE PROCUREMENT, ARMY-TOTAL		676,430		862,830		894,430		189,125		865,555

Hellfire missile

The budget request included $197.5 million to procure 352 Longbow Hellfire missiles and $12.0 million for post-production support.

The House bill and the Senate amendment would provide an additional $40.0 million, which when combined with $12.0 million of post-production funds, would enable the Army to buy 750 Hellfire II missiles.

The conferees agree to provide an additional $37.2 million for the procurement of 750 Hellfire II missiles.

Javelin medium anti-tank weapon

The budget request included $171.4 million to procure 557 Javelin missiles.

The House bill and the Senate amendment would authorize an increase of $39.0 million for an additional 453 Javelin missiles.

The conferees agree to authorize an additional $35.5 million, which when added to the budget request of $171.4 million, will procure a total of 1,010 Javelin missiles.

TOW missile

The budget request included $7.4 million for plant closure and production support of prior year TOW missile deliveries. No funds were requested for additional missile production.

The House bill and the Senate amendment would authorize an increase of $20.0 million for procurement of 1,000 TOW 2B missiles.

The conferees agree to authorize an increase of $5.0 million for procurement of 500 TOW 2B missiles.

Multiple launch rocket system

The budget request included $48.2 million for annual support and fielding of the Army's Multiple Launch Rocket System (MLRS), but this amount did not include funding for procurement of any new launchers.

The House bill would authorize an increase of $16.4 million to procure MLRS launchers to complete equipping a National Guard MLRS battalion, for which funds were authorized in fiscal year 1995.

The Senate amendment would authorize an increase of $16.4 million to complete fielding the same National Guard battalion described in the House bill. In addition, the Senate amendment would authorize an increase of $48.0 million to recondition sufficient MLRS lanuchers and ancillary equipment for one additional National Guard MLRS battalion.

The conferees agree to authorize $98.6 million to provide sufficient reconditioned MLRS launchers and ancillary equipment to complete the fielding of the National Guard battalion authorized in fiscal year 1995, and to fully equip another National Guard battalion in fiscal year 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,298.9 million for Weapons and Tracked Combat Vehicles Procurement, Army in the Department of Defense. The House bill would authorize $1,359.7 million. The Senate amendment would authorize $1,547.9 million. The conferees recommended an authorization of $1,652.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
1	ABRAMS TRNG DEV MOD		3,115		3,115		3,115				3,115
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		-		-		-				-
3	BRADLEY BASE SUSTAINMENT		138,308		138,308		138,308				138,308
4	BRADLEY FVS TRAINING DEVICES		-		-		-				-
5	BRADLEY FVS TRAINING DEVICES (MOD)		1,872		1,872		1,872				1,872
6	ABRAMS TANK TRAINING DEVICES		6,259		6,259		6,259				6,259
7	ARMORED GUN SYSTEM (AGS)	26	141,551	26	141,551	26	141,551		6,000	26	147,551
8	M1 ABRAMS TANK SERIES (MYP)		-		-		15,000		3,000		3,000
9	COMMAND & CONTROL VEHICLE		-		-		-				-
	MODIFICATION OF TRACKED COMBAT VEHICLES										
10	CARRIER, MOD		48,067		48,067		48,067		1,600		49,667
11	BFVS SERIES (MOD)		74,336		88,336		88,336		14,000		88,336
11a	BFV ARMOR TILES		-		-		-				-
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)		220,239		220,239		220,239		81,800		302,039
13	HOWITZER, MED SP FT 155MM M109A5 (MOD)		131		131		131				131
14	FAASV FIP TO FLEET		4,065		4,065		4,065				4,065
15	IMPROVED RECOVERY VEHICLE (M88 MOD)		23,492		23,492		57,392		33,900		57,392
16	BREACHER SYSTEM (MOD)		-		-		-				-
17	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)		15,095		15,095		15,095				15,095
18	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		-		-		-				-
19	M1 ABRAMS TANK (MOD)		77,076		46,754		51,754		(25,322)		51,754
20	ABRAMS UPGRADE PROGRAM		393,884		393,884		503,884		110,000		503,884
20	LESS: ADVANCE PROCUREMENT (PY)		(52,973)		(52,973)		(52,973)				(52,973)
21	ADVANCE PROCUREMENT (CY)		132,959		132,959		132,959				132,959
22	ABRAMS UPGRADE PROGRAM (MCR)		-		-		-				-
23	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		581		581		581				581
	SUPPORT EQUIPMENT AND FACILITIES										
24	SPARES AND REPAIR PARTS		-		-		-				-
25	ITEMS LESS THAN $2.0M (TCV-WTCV)		152		152		152				152
26	TANK ENGINE INDUSTRIAL BASE		-		-		-				-
27	PRODUCTION BASE SUPPORT (TCV-WTCV)		11,619		11,619		11,619		(6,119)		5,500
28	REGIONAL MAINTENANCE TRAINING SITES-EQUIP		1,452		1,452		1,452				1,452
	FAASV				-				44,000		44,000
	WEAPONS AND OTHER COMBAT VEHICLES				-		-				
	WEAPONS AND OTHER COMBAT VEHICLES										
29	PERSONAL DEFENSE WEAPON (ROLL)		-		2,000	10000	4,000	4660	2,000	4660	2,000
30	HOWITZER, LIGHT, TOWED, 105MM, M119		-		-		-				-
31	MACHINE GUN, 5.56MM (SAW)		-		28,500	10420	28,500	10265	28,500	10265	28,500
32	GRENADE LAUNCHER, AUTO, 40MM, MK19-3		-		20,000	2100	33,900		33,900	2100	33,900
33	MORTAR, 120MM		3,007		3,007		3,007				3,007
34	M16 RIFLE		-		13,500	27500	13,500		13,500	27500	13,500
35	5.56 CARBINE M4		-		6,500	12000	13,500		6,500	12000	6,500
35a	MED MACHINE GUN MOD		-		6,500	1434	6,500		6,500	1434	6,500
	MODIFICATION OF WEAPONS AND OTHER COMBAT VEH										
36	M4 CARBINE MODS		930		930		930				930
37	SQUAD AUTOMATIC WEAPON (MOD)		-		-		-				-
38	M16 RIFLE MODS		2,842		2,842		2,842				2,842

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39	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV)		1,383		1,383		2,883				1,383
	SUPPORT EQUIPMENT AND FACILITIES										
40	SPARES AND REPAIR PARTS		-		-		-				-
41	ITEMS LESS THAN $2.0M (WOCV-WTCV)		1,150		1,150		1,150				1,150
42	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,049		6,049		6,049				6,049
43	INDUSTRIAL PREPAREDNESS		5,574		5,574		5,574				5,574
44	SMALL ARMS (SOLDIER ENH PROG)		2,428		2,428		2,428				2,428
	SPARE AND REPAIR PARTS				-		-				
	SPARES										
45	SPARES AND REPAIR PARTS (WTCV)		34,343		34,343		34,343				34,343
	PROCUREMENT OF W&TCV, ARMY-TOTAL		1,298,986		1,359,664		1,547,964		353,759		1,652,745

Direct support electronic system test sets

The budget request included $1.5 million for calibration of the direct support electronic system test sets (DSESTS).

The House bill included no additional funding for DSESTS.

The Senate amendment would authorize an increase of $15.0 million for additional procurement of DSESTS for M1 Abrams series tanks and Bradley infantry fighting vehicles.

The conferees agree to authorize an increase of $15.0 million for DSESTS for both procurement and research and development, as indicated below:

	Million
Procurement:	
M1 Abrams tank series	$3.0
Armored Gun System	6.0
Research & Development:	
PE23735A Abrams Block Improvements	4.0
PE23735A Armored Gun System	2.0

M113 Carrier modifications

The budget request included $48.1 million for modification of M113 personnel carriers.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $1.6 million for an additional 12 carrier modification upgrades to be used as opposing force vehicles at the National Training Center.

M109A6 Paladin 155mm howitzer, self-propelled

The budget request included $220.2 million for retrofitting 215 M109A6 Paladin howitzer systems.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of 81.8 million to procure an additional 48 Paladin retrofits to equip two additional National Guard battalions and to retrofit the fire control processor for 340 systems.

Improved Recovery Vehicle

The budget request included $23.5 million to procure nine M88A1E1 Improved Recovery Vehicles (IRV).

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $33.9 million to procure an additional 12 IRVs.

The House recedes.

M1 Abrams tank upgrade program

The budget request included $473.8 million for 100 M1A2 tank upgrades for the Army.

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $110.0 million for 24 additional M1A2 tank upgrades and, in accordance with the Statement of Managers accompanying the National Defense Authorization Act of Fiscal Year 1995 (H. Rept. 103–701), would direct the Army to transfer 24 M1A1 tanks to the Marine Corps Reserve.

The House recedes.

The conferees continue to support a multiyear procurement for M1A2 tank upgrades, as authorized in the National Defense Authorization Act of Fiscal Year 1995. However, the conferees agree with guidance and direction to the Army Acquisition Executive (AAE) regarding the need to maintain an appropriate balance between the heavy and medium portions of the tracked combat vehicle fleets, included in the Senate report (S. Rept. 104–112). The conferees expect the AAE to comply with that guidance and direction.

Mark-19 universal mounting bracket

The budget request included $1.4 million for program modifications under $2.0 million.

The Senate amendment would recommend an increase of $1.5 million to begin initial production of a nondevelopmental universal bracket.

The House bill would authorize the budget request.

The Senate recedes.

The conferees encourage the Army to reprogram funds to provide $1.5 million to initiate production of a nondevelopmental universal mounting bracket for the Mark-19 automatic grenade launcher.

The conferees provide $.5 million in PE 64802A to type classify this bracket.

Overview

The budget request for fiscal year 1996 contained an authorization of $795.0 million for Ammunition Procurement, Army in the Department of Defense. The House bill would authorize $1,062.7 million. The Senate amendment would authorize $1,120.1 million. The conferees recommended an authorization of $1,093.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CAL AMMUNITION										
1	CTG, 5.56MM, ALL TYPES		58,579		58,579		58,579				58,579
2	CTG, 7.62MM, ALL TYPES		2,573		12,573		12,573		5,000		7,573
3	CTG, 9MM, ALL TYPES		3,837		3,837		3,837				3,837
4	CTG, .50 CAL, ALL TYPES		27,584		27,584		27,584				27,584
5	CTG, 20MM, ALL TYPES		-		-		-				-
6	CTG, 25MM, ALL TYPES		35,139		55,139		35,139		35,000		70,139
6a	CTG, 25MM, HEIT M792		-				20,000				
7	CTG, 30MM, ALL TYPES		4,289		4,289		4,289				4,289
8	CTG, 40MM, ALL TYPES		40,278		50,278		40,278		10,000		50,278
	CTG, 40MM, M430A1		-				10,000				
	MORTAR AMMUNITION										
9	CTG MORTAR 60MM 1/10 PRAC M766		-		-		-				-
10	CTG MORTAR 60MM ILLUM M721	31	13,021		23,021		20,021		10,000		23,021
11	CTG MORTAR 81MM PRAC 1/10 RANGE M880		-		6,600		-		6,600		6,600
12	CTG MORTAR 120MM FULL RANGE PRACTICE XM931	45	18,768		18,768		18,768			45	18,768
13	CTG MORTAR 120MM HE XM933 W/PD FUZE		-		-		-				-
14	CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	44	47,704		69,704		67,704		20,000		67,704
	TANK AMMUNITION										
15	CTG TANK 35MM SUBCAL PRAC M968		-		-		-				-
16	CTG 120MM APFSDS-T M829A2		-		82,100		87,100		82,100		82,100
17	CTG 120MM HEAT-MP-T M830A1		-		-		20,000				-
18	CTG TANK 120MM TP-T M831/M831A1	41	29,400		29,400		29,400			41	29,400
19	CTG TANK 120MM TPCSDS-T M865	136	91,041		91,041		91,041			136	91,041
	ARTILLERY AMMUNITION										
20	CTG ARTY 75MM BLANK M337A1	102	3,749		3,749		3,749		(2,249)	102	1,500
21	CTG ARTY 105MM DPICM XM915		-		-		-				-
22	CTG ARTY 105MM HERA M913		-		-		-				-
23	PROJ ARTY 155MM SMOKE WP M825		10,607		10,607		10,607		(5,475)		5,132
24	PROJ ARTY 155MM HE M795	75	37,040		57,040		57,040		20,000	75	57,040
25	PROJ ARTY 155MM SADARM XM898	77	24,284		24,284		24,284		18,000		42,284
26	PROJ ARTY 155MM PRAC M804		-		22,000		-				-
	MINES										
27	MINE, TRAINING, ALL TYPES		3,853		3,853		3,853				3,853
28	MINE AT/AP M87 (VOLCANO)		-		30,000		30,000		30,000		30,000
29	WIDE AREA MINE	134	15,000		15,000		15,000			134	15,000
	ROCKETS										
30	BUNKER DEFEATING MUNITION (BDM)		-		15,000		15,000		15,000		15,000
31	ROCKET, HYDRA 70, ALL TYPES		28,087		48,087		48,087				28,087
	OTHER AMMUNITION										
32	DEMOLITION MUNITIONS, ALL TYPES		26,269		26,269		32,269		6,000		32,269
33	GRENADES, ALL TYPES		27,496		27,496		27,496				27,496
34	SIGNALS, ALL TYPES		18,314		18,314		18,314				18,314
35	SIMULATORS, ALL TYPES		6,070		6,070		6,070				6,070
35a	SELECTABLE LIGHTWEIGHT ATTACK MUNITIONS, XM94				-		11,000				-
	MISCELLANEOUS										
36	AMMO COMPONENTS, ALL TYPES		4,100		4,100		4,100				4,100

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37	M483 TO M864 CONVERSION		-		-		-				-
38	UPGRADE/IMPROVEMENT OF AT4		-		-		-				-
39	CAD/PAD ALL TYPES		3,523		3,523		3,523				3,523
40	ITEMS LESS THAN $2 MILLION		855		855		855				855
41	EOD EXPLOSIVE ITEMS		-		-		-				-
42	AMMUNITION PECULIAR EQUIPMENT		5,000		5,000		5,000				5,000
43	FIRST DESTINATION TRANSPORTATION (AMMO)		3,925		3,925		3,925				3,925
	AMMUNITION PRODUCTION BASE SUPPORT				-		-				
	PRODUCTION BASE SUPPORT										
44	PROVISION OF INDUSTRIAL FACILITIES		41,906		41,906		41,906				41,906
45	COMPONENTS FOR PROVE-OUT		1,456		1,456		1,456				1,456
46	LAYAWAY OF INDUSTRIAL FACILITIES		13,663		13,663		13,663				13,663
47	PROVING GROUND MODERNIZATION		-		-		-				-
48	MAINTENANCE OF INACTIVE FACILITIES		51,325		51,325		51,325				51,325
48a	ARMAMENT RETOOLING & MANUFACTURING SUPPORT (ARMS)				-		45,000		45,000		45,000
49	CONVENTIONAL AMMO DEMILITARIZATION		96,280		96,280		100,280		4,000		100,280
50	FLEXIBLE MANUFACTURING CENTERS		-		-		-				-
	PROCUREMENT OF AMMUNITION, ARMY-TOTAL		795,015		1,062,715		1,120,115		298,976		1,093,991

Overview

The budget request for fiscal year 1996 contained an authorization of $2,256.6 million for Other Procurement, Army in the Department of Defense. The House bill would authorize $2,545.6 million. The Senate amendment would authorize $2,811.1 million. The conferees recommended an authorization of $2,763.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
1	TACTICAL TRAILERS/DOLLY SETS		13,803		13,803		13,803				13,803
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T		-		-		-				-
3	SEMITRAILER, TANK, 5000G		-		-		-				-
4	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2	58	3,179		3,179		3,179			58	3,179
5	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	546	57,690		96,690	1846	129,690		72,000	1846	129,690
6	FAMILY OF MEDIUM TACTICAL VEH (MYP)		39,692		149,692		149,692		110,000		149,692
7	HEAVY EQUIPMENT TRANSPORTER SYS		-		-		-				-
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)		596		100,596		125,596		125,000		125,596
9	ARMORED SECURITY VEHICLES (COMBAT SPT) TAC		-		-		-				-
10	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV S		-		-		30,000		20,000		20,000
11	MODIFICATION OF IN SVC EQUIP		2,802		2,802		2,802				2,802
12	ITEMS LESS THAN $2.0M (TAC VEH)		200		200		200				200
	NON-TACTICAL VEHICLES										
13	PASSENGER CARRYING VEHICLES	41	994	41	994	41	994			41	994
14	GENERAL PURPOSE VEHICLES		993		993		993				993
15	SPECIAL PURPOSE VEHICLES		993		993		993				993
	SUPPORT EQUIPMENT AND FACILITIES										
16	SYSTEM FIELDING SUPPORT PEO		4,189		4,189		4,189				4,189
17	PROJECT MANAGEMENT SUPPORT		697		697		697				697
18	SYSTEM FIELDING SUPPORT (TACOM)		2,000		2,000		2,000				2,000
19	SPARES AND REPAIR PARTS		-		-		-				-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	COMM - JOINT COMMUNICATIONS										
20	JCSE EQUIPMENT (USREDCOM)		2,271		2,271		2,271				2,271
	COMM - SATELLITE COMMUNICATIONS										
21	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		78,232		78,232		78,232				78,232
22	SAT TERM, EMUT	618	17,498	618	17,498	618	17,498			618	17,498
23	NAVSTAR GLOBAL POSITIONING SYSTEM	15,025	32,502	15025	32,502	15025	32,502		17,500		50,002
24	GROUND COMMAND POST		1,049		1,049		1,049				1,049
25	SMART-T		66,714		66,714		66,714				66,714
26	SCAMP		25,816		25,816		25,816				25,816
27	MOD OF IN-SVC EQUIP (TAC SAT)		4,166		4,166		4,166				4,166
	COMM - COMBAT SUPPORT COMM										
28	MSE MOD IN SERVICE		14,683		14,683		14,683				14,683
	COMM - C3 SYSTEM										
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		920		920		920				920
30	SOUTHCOM C3 UPGRADE		11,424		11,424		11,424				11,424
31	STD THEATER CMD & CONTROL SYS (STACCS)		14,526		14,526		17,826				14,526
	COMM - COMBAT COMMUNICATIONS										
32	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		19,968		44,968		44,968		25,000		44,968
33	MOBILE SUBSCRIBER EQUIP (MSE)		3,477		3,477		3,477				3,477
34	SINCGARS FAMILY		310,620		310,620		364,720		54,100		364,720
35	SW ASIA COMM INFRASTRUCTURE		-		-		-				-
36	EAC COMMUNICATIONS		5,896		5,896		45,896		40,000		45,896
37	MOD OF IN-SVC EQUIP (EAC COMM)		11,637		11,637		11,637				11,637
38	TAC RADIO	700	24,803	700	24,803	700	24,803			700	24,803

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39	C-E CONTINGENCY/FIELDING EQUIP		5,108		5,108		5,108				5,108
	INFORMATION SECUTITY										
40	TSEC - INFORMATION SYSTEM SECURITY		11,105		11,105		11,105				11,105
41	TSEC - JCSE EQIP		-		-		-				-
	COMM - LONG HAUL COMMUNICATIONS										
42	TERRESTRIAL TRANSMISSION		9,596		9,596		9,596				9,596
43	BASE SUPPORT COMMUNICATIONS		2,205		2,205		2,205				2,205
44	DEFENSE DATA NETWORK (DDN)		4,927		4,927		4,927				4,927
45	ELECTROMAG COMP PROG (EMCP)		498		498		498				498
46	WW TECH CON IMP PROG (WWTCIP)		4,811		4,811		4,811				4,811
	COMM - BASE COMMUNICATIONS										
47	INFORMATION SYSTEMS		64,142		64,142		64,142		(12,000)		52,142
48	DEFENSE MESSAGE SYSTEM (DMS)		7,963		7,963		10,763				7,963
49	LOCAL AREA NETWORK (LAN)		61,547		61,547		61,547		(10,000)		51,547
50	PENTAGON TELECOM CTR (PTC)		2,741		2,741		2,741				2,741
	ELECT EQUIP - NAT FOR INT PROG (NFIP)										
51	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		536		536		536				536
52	GENERAL DEFENSE INTELL PROG (GDIP)		29,409		29,409		29,409		(5,221)		24,188
53	ITEMS LESS THAN $2.0M (INTEL SPT) - TIARA		2,826		2,826		2,826				2,826
	ELECT EQUIP - TACT INT REL ACT (TIARA)										
54	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		9,886		9,886		16,286				9,886
55	COMMANDERS TACTICAL TERM (CTT) (TIARA)	33	11,314		30,014		30,014		18,700		30,014
56	HF COMINT SYSTEM (TIARA)		-		-		-				-
57	IEW - GND BASE COMMON SENSORS (TIARA)		46,937		46,937		46,937				46,937
58	DEFENSE AIRBORNE RECONN PROGRAM (DARP)		-		-		-				-
59	JOINT STARS (ARMY) (TIARA)		82,984		82,984		82,984				82,984
60	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	5	6,954	5	6,954	5	6,954			5	6,954
61	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		-		-		-				-
62	TACTICAL EXPLOITATION OF NATIONAL CAPABILI		4,617		4,617		4,617				4,617
63	JOINT TACTICAL GROUND STATION		30,914		-		30,914				30,914
64	TROJAN (TIARA)		19,313		19,313		19,313				19,313
65	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		19,491		19,491		19,491				19,491
66	ITEMS LESS THAN $2.0M (TIARA)		517		517		517				517
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
67	MOD OF IN-SVC EQUIP (EW)		-		-		-				-
68	COUNTERINTELLIGENCE/SECURITY COUNTERMEASUR		2,582		2,582		2,582				2,582
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										
69	LT SPEC DIV INTERIM SENSOR (LSDIS)		-		-		-				-
70	FAAD GBS		44,678		63,878		63,878		19,200		63,878
71	NIGHT VISION DEVICES		77,132		77,132		85,132		8,000		85,132
72	PHYSICAL SECURITY SYSTEMS		-		-		-				-
73	ARTILLERY ACCURACY EQUIP		12,364		12,364		12,364				12,364
74	MOD OF IN-SVC EQUIP (TAC SURV)		26,860		26,860		26,860				26,860
75	LIGHTWEIGHT LEADER COMPUTER (LLC)		-		-		-				-
76	COMPUTER BALLISTICS: MORTAR XM-23		5,019		5,019		5,019				5,019
77	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	12	7,029	12	7,029	12	7,029			12	7,029
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
78	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	221	30,897	221	30,897	221	30,897		(1,500)	221	29,397
79	FIRE SUPPORT ADA CONVERSION		-		-		-				-

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80	INITIAL FIRE SPT AUTOMATIC SYSTEM (IFSAS)		-		-		-				-
81	CMBT SVC SUPT CONTROL SYS (CSSCS)	29	5,915	29	5,915	29	5,915			29	5,915
82	CORPS/THEATER ADP SVC CTR (CTASC)		-		-		-				-
83	FAAD C2	5	32,942	5	32,942	5	32,942		7,400	5	40,342
84	FORWARD ENTRY DEVICE (FED)		-		-		-				-
85	COMMON HARDWARE SOFTWARE		-		-		-				-
86	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		2,096		2,096		2,096				2,096
87	LOGTECH		4,534		4,534		4,534				4,534
88	ISYSCON EQUIPMENT		13,178		13,178		13,178				13,178
89	MANEUVER CONTROL SYSTEM (MCS)		13,808		13,808		18,808		5,000		18,808
90	STAMIS TACTICAL COMPUTERS (STACOMP)	1,830	23,465	1830	23,465	1830	23,465			1830	23,465
91	STANDARD INTEGRATED CMD POST SYSTEM		28,914		28,914		28,914				28,914
	ELECT EQUIP - AUTOMATION										
92	AUTOMATED DATA PROCESSING EQUIP		132,751		120,751		132,751				132,751
93	RESERVE COMPONENT AUTOMATION SYS (RCAS)		83,174		83,174		83,174				83,174
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)										
94	AFRTS		2,586		2,586		2,586				2,586
95	ITEMS LESS THAN $2.0M (A/V)		5,102		5,102		5,102				5,102
	ELECT EQUIP-TEST MEAS&DIAG EQUIP (TMDE)										
96	CALIBRATION SETS EQUIPMENT		11,457		11,457		11,457				11,457
97	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		26,449		46,449		26,449		18,500		44,949
98	TMDE MODERNIZATION (TMOD)		9,470		9,470		9,470				9,470
	ELECT EQUIP - SUPPORT										
99	INITIAL SPARES - PEO CCS		-		-		-				-
100	INITIAL SPARES - PEO COMM		-		-		-				-
101	INITIAL SPARES - PEO IEW		-		-		-				-
102	INITIAL SPARES - PEO STAMIS		-		-		-				-
103	INITIAL SPARES - NON PEO		-		-		-				-
104	ARMY PRINTING AND BINDING EQUIPMENT		-		-		-				-
105	INSTALLATION C4 UPGRADE (ICU)		1,762		1,762		1,762				1,762
106	PRODUCTION BASE SUPPORT (C-E)		717		717		717				717
	OTHER SUPPORT EQUIPMENT				-		-				
	CHEMICAL DEFENSIVE EQUIPMENT										
107	SIMP COLL PROT EQUIP M20		-		-		-				-
108	COLL PROT EQUIP, NBC TEMPER, TENT M28		-		-		-				-
109	MASK, PROTECTIVE, NBC M40/M42		-		-		-				-
110	REMOTE SENSING CHEMICAL AGENT ALARM XM21		-		-		-				-
111	IMPROVED CHEMICAL AGENT MONITOR		-		-		-				-
112	AUTO CHEMICAL AGENT ALARM (ACADA), XM22		-		-		-				-
113	DECONTAMINATE APP PWR DR LT WT M17		-		-		-				-
114	GEN SMK MECH:MTRZD DUAL PURP XM56		-		-		-				-
115	GENERATOR, SMOKE, MECH XM58	34	12,698	34	12,698	34	12,698			34	12,698
116	GEN SET, SMOKE, MECH: PUL JET,XM157	170	5,214	170	5,214	170	5,214			170	5,214
117	RADIATION MONITORING SYSTEM (OPA-3)		-		-		-				-
118	JOINT BIOLOGICAL DEFENSE PROGRAM		-		-		-				-
	BRIDGING EQUIPMENT										
119	RIBBON BRIDGE		3,828		3,828		3,828				3,828
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
120	DISPENSER, MINE M139		953		953		953				953

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121	METALLIC MINE DETECTOR, VEHICLE MOUNTED		-		-		-				-
	COMBAT SERVICE SUPPORT EQUIPMENT										
122	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,176		3,176		3,176				3,176
123	STANDARD INTEGRATED CMD POST SYSTEM		-		-		-				-
124	CHEM/BIO PROTECTIVE SHELTER		-		-		-				-
125	SPACE HEATER	290	1,440	290	1,440	290	1,440			290	1,440
126	SOLDIER ENHANCEMENT		-		-		-				-
127	FORCE PROVIDER	2	12,275	2	12,275	2	12,275			2	12,275
128	REFRIGERATION EQUIPMENT		2,562		2,562		2,562				2,562
129	ITEMS LESS THAN $2.0M (CSS-EQ)		2,222		2,222		2,222				2,222
	PETROLEUM EQUIPMENT										
130	LAB PETROLEUM MODULAR BASE	1	2,786	1	2,786	1	2,786			1	2,786
131	INLAND PETROLEUM DISTRIBUTION SYSTEM		1,115		1,115		1,115				1,115
132	HEMTT AVIATION REFUELING SYSTEM	21	546	21	546	21	546			21	546
133	ITEMS LESS THAN $2.0M (POL)		5,537		5,537		5,537		(837)		4,700
	WATER EQUIPMENT										
134	FWD AREA WTR POINT SUP SYSTEM	148	2,692	148	2,692	148	2,692			148	2,692
135	SMALL MOBILE WATER CHILLER (SMWC)	387	3,953	387	3,953	387	3,953			387	3,953
136	ITEMS LESS THAN $2.0M (WATER EQ)		2,394		2,394		2,394				2,394
	MEDICAL EQUIPMENT										
137	COMBAT SUPPORT MEDICAL		14,310		14,310		14,310				14,310
	MAINTENANCE EQUIPMENT										
138	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	71	1,778	71	1,778	71	1,778			71	1,778
139	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD		-		-		-				-
140	ITEMS LESS THAN $2.0M (MAINT EQ)		1,450		1,450		1,450				1,450
	CONSTRUCTION EQUIPMENT										
141	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)		-		-		-				-
142	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	47	7,115	47	7,115	47	7,115			47	7,115
143	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	18	9,938	18	9,938	18	9,938			18	9,938
144	CRANE, WHEEL MTD, 25T, 3/4 CU YD, RT	7	1,987	7	1,987	7	1,987			7	1,987
145	ITEMS LESS THAN $2.0M (CONST EQUIP)		1,981		1,981		1,981				1,981
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
146	PUSHER TUG, SMALL	1	3,576	1	3,576	1	3,576			1	3,576
147	FLOATING CRANE, 100-250 TON		-		-		-				-
148	CAUSEWAY SYSTEMS		-		-		-				-
149	RAILWAY CAR, FLAT, 100 TON	238	11,767	238	11,767	238	11,767			238	11,767
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		3,602		3,602		3,602		(1,000)		2,602
	GENERATORS										
151	GENERATORS AND ASSOCIATED EQUIP		13,761		13,761		48,761				13,761
	MATERIAL HANDLING EQUIPMENT										
152	TRUCK, FORK LIFT, DE, PT, RT, 50000 LB	33	10,928	33	10,928	33	10,928			33	10,928
153	ALL TERRAIN LIFTING ARTICULATING SYSTEM	112	14,403	112	14,403	112	14,403			112	14,403
154	ITEMS LESS THAN $2.0M (MHE)		2,843		2,843		2,843				2,843
	TRAINING EQUIPMENT										
155	COMBAT TRAINING CENTERS SUPPORT		22,208		22,208		22,208				22,208
156	TRAINING DEVICES, NONSYSTEM		71,561		71,561		71,561		4,500		76,061
157	SIMNET/CLOSE COMBAT TACTICAL TRAINER		30,655		30,655		30,655				30,655
158	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINE		-		-		-				-
	OTHER SUPPORT EQUIPMENT										

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159	RECONFIGURABLE SIMULATORS		12,616		12,616		12,616				12,616
160	PHYSICAL SECURITY SYSTEMS (OPA3)		6,190		6,190		6,190				6,190
161	SYSTEM FIELDING SUPPORT (OPA-3)		10,030		10,030		10,030				10,030
162	BASE LEVEL COM'L EQUIPMENT		-		-		-				-
163	ARMS CONTROL COMPLIANCE		-		-		-				-
164	COMBINED DEFENSE IMPROVEMENT PROJECT (CDIP		-		-		-				-
165	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		21,911		21,911		21,911		(7,500)		14,411
166	PRODUCTION BASE SUPPORT (OTH)		1,835		1,835		1,835				1,835
167	INDUSTRIAL MODERNIZATION INCENTIVE PROG		-		-		-				-
168	SPECIAL EQUIPMENT FOR USER TESTING		9,165		9,165		9,165				9,165
169	ITEMS LESS THAN $2.0M (OTH SPT EQ)		-		-		-				-
170	OPA INITIAL SPARES		-		-		-				-
171	TRACTOR VAPOR		2,223		2,223		2,223				2,223
172	NATURAL GAS UTILIZATION		-		-		-				-
173	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	SPARE AND REPAIR PARTS				-		-				
	OPA1										
174	INITIAL SPARES - TSV		1,093		1,093		1,093				1,093
	OPA2										
175	INITIAL SPARES - C&E		82,994		82,994		82,994				82,994
	OPA3										
176	INITIAL SPARES - OTHER SUPPORT EQUIP		2,038		2,038		2,038				2,038
	OTHER PROCUREMENT, ARMY-TOTAL		2,256,601		2,545,587		2,811,101		506,842		2,763,443

High mobility multipurpose wheeled vehicle

The budget request included $57.7 million for 546 high mobility multipurpose wheeled vehicles (HMMWVs).

The House bill would authorize an increase of $39.0 million to procure approximately 700 additional HMMWVs.

The Senate amendment would authorize an increase of $72.0 million to procure approximately 1300 additional HMMWVs.

The House recedes.

The conferees agree that additional HMMWVs are required for both the Army and the Marine Corps, and expect the military services to include in future budget requests adequate funds to procure sufficient HMMWVs to meet validated service requirements and to meet minimum annual required production rates necessary to sustain the essential elements of the HMMWV industrial base.

Family of heavy tactical vehicles

The budget request included $0.6 million for the family of heavy tactical vehicles (FHTV).

The House bill would authorize an increase of $100.0 million for the FHTV program.

The Senate amendment would authorize an increase of $125.0 million for the FHTV program.

The House recedes.

The conferees agree to authorize an increase to the budget request of $125.0 million to procure the heavy tactical vehicles, as indicated below:

	Dollars (in millions)	Quantity
Heavy equipment transporter	$40.0	83
Heavy expanded mobility tactical transporter	33.0	115
Palletized loading system	52.0	147

Medium truck extended service program

The budget request did not include funds for the medium truck extended service program (ESP).

The House bill would not authorize funds for medium truck ESP.

The Senate amendment would authorize $30.0 million for medium truck ESP.

The conferees agree to authorize $20.0 million for medium truck ESP. The conferees express their concern regarding the possibility of initiating multiple truck remanufacture programs, thereby creating excess capacity in the industry. The conferees prefer that maximum use be made of the medium truck ESP currently underway, that separate, additional procurements be kept to a minimum to avoid industrial overcapacity, and that, for future procurements, consideration be given to reliable manufacturers with demonstrated capabilities to produce military trucks.

GUARDRAIL tactical information broadcast service

The budget request included $48.9 million for the GUARDRAIL common sensor program.

Both the House bill and the Senate amendment would authorize funding at the requested level.

The conferees have determined that there is a need for GUARDRAIL aircraft to be equipped with improved intelligence data dissemination capability and interoperability with other intelligence data producers. Therefore, the conferees agree to authorize an increase of $9.0 million to the budget request for procurement and integration of tactical information broadcast service to provide this capability for existing GUARDRAIL aircraft.

Nonsystem training devices

The budget request included $71.6 million for nonsystem training devices.

The House bill and the Senate amendment authorized the request.

The conferees are concerned that the Army is currently training firefighters using fossil-fueled techniques that are not only hazardous to the trainees but, in some cases, in violation of environmental regulations. Moreover, the conferees are aware that there are computer-controlled natural gas/propane firefighter training systems, currently used by other services, that provide safe training for individuals and minimize destruction to the environment. Accordingly, the conferees authorize $4.5 million to procure an initial set of these systems.

Further, the conferees believe that the Army should develop a plan to replace current firefighting training sites in regions where multiple commands can take advantage of a single site.

Overview

The budget request for fiscal year 1996 contained an authorization of $3,886.5 million for Aircraft Procurement, Navy in the Department of Defense. The House bill would authorize $4,106.5 million. The Senate amendment would authorize $4,916.6 million. The conferees recommended an authorization of $4,572.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
	COMBAT AIRCRAFT										
1	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER		-		-		180,000				-
2	AV-8B (V/STOL)HARRIER	4	163,582	12	323,582	8	263,582	4	81,251	8	244,833
2	LESS: ADVANCE PROCUREMENT (PY)		(15,419)		(15,419)		(15,419)				(15,419)
3	ADVANCE PROCUREMENT (CY)		21,582		21,582		21,582				21,582
4	F/A-18C/D (FIGHTER) HORNET	12	694,101	12	694,101	24	1,258,101	6	212,765	18	906,866
4	LESS: ADVANCE PROCUREMENT (PY)		(84,197)		(84,197)		(84,197)				(84,197)
5	ADVANCE PROCUREMENT (CY)		-		-		-				-
6	F/A-18E/F (FIGHTER) HORNET		-		-		-				-
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		236,882		236,882		236,882				236,882
8	CH/MH-53E (HELICOPTER) SUPER STALLION		-		-	3	90,000				-
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
9	V-22 (MEDIUM LIFT)		-		-		-				-
9	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
10	ADVANCE PROCUREMENT (CY)		48,022		48,022		48,022				48,022
11	AH-1W (HELICOPTER) SEA COBRA		10,385		10,385		10,385		64,615	6	75,000
12	SH-60B (ASW HELICOPTER) SEAHAWK		13,744		13,744		13,744				13,744
12	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
13	SH-60F CV (ASW HELICOPTER)		-		-		-				-
13	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
14	E-2C (EARLY WARNING) HAWKEYE	3	212,589	4	282,589	3	212,589			3	212,589
14	LESS: ADVANCE PROCUREMENT (PY)		(41,376)		(41,376)		(41,376)				(41,376)
15	ADVANCE PROCUREMENT (CY)		43,020		43,020		43,020				43,020
	TRAINER AIRCRAFT				-		-				
	TRAINER AIRCRAFT										-
16	T-45TS (TRAINER) GOSHAWK	12	317,143	12	317,143	12	317,143			12	317,143
16	LESS: ADVANCE PROCUREMENT (PY)		(30,961)		(30,961)		(30,961)				(30,961)
17	ADVANCE PROCUREMENT (CY)		29,902		29,902		29,902				29,902
17a	T-39N		-		-				45,000	17	45,000
	OTHER AIRCRAFT				-		-				
	OTHER AIRCRAFT										
18	HH-60H (HELICOPTER)		23,750		23,750		23,750				23,750
	MODIFICATION OF AIRCRAFT				-		-				
	MODIFICATION OF AIRCRAFT										
19	A-6 SERIES		-		-		-				-
20	EA-6 SERIES		-		-		36,000		165,000		165,000
21	AV-8 SERIES		16,007		16,007		16,007				16,007
22	F-14 SERIES		59,047		59,047		76,147		42,475		101,522
23	ADVERSARY		153		153		153				153
24	ES-3 SERIES		20,608		20,608		20,608				20,608
25	F-18 SERIES		91,606		91,606		91,606				91,606
26	H-46 SERIES		83,665		83,665		83,665				83,665
27	H-53 SERIES		46,152		46,152		46,152				46,152
28	SH-60 SERIES		66,770		66,770		66,770				66,770
29	H-1 SERIES		54,530		54,530		67,530		13,000		67,530
30	H-3 SERIES		6,975		6,975		6,975				6,975

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31	EP-3 SERIES		32,405		32,405		32,405				32,405
32	P-3 SERIES		178,557		178,557		178,557		31,800		210,357
33	S-3 SERIES		40,232		40,232		40,232				40,232
34	E-2 SERIES		19,636		19,636		19,636				19,636
35	TRAINER A/C SERIES		727		727		727				727
36	C-130 SERIES		6,939		6,939		6,939				6,939
37	FEWSG		550		550		550				550
38	CARGO/TRANSPORT A/C SERIES		31,354		31,354		31,354				31,354
39	E-6 SERIES		112,904		112,904		112,904				112,904
40	EXECUTIVE HELICOPTERS SERIES		35,965		35,965		35,965				35,965
41	T-45 SERIES		4,949		4,949		4,949				4,949
42	POWER PLANT CHANGES		17,525		17,525		17,525				17,525
43	MISC FLIGHT SAFETY CHANGES		167		167		167				167
44	COMMON ECM EQUIPMENT		4,234		4,234		34,234		30,000		34,234
45	COMMON AVIONICS CHANGES		73,947		73,947		73,947				73,947
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
46	SPARES AND REPAIR PARTS		784,782		784,782		784,782				784,782
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				-		-				
47	COMMON GROUND EQUIPMENT		367,017		357,017		367,017				367,017
48	AIRCRAFT INDUSTRIAL FACILITIES		30,656		30,656		30,656				30,656
49	WAR CONSUMABLES		20,191		20,191		20,191				20,191
50	OTHER PRODUCTION CHARGES		21,881		21,881		21,881				21,881
51	SPECIAL SUPPORT EQUIPMENT		11,743		11,743		11,743				11,743
52	FIRST DESTINATION TRANSPORTATION		1,865		1,865		1,865				1,865
53	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	AVIATION MULTIYEAR FUND				-						
	AIRCRAFT PROCUREMENT, NAVY-TOTAL		3,886,488		4,106,488		4,916,588		685,906		4,572,394

AV–8B remanufacture

The budget request included $148.2 million for the remanufacture of four Marine Corps AV–8B aircraft.

The House bill would add $160.0 million for the remanufacture of eight additional aircraft.

The Senate amendment would authorize an additional $100.0 million for the remanufacture of four more aircraft.

The conferees agree to authorize a total of $229.4 million, $81.3 million above the budget request, for the remanufacture of four additional aircraft.

Electronic warfare

The budget request included no funds to either expand the Navy's fleet of EA–6B block 89 aircraft to accommodate the retirement of the EF–111 jammer aircraft or to improve the capabilities of the existing Block 89 EA–6B fleet.

The House bill would approve the budget request.

The Senate amendment would authorize $216.0 million to modernize airborne electronic warfare (EW) capabilities of the EA–6B Block 89 aircraft and to expand the number of Block 89 aircraft by 20.

The conferees agree that modernization of the Department's tactical electronic warfare aircraft fleet is a priority item of special interest. Accordingly, the conferees agree to authorize $165.0 million to initiate procurement of EA–6B modifications, as set forth below:

(1) $100.0 million to modernize up to 20 older EA–6B Block 82 aircraft to the newer Block 89 configuration to offset EF–111 retirements;

(2) $40.0 million to procure 60 band 9/10 transmitters; and

(3) $25.0 million for 30 USQ–113 enhanced radio countermeasure sets.

The conferees also authorize an increase of $10.0 million to Navy EW development (PE 64270N), to develop a low-cost, reactive jamming capability for the EA–6B. The conferees are especially interested in the Navy's completion of an affordable upgrade to the EA–6B reactive processor capability.

The conferees note the inconsistent nature of the Navy's actions regarding airborne tactical EW in recent years and are deeply concerned with the Navy's vacillating commitment and support for meaningful upgrades to the EA–6B aircraft. Accordingly, the Secretary of the Navy is directed to:

(1) initiate the EA–6B modifications identified above.

(2) provide the congressional defense committees with the following:

(a) a program and budget plan for completing the directed modifications.

(b) the Joint Tactical Airborne EW Study (JTAEWS).

In addition, the conferees agree that the Secretary of the Navy shall not obligate more than 75 percent of funds appropriated for procurement of the F/A–18C/D for fiscal year 1996 until he has accomplished the actions specified above.

F–14 modifications

The budget request included $59.0 million for F–14 modifications. This amount did not include any funds for a forward-looking infrared (FLIR)/laser designator system for the F–14. The budget request included $25.4 million in research and development funds for a precision strike upgrade, an effort to integrate the joint direct attack munition (JDAM) into the F–14.

The House bill would approve the budget request for F–14 modifications.

After completion of the House bill, the Navy informed the Senate that the requirements validation process had documented an operational requirement for a FLIR/laser designator system for the F–14, in lieu of the JDAM integration. The Senate considered this requirement to be a high priority for carrier operations. Therefore, the Senate amendment would authorize an increase of $17.1 million for F–14 aircraft modifications in fiscal year 1996. This action was taken with the understanding that the Department of Defense would provide funding for the system in future budget requests.

The conferees agree to provide $101.5 million for F–14 modifications, with an increase of $42.5 million provided for the FLIR/laser designator effort. The conferees also agree to reduce the F–14 research and development request by $25.4 million.

Additionally, the conferees agree to invite the Navy to reprogram funds originally authorized for JDAM integration into the FLIR/laser designator procurement effort, to expedite meeting the need for improving F–14 strike capability.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,787.1 million for Weapons Procurement, Navy in the Department of Defense. The House bill would authorize $1,626.4 million. The Senate amendment would authorize $1,771.4 million. The conferees recommended an authorization of $1,659.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	WEAPONS PROCUREMENT, NAVY										
	BALLISTIC MISSILES										
	BALLISTIC MISSILES		-		-		-				
1	TRIDENT I		-		-		-				-
2	TRIDENT II	6	343,392	6	343,392	6	343,392			6	343,392
2	LESS: ADVANCE PROCUREMENT (PY)		(15,960)		(15,960)		(15,960)				(15,960)
3	ADVANCE PROCUREMENT (CY)		190,920		190,920		190,920				190,920
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
4	MISSILE INDUSTRIAL FACILITIES		2,199		2,199		2,199				2,199
	OTHER MISSILES				-		-				-
	STRATEGIC MISSILES				-		-				
5	TOMAHAWK	164	161,727	164	161,727	164	120,027		(41,700)	164	120,027
	TACTICAL MISSILES				-		-				
6	AMRAAM	115	81,691	115	81,691	115	77,691		(4,200)	115	77,491
7	HARPOON	30	46,368	30	86,368	30	46,368		40,000	75	86,368
8	JSOW		26,218		26,218		26,218				26,218
9	STANDARD MISSILE	151	231,540	151	231,540	151	231,540			151	231,540
10	RAM	230	69,208	230	69,208	230	69,208			230	69,208
11	HELLFIRE		-		-		-				-
12	AERIAL TARGETS		68,620		68,620		68,620				68,620
13	DRONES AND DECOYS		-		-		-				-
14	OTHER MISSILE SUPPORT		22,203		22,203		22,203				22,203
	MODIFICATION OF MISSILES				-		-				
15	TOMAHAWK MODS		684		684		684		49,316		50,000
16	SPARROW MODS		4,338		4,338		4,338				4,338
17	SIDEWINDER MODS		17,861		17,861		17,861				17,861
18	HARPOON MODS		4,370		4,370		4,370				4,370
19	HARM MODS		-		-		-				-
20	STANDARD MISSILES MODS		35,055		35,055		35,055				35,055
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
21	WEAPONS INDUSTRIAL FACILITIES		13,094		13,094		13,094		30,000		43,094
22	FLEET SATELLITE COMM (MYP)		51,764		51,764		81,764				51,764
	ORDNANCE SUPPORT EQUIPMENT				-		-				
23	ORDNANCE SUPPORT EQUIPMENT		5,012		5,012		5,012				5,012
	TORPEDOES AND RELATED EQUIPMENT				-		-				
	TORPEDOES AND RELATED EQUIPMENT				-		-				
24	MK-48 ADCAP TORPEDO (MYP)		-		-		-				-
24	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
25	MK-50 ALWT		-		-		-				-
26	ASW TARGETS		652		652		652				652
27	VERTICAL LAUNCHED ASROC (VLA)		-		-		-				-
27	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MOD OF TORPEDOES AND RELATED EQUIP				-		-				
28	MK-46 TORPEDO MODS		3,613		3,613		3,613				3,613
29	MK-48 TORPEDO ADCAP MODS		61,022		61,022		61,022				61,022
30	QUICKSTRIKE MINE		-		-		-				-
	SUPPORT EQUIPMENT				-		-				
31	TORPEDO SUPPORT EQUIPMENT		31,237		31,237		31,237			-	31,237
32	ASW RANGE SUPPORT		18,128		18,128		18,128			-	18,128

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	DESTINATION TRANSPORTATION				-		-				
33	FIRST DESTINATION TRANSPORTATION		4,032		4,032		4,032				4,032
	OTHER WEAPONS				-		-				
	GUNS AND GUN MOUNTS				-		-				
34	SMALL ARMS AND WEAPONS		922		922		922				922
	MODIFICATION OF GUNS AND GUN MOUNTS				-		-				
35	CIWS MODS		37,328		37,328		37,328				37,328
36	5/54 GUN MOUNT MODS		2,605		2,605		2,605				2,605
37	MK-75 76MM GUN MOUNT MODS		901		901		901				901
38	MODS UNDER $2 MILLION		1,645		1,645		1,645				1,645
	OTHER										
39	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	OTHER ORDNANCE				-		-				
	AIR LAUNCHED ORDNANCE				-		-				
40	GENERAL PURPOSE BOMBS		46,142		-		46,142		(46,142)		-
41	2.75 INCH ROCKETS		14,806		-		14,806		(14,806)		-
42	MACHINE GUN AMMUNITION		11,469		-		11,469		(11,469)		-
43	PRACTICE BOMBS		11,195		-		11,195		(11,195)		-
44	CARTRIDGES & CART ACTUATED DEVICES		17,974		-		17,974		(17,974)		-
45	AIRCRAFT ESCAPE ROCKETS		10,586		-		10,586		(10,586)		-
46	AIR EXPENDABLE COUNTERMEASURES		22,828		-		22,828		(22,828)		-
47	MARINE LOCATION MARKERS		871		-		871		(871)		-
48	JATOS		4,940		-		4,940		(4,940)		-
	SHIP ORDNANCE				-						
49	5 INCH/54 GUN AMMUNITION		21,501		-		21,501		(21,501)		
50	CIWS AMMUNITION		93		-		93		(93)		-
51	76MM GUN AMMUNITION		6,432		-		6,432		(6,432)		-
52	OTHER SHIP GUN AMMUNITION		5,148		-		5,148		(5,148)		-
	OTHER ORDNANCE				-		-				
53	SMALL ARMS & LANDING PARTY AMMO		5,814		-		5,814		(5,814)		-
54	PYROTECHNIC AND DEMOLITION		11,253		-		11,253		(11,253)		-
55	MINE NEUTRALIZATION DEVICES		787		-		787		(787)		-
56	SHIP EXPENDABLE COUNTERMEASURES		8,871		-		8,871		(8,871)		-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
57	SPARES AND REPAIR PARTS		64,022		64,022		64,022				64,022
	WEAPONS PROCUREMENT, NAVY-TOTAL		1,787,121		1,626,411		1,771,421		(127,294)		1,659,827

Overview

The budget request for fiscal year 1996 contained an authorization of $5,051.9 million for Shipbuilding and Conversion Procurement, Navy in the Department of Defense. The House bill would authorize $6,227.9 million. The Senate amendment would authorize $7,111.9 million. The conferees recommended an authorization of $6,643.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
	OTHER WARSHIPS										
1	CARRIER REPLACEMENT PROGRAM		-		-		-				
1	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
2	SSN-21	1	1,876,102		368,625	1	1,876,102		(807,477)	1	1,068,625
2	LESS: ADVANCE PROCUREMENT (PY)		(368,625)		(368,625)		(368,625)				(368,625)
3	NEW SSN		704,498		704,498		814,498		100,000		804,498
3a	ENHANCED SSN CAPABILITIES		-		1,000,000						-
4	CVN REFUELING OVERHAULS		221,988		221,988		221,988				221,988
5	CGN REFUELING OVERHAULS		1,719		1,719		1,719				1,719
5	LESS: ADVANCE PROCUREMENT (PY)		(1,719)		(1,719)		(1,719)				(1,719)
6	DDG-51	2	2,162,457	3	2,812,457	4	2,812,457			3	2,162,457
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		6,800		6,800		6,800				6,800
	AMPHIBIOUS SHIPS				-		-				
	AMPHIBIOUS SHIPS				-		-				
8	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)		-		-	1	1,400,000		1,400,000	1	1,400,000
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		(100,000)		(100,000)		(100,000)
8a	LPD-17				974,000		-		974,000	1	974,000
9	ADVANCE PROCUREMENT (CY)		-		-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				
10	MCS CONV		-		-		-				
10a	FAST PATROL CRAFT		-		9,500				9,500		9,500
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGR				-		-				
	AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COS				-		-				
11	AE(C)	2	62,130	2	62,130	2	62,130			2	62,130
12	OCEANOGRAPHIC SHIPS		-		-		-				-
12a	T-AGS 64		-		70,000				16,000		16,000
12b	LSD-52 SELF DEFENSE								20,000		20,000
13	SERVICE CRAFT		16,996		16,996		16,996				16,996
14	OUTFITTING		144,791		134,791		144,791		(10,000)		134,791
15	POST DELIVERY		174,991		164,991		174,991		(10,000)		164,991
16	AFS (C)	2	47,096	2	47,096	2	47,096			2	47,096
17	FIRST DESTINATION TRANSPORTATION		2,711		2,711		2,711				2,711
18	SSN MAIN STEAM CONDENSERS		-		-		-				-
	SHIPBUILDING & CONVERSION, NAVY-TOTAL		5,051,935		6,227,958		7,111,935		1,592,023		6,643,958

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Navy and Marine Corps in the Department of Defense. The House bill would authorize $461.8 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $430.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP										
	PROC AMMO, NAVY										
	NAVY AMMUNITION										
1	GENERAL PURPOSE BOMBS		-		46,142		-		43,000		43,000
2	2.75 INCH ROCKETS		-		14,806		-		14,806		14,806
3	MACHINE GUN AMMUNITION		-		11,469		-		11,469		11,469
4	PRACTICE BOMBS		-		11,195		-		19,000		19,000
5	CARTRIDGES & CART ACTUATED DEVICES		-		17,974		-		17,974		17,974
6	AIRCRAFT ESCAPE ROCKETS		-		10,586		-		10,586		10,586
7	AIR EXPENDABLE COUNTERMEASURES		-		22,828		-		24,828		24,828
8	MARINE LOCATION MARKERS		-		871		-		871		871
9	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
10	JATOS		-		4,940		-		4,940		4,940
	NAVY AMMUNITION						-				
11	5 INCH/54 GUN AMMUNITION		-		51,701		-		36,000		36,000
12	CIWS AMMUNITION		-		93		-		93		93
13	76MM GUN AMMUNITION		-		6,432		-		6,432		6,432
14	OTHER SHIP GUN AMMUNITION		-		5,148		-		10,148		10,148
	NAVY AMMUNITION						-				
15	SMALL ARMS & LANDING PARTY AMMO		-		5,814		-		5,814		5,814
16	PYROTECHNIC AND DEMOLITION		-		11,253		-		11,253		11,253
17	MINE NEUTRALIZATION DEVICES		-		787		-		787		787
18	SHIP EXPENDABLE COUNTERMEASURES		-		8,871		-		8,871		8,871
	PROC AMMO, MC				-		-				
	MARINE CORPS AMMUNITION						-				
19	5.56 MM, ALL TYPES		-		28,487		-		28,487		28,487
20	7.62 MM, ALL TYPES		-		12,082		-		12,082		12,082
21	.50 CALIBER		-		66,688		-		45,000		45,000
22	40 MM, ALL TYPES		-		3,939		-		3,939		3,939
23	60 MM HE M888		-		9,855		-		9,855		9,855
24	81 MM HE		-		4,724		-		14,724		14,724
25	81 MM SMOKE SCREEN		-		5,445		-		5,445		5,445
26	81MM ILLUMINATION (M853)		-		-		-		-		-
26a	81MM ILLUMINATION (M816)		-		6,700				6,700		6,700
27	120MM TPCSDS-T M865		-		8,902		-		8,902		8,902
28	120 MM TP-T M831		-		3,314		-		3,314		3,314
	155MM CHG, PROP, RED BAG								16,000		16,000
	155MM PROP CHARGE M203A1				32,000		-		-		-
29	FUZE, ET, XM762		-		10,000		-		10,000		10,000
30	CTG 25MM, ALL TYPES		-		6,724		-		6,724		6,724
31	9 MM ALL TYPES		-		2,979		-		2,979		2,979
32	ROCKETS, ALL TYPES		-		7,034		-		7,034		7,034
33	AMMO MODERNIZATION		-		9,611		-		9,611		9,611
	GRENADES, ALL TYPES				1,174				1,174		1,174
	MARINE CORPS AMMUNITION						-				
34	ITEMS LESS THAN $2 MIL		-		11,211		-		11,211		11,211
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP		-		461,779		-		430,053		430,053

Overview

The budget request for fiscal year 1996 contained an authorization of $2,396.1 million for Other Procurement, Navy in the Department of Defense. The House bill would authorize $2,461.5 million. The Senate amendment would authorize $2,471.9 million. The conferees recommended an authorization of $2,414.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Insert offset folio 001/2060 here

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
1	LM-2500 GAS TURBINE		7,973		7,973		7,973				7,973
2	ALLISON 501K GAS TURBINE		7,143		7,143		7,143				7,143
3	STEAM PROPULSION IMPROVEMENT		781		781		781				781
4	OTHER PROPULSION EQUIPMENT		3,185		3,185		3,185				3,185
	GENERATORS				-		-				
5	OTHER GENERATORS		7,754		7,754		7,754				7,754
	PUMPS				-		-				
6	OTHER PUMPS		1,014		1,014		1,014				1,014
7	SUBMARINE PUMP RETROFIT KITS		-		-		-				-
	AIR COMPRESSORS				-		-				
8	HIGH PRESSURE AIR COMPRESSORS		-		-		-				-
	PROPELLERS				-		-				-
9	SUBMARINE PROPELLERS		-		-		-				
10	OTHER PROPELLERS AND SHAFTS		1,543		1,543		1,543				1,543
	NAVIGATION EQUIPMENT				-		-				
11	ELEC SUSPENDED GYRO NAVIGATOR		4,108		-		1,608		(4,108)		-
12	OTHER NAVIGATION EQUIPMENT		17,688		27,688		27,688		10,000		27,688
	UNDERWAY REPLENISHMENT EQUIPMENT				-		-				
13	UNDERWAY REPLENISHMENT EQUIPMENT		14,008		14,008		14,008				14,008
	PERISCOPES				-		-				
14	SUB PERISCOPES & IMAGING EQUIP		24,157		24,157		24,157				24,157
	OTHER SHIPBOARD EQUIPMENT				-		-				
15	FIREFIGHTING EQUIPMENT		19,652		19,652		19,652				19,652
16	COMMAND AND CONTROL SWITCHBOARD		4,702		4,702		4,702				4,702
17	POLLUTION CONTROL EQUIPMENT		104,493		104,493		104,493				104,493
18	SUBMARINE SILENCING EQUIPMENT		4,539		4,539		4,539				4,539
19	SURFACE SHIP SILENCING EQUIPMENT		-		-		-				-
20	SUBMARINE BATTERIES		7,347		7,347		7,347				7,347
21	SSN21 CLASS SUPPORT EQUIPMENT		4,982		4,982		4,982				4,982
22	STRATEGIC PLATFORM SUPPORT EQUIP		4,500		4,500		4,500				4,500
23	DSSP EQUIPMENT		6,622		6,622		6,622				6,622
24	MINESWEEPING EQUIPMENT		12,985		12,985		12,985		(6,000)		6,985
25	HM&E ITEMS UNDER $2 MILLION		43,389		33,389		43,389		(10,000)		33,389
26	LASER ARTICULATION ROBOTIC SYSTEM (LARS)		-		-		-				-
27	SURFACE IMA		1,407		1,407		1,407				1,407
28	DEGAUSSING EQUIPMENT		-		-		-				-
29	RADIOLOGICAL CONTROLS		151		151		151				151
30	MINI/MICROMINI ELECTRONIC REPAIR		990		990		990				990
31	SUBMARINE LIFE SUPPORT SYSTEM		-		-		-				-
	REACTOR PLANT EQUIPMENT				-		-				
32	REACTOR POWER UNITS		-		-		-				-
33	REACTOR COMPONENTS		187,943		187,943		187,943				187,943
	OCEAN ENGINEERING				-		-				
34	DIVING AND SALVAGE EQUIPMENT		8,234		8,234		8,234				8,234
35	NAVAL SPECIAL WARFARE EQUIPMENT		4,784		4,784		4,784				4,784
	SMALL BOATS				-		-				

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36	STANDARD BOATS		8,072		8,072		8,072				8,072
	TRAINING EQUIPMENT				-		-				-
37	OTHER SHIPS TRAINING EQUIPMENT		5,388		5,388		5,388				5,388
	PRODUCTION FACILITIES EQUIPMENT				-		-				
38	PRODUCTION SUPPORT FACILITIES		3,258		3,258		3,258				3,258
39	OPERATING FORCES IPE		821		821		821				821
	OTHER SHIP SUPPORT				-		-				
40	NUCLEAR ALTERATIONS		120,452		120,452		120,452				120,452
41	FLEET MODERNIZATION PROGRAM		-		3,000		-		3,000		3,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	SHIP RADARS				-		-				
42	AN/SPS-40		-		-		-				-
43	AN/SPS-48		2,167		2,167		2,167				2,167
44	AN/SPS-49		10,038		10,038		10,038				10,038
45	AN/SYS-()		311		311		311				311
46	MK-23 TARGET ACQUISITION SYSTEM		5,283		5,283		5,283				5,283
47	RADAR SUPPORT		466		9,466		466		9,000		9,466
48	SURFACE ELECTRO-OPTICAL SYSTEM		3,542		3,542		3,542				3,542
	SHIP SONARS				-		-				
49	SURFACE SONAR SUPPORT EQUIPMENT		9,349		9,349		9,349				9,349
50	AN/SQQ-89 SURF ASW COMBAT SYSTEM		30,297		30,297		30,297		(5,000)		25,297
51	SSN ACOUSTICS		42,269		42,269		42,269				42,269
52	SURFACE SONAR WINDOWS AND DOME		-		6,000		-		6,000		6,000
53	SONAR SUPPORT EQUIPMENT		25,836		25,836		25,836				25,836
54	SONAR SWITCHES AND TRANSDUCERS		9,069		9,069		9,069				9,069
55	FBM SYSTEM SONARS		-		-		-				-
	ASW ELECTRONIC EQUIPMENT				-		-				
56	SUBMARINE ACOUSTIC WARFARE SYSTEM		7,973		7,973		7,973				7,973
57	SSTD		13,751		13,751		13,751				13,751
58	ACOUSTIC COMMUNICATIONS		225		225		225				225
59	SOSUS		19,725		19,725		19,725				19,725
60	AN/SQR-18 TOWED ARRAY SONAR		-		-		-				-
61	SURTASS		18,513		18,513		18,513				18,513
62	ASW OPERATIONS CENTER		8,358		8,358		8,358				8,358
63	CARRIER ASW MODULE		169		169		169				169
	ELECTRONIC WARFARE EQUIPMENT				-		-				
64	AN/SLQ-32		19,076		19,076		42,076				19,076
65	AN/WLR-1		2,898		2,898		2,898				2,898
66	AN/WLR-8		-		-		-				-
67	ICAD SYSTEMS		1,449		1,449		1,449				1,449
68	EW SUPPORT EQUIPMENT		8,351		8,351		8,351				8,351
69	C-3 COUNTERMEASURES		9,540		9,540		9,540		15,000		24,540
	RECONNAISSANCE EQUIPMENT				-		-				
70	COMBAT DF		4,967		4,967		4,967				4,967
71	OUTBOARD		1,505		1,505		1,505				1,505
72	BATTLE GROUP PASSIVE HORIZON EXTEN		-		-		-				-
	SUBMARINE SURVEILLANCE EQUIPMENT				-		-				
73	AN/WLQ-4		2,977		2,977		2,977				2,977
74	SUBMARINE SUPPORT EQUIPMENT PROG		4,432		4,432		4,432				4,432

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	OTHER SHIP ELECTRONIC EQUIPMENT				-		-				
75	NAVY TACTICAL DATA SYSTEM		301		301		301				301
76	TACTICAL FLAG COMMAND CENTER		15,330		15,330		15,330				15,330
77	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		31,380		31,380		31,380				31,380
78	LINK 16 HARDWARE		15,452		15,452		15,452				15,452
79	MINESWEEPING SYSTEM REPLACEMENT		5,019		5,019		5,019				5,019
80	SHALLOW WATER MCM		398		398		398				398
81	EMSP (MYP)		26,100		26,100		26,100				26,100
82	NAVSTAR GPS RECEIVERS		1,487		1,487		1,487				1,487
83	HF LINK-11 DATA TERMINALS		3,578		3,578		3,578				3,578
84	ARMED FORCES RADIO AND TV		3,549		3,549		3,549				3,549
85	STRATEGIC PLATFORM SUPPORT EQUIP		10,007		10,007		10,007				10,007
	TRAINING EQUIPMENT				-		-				
86	OTHER SPAWAR TRAINING EQUIPMENT		2,298		2,298		2,298				2,298
87	OTHER TRAINING EQUIPMENT		11,602		11,602		11,602				11,602
	AVIATION ELECTRONIC EQUIPMENT				-		-				
88	MATCALS		1,588		1,588		1,588				1,588
89	SHIPBOARD AIR TRAFFIC CONTROL		7,704		7,704		7,704				7,704
90	AUTOMATIC CARRIER LANDING SYSTEM		6,659		6,659		6,659				6,659
91	NATIONAL AIR SPACE SYSTEM		-		-		-				-
92	TACAN		28		28		28				28
93	AIR STATION SUPPORT EQUIPMENT		5,801		5,801		5,801				5,801
94	MICROWAVE LANDING SYSTEM		507		507		507				507
95	FACSFAC		6,388		6,388		6,388				6,388
96	ID SYSTEMS		10,202		10,202		10,202		(500)		9,702
97	SURFACE IDENTIFICATION SYSTEMS		10,248		10,248		10,248				10,248
	OTHER SHORE ELECTRONIC EQUIPMENT				-		-				-
98	TADIX-B		4,450		4,450		4,450				4,450
99	NAVAL SPACE SURVEILLANCE SYSTEM		-		-		-				-
100	NATIONAL IMAGERY SUPPORT		1,292		1,292		1,292				1,292
101	NCCS ASHORE		7,730		7,730		7,730				7,730
102	RADIAC		4,877		4,877		4,877				4,877
103	GPETE		13,452		13,452		13,452				13,452
104	INTEG COMBAT SYSTEM TEST FACILITY		6,164		6,164		6,164				6,164
105	CALIBRATION STANDARDS		2,384		2,384		2,384				2,384
106	EMI CONTROL INSTRUMENTATION		5,917		5,917		5,917				5,917
107	SHORE ELEC ITEMS UNDER $2 MILLION		8,558		8,558		8,558				8,558
	SHIPBOARD COMMUNICATIONS				-		-				
108	SHIPBOARD TACTICAL COMMUNICATIONS		6,635		6,635		10,135		6,300		12,935
109	PORTABLE RADIOS		1,436		1,436		1,436				1,436
110	SINCGARS		3,132		3,132		3,132				3,132
111	SHIP COMMUNICATIONS AUTOMATION		6,110		6,110		6,110				6,110
112	SHIP COMM ITEMS UNDER $2 MILLION		11,104		11,104		11,104				11,104
	SUBMARINE COMMUNICATIONS				-		-				
113	SHORE LF/VLF COMMUNICATIONS		4,288		4,288		4,288				4,288
114	SUBMARINE COMMUNICATION EQUIPMENT		17,961		17,961		17,961				17,961
	SATELLITE COMMUNICATIONS				-		-				
115	SATCOM SHIP TERMINALS		98,099		98,099		112,499		14,400		112,499
116	SATCOM SHORE TERMINALS		12,228		12,228		12,228				12,228

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Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	SHORE COMMUNICATIONS				-		-				
117	JCS COMMUNICATIONS EQUIPMENT		1,551		1,551		1,551				1,551
118	ELECTRICAL POWER SYSTEMS		-		-		-				-
119	SHORE HF COMMUNICATIONS		795		795		795				795
120	WWMCCS COMMUNICATIONS EQUIPMENT		2,361		2,361		2,361				2,361
121	NAVAL SHORE COMMUNICATIONS		34,160		34,160		34,160				34,160
	CRYPTOGRAPHIC EQUIPMENT				-		-				
122	SECURE VOICE SYSTEM		4,204		4,204		4,204				4,204
123	SECURE DATA SYSTEM		8,636		8,636		8,636		(2,599)		6,037
124	KEY MANAGEMENT SYSTEMS		12,913		12,913		12,913				12,913
125	SIGNAL SECURITY		-		-		-				-
126	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		-		-		-				-
	CRYPTOLOGIC EQUIPMENT				-		-				
127	CRYPTOLOGIC COMMUNICATIONS EQUIP		5,925		5,925		5,925				5,925
128	CRYPTOLOGIC ITEMS UNDER $2 MILLION		-		-		-				-
129	CRYPTOLOGIC FIELD TRAINING EQUIP		-		-		-				-
	OTHER ELECTRONIC SUPPORT				-		-				
130	ELEC ENGINEERED MAINT (NAVSEA)		-		-		-				-
131	ELECT ENGINEERED MAINTENANCE		1,781		1,781		1,781				1,781
	DRUG INTERDICTION SUPPORT				-		-				
132	OTHER DRUG INTERDICTION SUPPORT		-		-		-				-
	AVIATION SUPPORT EQUIPMENT				-		-				-
	SONOBUOYS				-		-				
133	AN/SSQ-36 (BT)		-		-		200		200		200
134	AN/SSQ-53 (DIFAR)		8,902		-		-		(8,902)		-
135	AN/SSQ-62 (DICASS)		-				4,100		4,090		4,090
136	AN/SSQ-110 (EER)		-		8,902		21,900		21,910		21,910
137	AN/SSQ-86 (DLC)		-		-		-				-
138	SIGNAL, UNDERWATER SOUND (SUS)		-		-		-				-
	AIR LAUNCHED ORDNANCE				-		-				
139	CARTRIDGES & CART ACTUATED DEVELOP		-		-		-				-
140	AIRCRAFT ESCAPE ROCKETS		-		-		-				-
141	AIR EXPENDABLE COUNTERMEASURES		-		-		-				-
142	MARINE LOCATION MARKERS		-		-		-				-
143	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
144	JATOS		-		-		-				-
	AIRCRAFT SUPPORT EQUIPMENT				-		-				
145	WEAPONS RANGE SUPPORT EQUIPMENT		40,280		40,280		40,280				40,280
146	EXPEDITIONARY AIRFIELDS		4,924		4,924		4,924				4,924
147	AIRCRAFT REARMING EQUIPMENT		7,505		7,505		7,505				7,505
148	CATAPULTS & ARRESTING GEAR		15,876		15,876		15,876				15,876
149	METEOROLOGICAL EQUIPMENT		20,196		20,196		20,196				20,196
150	OTHER PHOTOGRAPHIC EQUIPMENT		732		732		732				732
151	AVIATION LIFE SUPPORT		17,708		17,708		17,708				17,708
152	AIRBORNE MINE COUNTERMEASURES		19,506		19,506		19,506				19,506
153	LAMPS MK III SHIPBOARD EQUIPMENT		17,914		17,914		17,914		(1,200)		16,714
154	REWSON PHOTOGRAPHIC EQUIPMENT		612		612		612				612
155	JSIPS-N		-		-		-				-
156	STOCK SURVEILLANCE EQUIPMENT		1,518		1,518		1,518				1,518

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157	OTHER AVIATION SUPPORT EQUIPMENT		12,577		12,577		12,577				12,577
	ORDNANCE SUPPORT EQUIPMENT				-		-				
	SHIP GUN SYSTEM EQUIPMENT				-		-				
158	GUN FIRE CONTROL EQUIPMENT		4,076		4,076		4,076				4,076
	SHIP MISSILE SYSTEMS EQUIPMENT				-		-				
159	MK-92 FIRE CONTROL SYSTEM		739		739		739				739
160	HARPOON SUPPORT EQUIPMENT		2,952		2,952		2,952				2,952
161	TARTAR SUPPORT EQUIPMENT		-		-		-				-
162	POINT DEFENSE SUPPORT EQUIPMENT		-		-		-				-
163	AIRBORNE ECM/ECCM		520		520		520				520
164	ENGAGEMENT SYSTEMS SUPPORT		24,994		24,994		24,994				24,994
165	NATO SEASPARROW		6,619		6,619		6,619				6,619
166	RAM GMLS		50,037		50,037		50,037				50,037
167	SHIP SELF DEFENSE SYSTEM		15,643		15,643		15,643				15,643
168	AEGIS SUPPORT EQUIPMENT		64,288		64,288		64,288				64,288
169	SURFACE TOMAHAWK SUPPORT EQUIPMENT		71,293		71,293		71,293		(10,000)		61,293
170	SUBMARINE TOMAHAWK SUPPORT EQUIP		1,391		1,391		1,391				1,391
171	VERTICAL LAUNCH SYSTEMS		10,617		10,617		8,700				10,617
	FBM SUPPORT EQUIPMENT				-		-				
172	STRATEGIC PLATFORM SUPPORT EQUIP		-		-		-				-
173	STRATEGIC MISSILE SYSTEMS EQUIP		106,189		137,689		106,189				106,189
	ASW SUPPORT EQUIPMENT				-		-				
174	MK-117 FIRE CONTROL SYSTEM		12,917		12,917		12,917				12,917
175	SUBMARINE ASW SUPPORT EQUIPMENT		6,730		6,730		6,730				6,730
176	SURFACE ASW SUPPORT EQUIPMENT		8,169		8,169		8,169				8,169
177	ASW RANGE SUPPORT EQUIPMENT		5,118		5,118		5,118				5,118
	OTHER ORDNANCE SUPPORT EQUIPMENT				-		-				
178	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		9,690		9,690		9,690				9,690
179	UNMANNED SEABORNE TARGET		4,333		4,333		4,333				4,333
180	ANTI-SHIP MISSILE DECOY SYSTEM		15,199		15,199		15,199		(12,600)		2,599
181	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)		5,316		5,316		5,316				5,316
182	STOCK SURVEILLANCE EQUIPMENT		1,483		1,483		1,483				1,483
183	OTHER ORDNANCE TRAINING EQUIPMENT		-		-		-				-
	OTHER EXPENDABLE ORDNANCE				-		-				
184	FLEET MINE SUPPORT EQUIPMENT		4,452		4,452		4,452		1,700		6,152
185	MINE NEUTRALIZATION DEVICES		-		-		-				-
186	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
187	SHIP EXPENDABLE COUNTERMEASURE		-		-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				
188	PASSENGER CARRYING VEHICLES	213	2,881	213	2,881	213	2,881			213	2,881
189	SPECIAL PURPOSE VEHICLES		6,298		6,298		6,298				6,298
190	GENERAL PURPOSE TRUCKS		7,045		7,045		7,045				7,045
191	TRAILERS/TRUCK TRACTORS		1,345		1,345		1,345				1,345
192	EARTH MOVING EQUIPMENT		2,293		2,293		2,293				2,293
193	CONSTRUCTION & MAINTENANCE EQUIP		1,329		1,329		1,329				1,329
194	FIRE FIGHTING EQUIPMENT		2,224		2,224		2,224				2,224
195	WEIGHT HANDLING EQUIPMENT		1,017		1,017		1,017				1,017
196	AMPHIBIOUS EQUIPMENT		3,010		3,010		3,010				3,010

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Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
197	COMBAT CONSTRUCTION SUPPORT EQUIP		1,026		1,026		1,026				1,026
198	MOBILE UTILITIES SUPPORT EQUIPMENT		710		710		710				710
199	COLLATERAL EQUIPMENT		577		577		577				577
200	OCEAN CONSTRUCTION EQUIPMENT		139		139		139				139
201	FLEET MOORINGS		-		-		-				-
202	POLLUTION CONTROL EQUIPMENT		18,141		18,141		18,141				18,141
203	OTHER CIVIL ENG SUPPORT EQUIPMENT		100		100		100				100
204	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				
205	FORKLIFT TRUCKS		3,750		3,750		1,750		(2,000)		1,750
206	OTHER MATERIALS HANDLING EQUIPMENT		1,559		1,559		1,559				1,559
207	OTHER SUPPLY SUPPORT EQUIPMENT		48		48		48				48
208	FIRST DESTINATION TRANSPORTATION		6,827		6,827		6,827				6,827
209	SPECIAL PURPOSE SUPPLY SYSTEMS		74,934		74,934		88,934				74,934
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT				-		-				
	TRAINING DEVICES				-		-				
210	SUBMARINE SONAR TRAINERS		-		-		-				-
211	SURFACE COMBAT SYSTEM TRAINERS		745		745		745				745
212	SHIP SYSTEM TRAINERS		-		-		-				-
213	TRAINING SUPPORT EQUIPMENT		2,622		2,622		2,622				2,622
214	TRAINING DEVICE MODIFICATIONS		21,954		21,954		21,954				21,954
	COMMAND SUPPORT EQUIPMENT				-		-				
215	COMMAND SUPPORT EQUIPMENT		33,298		33,298		33,298				33,298
216	EDUCATION SUPPORT EQUIPMENT		385		385		385				385
217	MEDICAL SUPPORT EQUIPMENT		7,462		7,462		7,462				7,462
218	INTELLIGENCE SUPPORT EQUIPMENT		-		-		-				-
219	ITEMS UNDER $2 MILLION		-		-		-				-
220	OPERATING FORCES SUPPORT EQUIPMENT		-		-		-				-
221	NAVAL RESERVE SUPPORT EQUIPMENT		596		596		596				596
222	ENVIRONMENTAL SUPPORT EQUIPMENT		647		647		647				647
223	PHYSICAL SECURITY EQUIPMENT		4,567		4,567		4,567				4,567
224	INDUSTRIAL DEPOT MAINTENANCE EQUIP		6,953		6,953		6,953				6,953
	COMPUTER ACQUISITION PROGRAM				-		-				
225	COMPUTER ACQUISITION PROGRAM		-		-		-				-
	OTHER				-		-				-
226	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
226a	SAFETY AND SURVIABLITY ITEMS		-		20,000				10,000		10,000
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
227	SPARES AND REPAIR PARTS		210,213		210,213		210,213		(20,000)		190,213
	OTHER PROCUREMENT, NAVY-TOTAL		2,396,080		2,461,472		2,471,861		18,691		2,414,771

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Submarine navigation sets

The budget request included $4.1 million for the electrically suspended gyro navigator (ESGN), the navigation system currently installed on Navy submarines. It also included $17.7 million for other navigation equipment.

The House bill would reduce ESGN funding by $4.1 million and increase funding for other navigation equipment by $10.0 million to purchase and install MK–49 ring laser gyro (RLG) navigators on Navy submarines.

The Senate amendment would reduce ESGN funding by $2.5 million, the amount budgeted for ESGN reliability modifications. It would also increase funding for other navigation equipment by $10.0 million to purchase and install MK–49 RLG navigators on Navy submarines.

The Senate recedes.

AN/BPS–16 submarine radar

The budget request included $0.5 million for ship radar support .

The House bill would add $9.0 million for procurement of AN/BPS–16 submarine radar systems because of a concern about the reliability and operational suitability of the existing AN/BPS–15 submarine navigation radar.

The Senate amendment would authorize the budget request.

The conferees are aware that there is a commercial off-the-shelf (COTS) variant of the AN/BPS–16 that could be procured and installed at a substantially lower cost than the AN/BPS–16 built to military specifications. The conferees are also aware that the reliability and maintenance challenges associated with the existing AN/BPS–15 have induced many Navy submarine crews to procure inexpensive commercial navigation radars with limited capability.

Based on these considerations, the conferees agree to authorize an increase of $9.0 million for the procurement and installation of AN/BPS–16 submarine radar sets. The conferees encourage the Navy to take advantage of the new COTS variant of the AN/BPS–16 to achieve the maximum benefit from this additional funding.

Afloat planning system

The conferees have fully supported the Tomahawk cruise missile program and the associated support systems necessary for employment of Tomahawk for precision strike missions. The conferees note that the Tomahawk afloat planning system (APS) complements the Tomahawk mission planning system, located at the shore-based mission planning centers, and provides afloat battle group and battle force commanders or deployed joint staffs with an organic capability to plan for the tactical employment of the conventional Tomahawk land attack missile (TLAM). APS is also an integral part of the Joint Service Imagery Processing System—Navy (JSIPS–N) and Challenge Athena systems. These systems support Tomahawk strike planning, but can also provide mission planning support for other precision guided munitions.

The conferees encourage the Department of Defense to:

(1) continue support and funding for APS; and

(2) consider extending APS's targeting and mission planning capabilities to other tactical command echelons, in order to meet the expanding requirement for tactical utilization of the Tomahawk system and improve its responsiveness to the demands of land battle.

Overview

The budget request for fiscal year 1996 contained an authorization of $474.1 million for Marine Corps Procurement, Navy in the Department of Defense. The House bill would authorize $399.2 million. The Senate amendment would authorize $683.4 million. The conferees recommended an authorization of $458.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT, MARINE CORPS										
	AMMUNITION										
	AMMUNITION										
1	5.56 MM, ALL TYPES		28,487		-		28,487		(28,487)		-
2	7.62 MM, ALL TYPES		2,082		-		12,082		(2,082)		-
3	LINEAR CHARGES, ALL TYPES		-		-		-				-
4	.50 CALIBER		8,588		-		8,588		(8,588)		-
4a	.50 CALIBER SLAP				-		10,000				-
4b	.50 CALIBER 4 & 1				-		15,000				-
5	40 MM, ALL TYPES		3,939		-		3,939		(3,939)		-
6	60 MM HE M888		9,855		-		9,855		(9,855)		-
7	81 MM HE		4,724		-		4,724		(4,724)		-
7a	81 MM HE M889A1				-						-
8	81 MM SMOKE SCREEN		5,445		-		5,445		(5,445)		-
8a	81 MM IR M 816				-		11,400				-
9	120MM TPCSDS-T M865		8,902		-		8,902		(8,902)		-
10	120 MM TP-T M831		3,314		-		3,314		(3,314)		-
10a	CTG TANK 120MM APFSDS-T M7829A2		-		-		5,000				-
10b	CTG TANK 120MM MP-T M830A1		-		-		5,000				-
11	FUZE, ET, XM762		-		-		-				-
12	FUZE, ET, XM767		-		-		-				-
13	CTG 25MM, ALL TYPES		6,724		-		6,724		(6,724)		-
14	9 MM ALL TYPES		2,979		-		2,979		(2,979)		-
15	MINES, ALL TYPES		-		-		-				-
16	GRENADES, ALL TYPES		474		-		474		(474)		-
17	ROCKETS, ALL TYPES		7,034		-		7,034		(7,034)		-
18	AMMO MODERNIZATION		9,611		-		9,611		(9,611)		-
	PROP CHARGE M203A1				-		26,000				-
	GRENADE, SMOKE VIOLET				-		700				-
	IGNITER M776				-		400				-
	DEMO SHEET				-		2,200				-
	OTHER SUPPORT				-		-				
19	ITEMS LESS THAN $2 MIL		8,711		-		8,711		(8,711)		-
	WEAPONS AND COMBAT VEHICLES				-		-				-
	TRACKED COMBAT VEHICLES				-		-				
20	AAV7A1 PIP		11,779		11,779		11,779				11,779
21	LAV PIP		23,291		23,291		23,291				23,291
22	LIGHT ARMORED VEHICLE		-		-		-				-
23	MODIFICATION KITS (TRKD VEH)		3,273		3,273		17,773		12,300		15,573
24	ITEMS UNDER $2M (TRKD VEH)		100		100		100				100
	ARTILLERY AND OTHER WEAPONS										
25	MOD KITS (ARTILLERY)		498		498		498				498
26	ITEMS UNDER $2M (ALL OTHER)		120		120		120				120
	GUIDED MISSILES AND EQUIPMENT										
	GUIDED MISSILES										
27	HAWK MOD		3,040		3,040		4,640				3,040
28	AAWS-MEDIUM		-		-		-				-
29	PEDESTAL MOUNTED STINGER (PMS) (MYP)		25,833		25,833		25,833				25,833
	OTHER SUPPORT										

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30	MODIFICATION KITS		1,991		1,991		1,991				1,991
31	ITEMS LESS THAN $2 MILLION		100		100		100				100
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										-
	MANPACK RADIOS										
32	MANPACK RADIOS AND EQUIP		9,735		9,735		12,735		3,000		12,735
33	GPS		-		-		-				-
	VEHICLE MOUNTED RADIOS AND EQUIPMENT										
34	VEHICLE MTD RADIOS & EQUIP (MYP)		-		-		-				-
35	TSC-96 PIP FLEET SATCOM TERMINAL		-		-		-				-
	TELEPHONE AND TELETYPE EQUIPMENT										
36	UNIT LEVEL CIRCUIT SWITCH (ULCS)		-		-		-				-
37	TACT COMM CENTER EQUIP		-		-		-				-
38	TACTICAL DATA NETWORK		-		-		-				-
39	JOINT TACT INFO DIST SYS (CL I)		5,375		5,375		5,375				5,375
40	GROUND MOBILE FORCES		-		-		-				-
	REPAIR AND TEST EQUIPMENT										
41	AUTO TEST EQUIP SYS		9,747		9,747		9,747				9,747
42	ELECTRONIC TEST EQUIP (TEL)		6,184		6,184		6,184				6,184
	OTHER COMM/ELEC EQUIPMENT										
43	SINGLE CHAN GRD & AIR RADIO		48,027		48,027		48,027				48,027
	OTHER SUPPORT (TEL)				-		-				
44	MODIFICATION KITS (TEL)		1,095		1,095		1,095				1,095
45	ITEMS LESS THAN $2M (TEL)		1,443		1,443		2,443				1,443
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
46	POS LOCATING RPTG SYSTEM (PLRS)		-		-		-				-
47	TACTICAL AIR OPER MODULE (TAOM)		2,421		2,421		2,421				2,421
48	ADVANCED TACT AIR COMMAND CENTER		7,214		7,214		7,214				7,214
49	MARINE TACTICAL C2		-		-		-				-
50	MULTI-SERV ADF FIELD ART TACTICAL DATA SYS	188	12,140		12,140		23,140			188	12,140
51	TACTICAL COMBAT OPERATIONS SYS		11,025		11,025		11,025				11,025
	INTELL/COMM EQUIPMENT (NON-TEL)										
52	AN/TPQ-36 FIRE FINDER RADAR UPGRADE		-		-		-				-
53	METEOROLOGICAL SYSTEMS	7	3,393		3,393		3,393			7	3,393
54	INTELLIGENCE SUPPORT EQUIPMENT		6,283		6,283		6,283		29,000		35,283
55	MOD KITS (INTEL)		943		943		943				943
56	ITEMS LESS THAN $2M (INTELL)		1,755		1,755		1,755				1,755
	REPAIR AND TEST EQUIPMENT (NON-TEL)										
57	ELECTRONIC TMDE REPAIR FACILITY		-		-		-				-
58	MECH TEST TMDE		3,042		3,042		3,042				3,042
59	SHOP SET ELECT AN/GRM-32		-		-		-				-
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
60	NIGHT VISION EQUIPMENT		2,283		2,283		4,283		2,000		4,283
61	ADP EQUIPMENT		22,839		22,839		44,439				22,839
	OTHER SUPPORT (NON-TEL)										
62	MARINE ENHANCEMENT PROGRAM		3,401		3,401		6,401		3,000		6,401
63	TEST CALIB & MAINT SPT		-		-		-				-
64	MODIFICATION KITS (NONTEL)		6,738		6,738		6,738				6,738
65	ITEMS LESS THAN $2M (NONTEL)		1,480		1,480		1,480				1,480
	SUPPORT VEHICLES										

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	ADMINISTRATIVE VEHICLES										
66	COMMERCIAL PASSENGER VEHICLES	194	2,824		2,824		2,824				2,824
67	COMMERCIAL CARGO VEHICLES		9,771		9,771		9,771				9,771
	TACTICAL VEHICLES										
68	5/4T TRUCK HMMWV (MYP)		-		-		-				-
68a	Light Recon Vehicle		-		2,000						-
69	LOGISTICS VEHICLE SYSTEM		-		-		-				-
70	TRAILERS		4,932		4,932		10,432		5,500		10,432
	OTHER SUPPORT										
71	MODIFICATION KITS		6,496		6,496		6,496		1,000		7,496
72	ITEMS LESS THAN $2 MIL		100		100		100				100
	ENGINEER AND OTHER EQUIPMENT				-		-				
	ENGINEER AND OTHER EQUIPMENT										
73	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,338		2,338		2,338				2,338
74	TACTICAL FUEL SYSTEM (TFS) EQUIP		-		-		2,400				-
75	POWER EQUIPMENT ASSORTED		2,372		2,372		2,372				2,372
76	MINE/COUNTERMEASURES SYSTEM		-		-		-				-
77	AUTOMATIC BUILDING MACHINES		-		-		-				-
78	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	MATERIALS HANDLING EQUIPMENT										
79	COMMAND SUPPORT EQUIPMENT		-		-		-				-
80	AMPHIBIOUS RAID EQUIPMENT		257		257		257				257
81	PHYSICAL SECURITY EQUIPMENT		1,839		1,839		1,839				1,839
82	GARRISON MOBILE ENGR EQUIP		5,169		5,169		5,169				5,169
83	TELEPHONE SYSTEM		8,268		8,268		8,268				8,268
84	WAREHOUSE MODERNIZATION		2,927		2,927		2,927				2,927
85	MATERIAL HANDLING EQUIP		3,105		3,105		3,105				3,105
86	FIRST DESTINATION TRANSPORTATION		1,726		1,726		1,726				1,726
	GENERAL PROPERTY										
87	FIELD MEDICAL EQUIPMENT		3,215		3,215		3,215				3,215
88	TRAINING DEVICES		17,792		51,792		51,792		34,000		51,792
89	CONTAINER FAMILY		-		-		-				-
	OTHER SUPPORT										
90	MODIFICATION KITS		1,471		1,471		1,471				1,471
91	CHEMICAL AGENT MONITOR		-		-		-				-
92	ITEMS LESS THAN $2 MIL		75		75		75				75
93	DRUG INTERDICTION		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
94	SPARES AND REPAIR PARTS		51,982		51,982		51,982				51,982
	PRECISION GUNNERY TRAINING SYSTEMS								5,900		5,900
	M240 MACHINE GUN MODS										
	ASSET TRACKING LOGISTICS SYSTEM										
	LIGHT COMPUTER UNITS										
	PROCUREMENT, MARINE CORPS-TOTAL		474,116		399,247		683,416		(15,169)		458,947

Commander's Tactical Terminal

The budget request included no funding for USMC procurement of Commander's Tactical Terminal (CTT) radios.

Neither the House bill nor the Senate amendment authorized additional funding for CTT radios.

The conferees note that the Department's integrated (intelligence) broadcast service plan included migration to an interoperable family of transceivers knows as the Joint Tactical Terminal. The conferees have been informed that Marine Corps procurement of CTTs will play a vital role in this plan, and therefore authorize an increase of $12.5 million for this purpose.

Marine Corps intelligence support equipment

The budget request did not include funds for Marine Corps procurement of Joint Surveillance and Target Attack Radar System (JSTARS) ground support module.

Neither the House bill nor the Senate amendment included additional funds for this purpose.

The conferees believe the Marine Corps should have more responsibility over its own procurement actions, and therefore agree to authorize an increase of $16.5 million for Marine procurement of two JSTARS ground support modules.

Light reconnaissance/strike vehicles

The budget request did not include funds for procurement of any light reconnaissance/strike vehicles (LRV/LSV).

The House bill would add $2.0 million to buy LRVs for the Marine Corps and $6.0 million to buy LSVs for the special operations forces.

The conferees agree to authorize $6.0 million for LSVs for the special operations forces.

The conferees understand that the Marine Corps has completed a mission needs statement (MNS) for an LRV. The MNS calls for fielding an LRV with the Fleet Marine Forces by fiscal year 1995. However, the Marine Corps has neither established a formal requirement nor budgeted any resources against a possible requirement.

Therefore, the conferees direct the Secretary of the Navy to report to the congressional defense committees on whether the Marine Corps will translate the MNS into an operational requirement and the risks the Fleet Marine Force will incur if an LRV is not procured. The conferees expect the Secretary to submit this report by February 28, 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $6,183.9 million for Aircraft Procurement, Air Force in the Department of Defense. The House bill would authorize $7,032.0 million. The Senate amendment would authorize $6,318.6 million. The conferees recommended an authorization of $7,349.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	STRATEGIC OFFENSIVE										
1	B-1B (MYP)		56,336		56,336		141,336				56,336
2	B-2A (MYP)		279,921		832,921		279,921		493,000		772,921
	TACTICAL FORCES										
3	ADVANCED TACTICAL FIGHTER		-		-		-				-
4	F-15A		-		-		-				-
4a	F-15E		-		250,000		-		311,210		311,210
4b	F-15E Adv Proc				-				50,190		50,190
5	F-16 C/D (MYP)		-		175,000		-		159,400		159,400
5	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIRLIFT AIRCRAFT				-		-				
	TACTICAL AIRLIFT										
6	C-17 (MYP)	8	2,592,391	8	2,592,391	8	2,592,391			8	2,592,391
6	LESS: ADVANCE PROCUREMENT (PY)		(189,900)		(189,900)		(189,900)				(189,900)
7	ADVANCE PROCUREMENT (CY)		-		-		-				-
	OTHER AIRLIFT										
8	C-130H		-		-		-				-
9	C-130J	2	88,608	2	88,608	2	88,608			2	88,608
9a	WC-130				-				132,700	3	132,700
	STRATEGIC AIRLIFT										
10	STRATEGIC AIRLIFT		183,757		183,757		183,757				183,757
10a	NONDEVELOPMENTAL AIRLIFT AIRCRAFT		-		70,000						-
	NON DEVELOPMENT AIRLIFT										
11	NON DEVELOPMENT AIRLIFT AIRCRAFT		-		-		-				-
	TRAINER AIRCRAFT				-		-				
	OPERATIONAL TRAINERS										
12	ENHANCED FLIGHT SCREENER		-		-		-				-
13	JPATS	3	54,968	3	54,968	3	54,968			8	54,968
14	TANKER, TRANSPORT, TRAINER SYSTEM		4,374		4,374		4,374				4,374
	OTHER AIRCRAFT				-		-				
	MISSION SUPPORT AIRCRAFT										
15	CIVIL AIR PATROL A/C	27	2,597	27	2,597	27	2,597			27	2,597
16	DRUG INTERDICTION		-		-		-				-
	OTHER AIRCRAFT										
17	E-8B	2	536,334	2	536,334	2	536,334		(17,200)	2	519,134
17	LESS: ADVANCE PROCUREMENT (PY)		(141,700)		(141,700)		(141,700)				(141,700)
18	ADVANCE PROCUREMENT (CY)		97,140		97,140		97,140				97,140
19	SOF A/C CSE		-		-		-				-
	MODIFICATION OF INSERVICE AIRCRAFT				-		-				
	STRATEGIC AIRCRAFT										
20	B-2A		17,286		17,286		17,286				17,286
21	B-1B		75,383		75,383		86,983		(6,900)		68,483
22	B-52		4,908		4,908		4,908				4,908
23	F-117		47,660		47,660		47,660				47,660
	TACTICAL AIRCRAFT										
24	A-10		79,424		79,424		79,424		(38,400)		41,024
25	F/RF-4		61		61		61				61

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26	F-15		79,488		79,488		79,488		(1,200)		78,288
27	F-16		118,606		118,606		118,606				118,606
28	EF-111		1,900		1,900		1,900				1,900
29	F-111		-		-		-				-
30	T/AT-37		502		502		502				502
	AIRLIFT AIRCRAFT										
31	C-5		45,431		45,431		45,431				45,431
32	C-9		4,066		4,066		4,066				4,066
33	C-17A		12,687		12,687		12,687				12,687
34	C-21		4,654		4,654		4,654				4,654
35	C-22		670		670		670				670
36	C-STOL		298		298		298				298
37	C-137		2,402		2,402		2,402				2,402
38	C-141		95,162		95,162		95,162				95,162
	TRAINER AIRCRAFT										
39	T-1		5,762		5,762		5,762				5,762
40	T-3 (EFS) AIRCRAFT		78		78		78				78
41	T-38		11,487		11,487		11,487				11,487
42	T-41 AIRCRAFT		25		25		25				25
43	T-43		5,441		5,441		5,441				5,441
	OTHER AIRCRAFT										
44	KC-10A (ATCA)		20,690		20,690		20,690				20,690
45	C-12		3,237		3,237		3,237				3,237
46	C-18		2,675		2,675		2,675				2,675
47	C-20 MODS		7,765		7,765		7,765				7,765
48	VC-25A MOD		7,772		7,772		7,772				7,772
49	C-130		84,399		84,399		84,399		10,000		94,399
50	C-135		142,764		132,764		142,764		96,000		238,764
51	E-3		230,439		220,439		230,439				230,439
52	E-4		957		957		957				957
53	H-1		6,160		6,160		6,160				6,160
54	H-60		-		-		-				-
55	OTHER AIRCRAFT		29,433		29,433		29,433				29,433
	OTHER MODIFICATIONS										
56	CLASSIFIED PROJECTS		-		-		-				-
57	DARP		-		37,000		48,000		53,000		53,000
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES + REPAIR PARTS										
58	SPARES AND REPAIR PARTS		603,619		598,112		583,719		(17,338)		586,281
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	COMMON AGE										
59	COMMON AGE		216,048		223,248		216,048		(3,538)		212,510
	POST PRODUCTION SUPPORT										
60	F-15 POST PRODUCTION SUPPORT		13,955		-		13,955		(6,977)		6,978
61	F-16 POST PRODUCTION SUPPORT		194,672		-		194,672		(68,050)		126,622
	INDUSTRIAL PREPAREDNESS										
62	INDUSTRIAL PREPAREDNESS		48,694		48,694		48,694				48,694
63	BOMBER INDUSTRIAL BASE SUPPORT		-		-		-				-
	WAR CONSUMABLES										

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
64	WAR CONSUMABLES		25,479		25,479		10,479				25,479
	OTHER PRODUCTION CHARGES										
65	OTHER PRODUCTION CHARGES		167,676		157,676		192,676		20,000		187,676
66	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	COMMON ECM EQUIPMENT										
67	COMMON ECM EQUIPMENT		4,871		4,871		4,871				4,871
	DARP										
68	DARP		194,374		194,374		194,374				194,374
	AIRCRAFT PROCUREMENT, AIR FORCE-TOTAL		6,183,886		7,031,952		6,318,586		1,165,897		7,349,783

Air Force fighter aircraft data link

The budget request included $79.5 million for F–15 modifications.

The House bill would authorize the requested amount based on assurances from the Department of Defense that Air Force efforts to procure a tactical information data link for a portion of the F–15 fleet would be conducted within the scope of the Department's multifunction information distribution system (MIDS) program.

The Senate amendment would authorize the budget request. The Senate report (S. Rept. 104–112) expressed support for the Air Force's efforts to equip its fighter aircraft with ''Link 16'' data link capability, but questioned the Air Force's decision to pursue this capability for only a portion of the F–15 fleet. The Senate report also recommended that the Department continue MIDS acquisition and stated that it would not support any Air Force effort to start a new program, redundant to MIDS, to meet similar requirements.

The conferees note that the Under Secretary of Defense for Acquisition and Technology has terminated the F–15 data link procurement and that the Air Force now intends to pursue a MIDS variant data link to meet its requirements. The Department has informed the conferees that this program is to be a competitive solicitations that will require adherence to the MIDS architecture, MIDS software modularity, MIDS hardware modulatory as a design objective, and, for the F–15, reduced hardware and software functionality to reduce costs.

The conferees agree to authorize $78.3 million for F–15 modifications. The conferees direct the Under Secretary of Defense for Acquisition and Technology to ensure that the Department for Acquisition and Technology to ensure that the Department uses a competitive acquisition strategy for fighter data link procurement. The strategy should promote full opportunity for U.S. companies to compete within the competitive solicitation outlined by the Under Secretary.

Defense support program procurement

The budget request included $102.9 million for Defense Support Program (DSP) procurement.

The Senate amendment would authorize $67.0 million, a reduction of $35.9 million to the budget request.

The House bill would authorize the budget request.

The House recedes. The conferees are aware that $35.9 million in fiscal year 1995 funds are excess and subject to consideration for reprogramming for non-DSP purposes. Therefore, the conferees agree to reduce the fiscal year 1996 DSP procurement budget by $35.9 million, leaving $67.0 million. The conferees direct the Air Force to use the excess fiscal year 1995 omnibus reprogramming request to fulfill fiscal year 1996 DSP requirements. Given that the fiscal year 1995 DSP procurement source has been denied as part of this year's omnibus reprogramming, the conferees direct that the full amount be restored to DSP.

RC–135 re-engining

The budget request included no funding for the Defense Airborne Reconnaissance Program (DARP) modifications line (P–1), line 57) in the Aircraft Procurement Air Force account.

The House bill would authorize an increase of $37.0 million for modification of an existing C–135 aircraft to the RC–135 RIVET JOINT configuration.

The Senate amendment would authorize an increase of $48.0 million for re-engining of two existing RIVET JOINT aircraft. The Senate amendment would also authorize an increase of $31.5 million in PE 64268F for nonrecurring integration activity to facilitate an affordable program for converting two retired EC–135 aircraft to the RIVET JOINT configuration.

ENGINES AND INSTALLATION

The conferees concur with the cost effectiveness and increase in operational effectiveness that could be provided by re-engining the existing fleet of RIVET JOINT aircraft and agree to authorize an increase of $48.0 million to procure and install re-engining kits for two existing RIVET JOINT aircraft.

The conferees note that the theater Commanders-in-Chief (CINCs) have addressed additional RIVET JOINT aircraft as one of their highest intelligence priorities. The need for additional RIVET JOINT aircraft is further reinforced by the extremely high operational tempo currently experienced by this reconnaissance asset. The conferees support the theater CINCs' requirements for additional RIVET JOINT aircraft and strongly urge the Department to seek reprogramming authority to modify other existing C–135 assets to the RC–135 configuration.

SR–71

The conferees agree to provide an additional $5.0 million for costs associated with the refurbishment of SR–71 aircraft.

ENGINE COMPONENT IMPROVEMENT PROGRAM

The conferees agree to authority $133.2 million for the engine component improvement program, an increase of $29.5 million, consisting of two adjustments: (1) an additional $31.5 million for the integration activity described in the Senate report (S. Rept. 104–112); and (2) a reduction of the $2.0 million requested for the B–2 engine.,

Overview

The budget request for fiscal year 1996 contained an authorization of $3,647.7 million for Missile Procurement, Air Force in the Department of Defense. The House bill would authorize $3,430.1 million. The Senate amendment would authorize $3,627.5 million. The conferees recommended an authorization of $2,938.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	MISSILE PROCUREMENT, AIR FORCE										
	BALLISTIC MISSILES										
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC										
1	MISSILE REPLACEMENT EQ-BALLISTIC		18,749		18,749		18,749				18,749
	OTHER MISSILES				-		-				
	STRATEGIC										
2	HAVE NAP		-		39,000	50	38,000		38,000	54	38,000
3	TRI-SERVICE ATTACK MISSILE		-		-		-				
4	ADVANCED CRUISE MISSILE		1,873		1,873		1,873				1,873
	TACTICAL										
5	GPS AIDED MUNITION		-		-		-				-
6	JOINT STANDOFF WEAPON		-		-		-				-
7	AMRAAM	291	190,672	291	190,672	291	182,672		(8,000)	291	182,672
8	AGM-130 POWERED GBU-15		69,303		109,303		109,303		40,000	100	109,303
8a	Interim JSOW				-		10,400				-
	TARGET DRONES										
9	TARGET DRONES	88	39,150	88	39,150	88	39,150		(3,000)	88	36,150
10	INDUSTRIAL FACILITIES		8,100		8,100		8,100				8,100
	MISSILE REPLACEMENT EQUIPMENT - OTHER										
11	MISSILE REPLACEMENT EQ-OTHER		147		147		147				147
	MODIFICATION OF INSERVICE MISSILES				-		-				
	CLASS IV										
12	CONVENTIONAL ALCM		-		27,200		27,200		15,000	100	15,000
13	PEACEKEEPER (M-X)		-		-		-				-
14	AIM-9 SIDEWINDER		15,379		15,379		15,379				15,379
15	MM III MODIFICATIONS		19,344		29,344		29,344		10,000		29,344
16	AGM-65D MAVERICK		-		-		-				-
17	AGM-88A HARM		1,602		1,602		1,602				1,602
18	MODIFICATIONS UNDER $2.0M		1,370		1,370		1,370				1,370
	SPARES AND REPAIR PARTS				-		-				
	MISSILE SPARES + REPAIR PARTS										
19	SPARES AND REPAIR PARTS		53,914		53,914		53,914				53,914
	OTHER SUPPORT				-		-				
	SPACE PROGRAMS										
20	SPACEBORNE EQUIP (COMSEC)		19,158		19,158		19,158				19,158
21	GLOBAL POSITIONING (MYP)	4	202,910	4	202,910	4	202,910		(10,000)	4	192,910
21	LESS: ADVANCE PROCUREMENT (PY)		(66,850)		(66,850)		(66,850)				(66,850)
22	ADVANCE PROCUREMENT (CY)		38,412		33,412		-		(5,000)		33,412
23	SPACE SHUTTLE OPERATIONS		56,963		56,963		56,963				56,963
23	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
24	SPACE BOOSTERS		464,953		459,953		449,953		(31,100)		433,853
25	ADVANCE PROCUREMENT (CY)		-		-		-				-
26	MEDIUM LAUNCH VEHICLE	4	179,493	4	179,493	4	179,493			4	179,493
26	LESS: ADVANCE PROCUREMENT (PY)		(28,564)		(28,564)		(28,564)				(28,564)
27	ADVANCE PROCUREMENT (CY)		38,856		38,856		38,856				38,856
28	DEF METEOROLOGICAL SAT PROG		29,265		29,265		29,265				29,265
29	DEFENSE SUPPORT PROGRAM (MYP)		102,911		102,911		67,011		(35,900)		67,011
29	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
30	ADVANCE PROCUREMENT (CY)		-		-		-		-		-

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31	DEFENSE SATELLITE COMM SYSTEM		25,666		23,166		18,166		(2,500)		23,166
	SPECIAL PROGRAMS										
32	IONDS (MYP)	4	29,045	4	29,045	4	29,045			4	29,045
32	LESS: ADVANCE PROCUREMENT (PY)		(9,954)		(9,954)		(9,954)				(9,954)
33	ADVANCE PROCUREMENT (CY)		-		-		-				-
34	SPECIAL UPDATE PROGRAMS		218,751		218,751		218,751				218,751
35	SPECIAL PROGRAMS		1,605,765		1,605,765		1,534,765		(395,000)		1,210,765
	MUNITIONS & RELATED EQUIPMENT				-		-				-
	ROCKETS + LAUNCHERS				-		-				
36	2.75 INCH ROCKET MOTOR	30,000	10,402		-		10,402		(10,402)		-
37	2.75	24,320	1,993		-		1,993		(1,993)		-
38	ITEMS LESS THAN $2,000,000		950		-		950		(950)		-
	CARTRIDGES				-		-				
39	5.56 MM	13,835	5,534		-		5,534		(5,534)		-
40	20MM TRAINING		-		-		-				-
41	30 MM TRAINING	1,360	14,480		-		14,480		(14,480)		-
42	CARTRIDGE CHAFF RR-180	720	10,030		-		10,030		(10,030)		-
43	CARTRIDGE CHAFF RR-188	903	1,192		-		1,192		(1,192)		-
44	SIGNAL MK-4 MOD 3		-		-		-				-
45	CART IMP 3000 FT/LBS		-		-		-		-		-
46	ITEMS LESS THAN $2,000,000		5,162		-		5,162		(5,162)		-
	BOMBS				-		-				
47	MK-82 INERT/BDU-50	12,586	8,253		-		8,253		(8,253)		-
48	TIMER ACTUATOR FIN FUZE	10,000	6,242		-		6,242		(6,242)		-
49	BOMB PRACTICE 25 POUND	400,000	5,928		-		5,928		(5,928)		-
50	MK-84 BOMB-EMPTY	3,718	9,261		-		9,261		(9,261)		-
51	SENSOR FUZED WEAPON	500	165,447		-		165,447		(165,447)		-
	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-		30,000				-
52	CBU-89 GATOR INERT	236	6,531		-		6,531		(6,531)		-
53	ITEMS LESS THAN $2,000,000		1,500		-		1,500		(1,500)		-
	OTHER ITEMS				-		-				-
54	FLARE, IR MJU-7B	945,049	21,859		-		21,859		(21,859)		-
55	MJU-23 FLARE	7,426	6,483		-		6,483		(6,483)		-
56	MJU-10B	110,436	7,204		-		7,204		(7,204)		-
57	M-206 CARTRIDGE FLARE	331,564	11,250		-		11,250		(11,250)		-
58	INITIAL SPARES		621		-		621		(621)		-
59	REPLENISHMENT SPARES		2,329		-		2,329		(2,329)		-
60	MODIFICATIONS		2,340		-		2,340		(2,340)		-
61	ITEMS LESS THAN $2,000,000		11,289		-		11,289		(11,289)		-
	FUZES										-
62	JOINT PROGRAMMABLE FUSE(JPF)		-		-		-				
	OTHER WEAPONS										
63	M-16 A2 RIFLE		5,048		-		5,048		(5,048)		-
	MISSILE PROCUREMENT, AIR FORCE-TOTAL		3,647,711		3,430,083		3,627,499		(708,828)		2,938,883

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Air Force in the Department of Defense. The House bill would authorize $321.3 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $343.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	PROCUREMENT OF AMMO, AIR FORCE										
	PROC AMMO, AF										
1	2.75 INCH ROCKET MOTOR		-		10,402		-		10,402		10,402
1a	2.75 INCH HEAD SIGNATURE				1,993				1,993		1,993
2	ITEMS LESS THAN $2,000,000		-		950		-		950		950
	CARTRIDGE CHAFF RR-180										-
3	5.56 MM		-		5,534		-		5,534		5,534
4	20MM TRAINING		-		-		-				-
5	30 MM TRAINING		-		14,480		-		7,000		7,000
6	CARTRIDGE CHAFF RR-180		-		10,030		-		10,030		10,030
7	CARTRIDGE CHAFF RR-188		-		1,192		-		1,192		1,192
8	SIGNAL MK-4 MOD 3		-		-		-				-
	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		5,162		-		5,162		5,162
9a	MK-82 INERT/BDU-50		-		8,253				8,253		8,253
	TIMER ACTUATOR FIN FUZE										
10	TIMER ACTUATOR FIN FUZE		-		6,242		-		6,242		6,242
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		5,928		-		5,928		5,928
12a	MK-84 BOMB EMPTY				9,261				9,261		9,261
13	SENSOR FUZED WEAPON		-		165,447		-		165,447		165,447
13a	CBU-89 GATOR INERT				6,531				6,531		6,531
13b	CBU COMBINED EFFECTS MUNITIONS										
14	ITEMS LESS THAN $2,000,000		-		1,500		-		1,500		1,500
	ITEMS LESS THAN $2,000,000										
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	FLARE, IR MJU-7B										
16	FLARE, IR MJU-7B		-		21,859		-		21,859		21,859
16a	MJU-23 FLARE				6,483				6,483		6,483
16b	MJU-10B				7,204				7,204		7,204
17	PARACHUTE FLARE LUU-2 B/B		-		-		-				-
18	M-206 CARTRIDGE FLARE		-		11,250		-		11,250		11,250
19	INITIAL SPARES		-		621		-		621		621
20	REPLENISHMENT SPARES		-		2,329		-		2,329		2,329
21	MODIFICATIONS		-		2,340		-		2,340		2,340
22	ITEMS LESS THAN $2,000,000		-		11,289		-		11,289		11,289
	FMU-139 FUZE										
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	MUNITIONS UNDISTRIBUTED										
25	M-16 A2 RIFLE		-		5,048		-		5,048		5,048
	CBU 87(Combined Effects Munitions)		-		-				30,000		30,000
	PROCUREMENT OF AMMUNITION, AIR FORCE		-		321,328		-		343,848		343,848

Overview

The budget request for fiscal year 1996 contained an authorization of $6,804.7 million for Other Procurement, Air Force in the Department of Defense. The House bill would authorize $6,784.8 million. The Senate amendment would authorize $6,516.0 million. The conferees recommended an authorization of $6,268.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	OTHER PROCUREMENT, AIR FORCE										
	MUNITIONS AND ASSOCIATED EQUIPMENT										
	ROCKETS + LAUNCHERS										
1	ITEMS LESS THAN $2,000,000		-		-		-				-
	CARTRIDGES (THOUSANDS)				-		-				
2	5.56 MM		-		-		-				-
3	20MM TRAINING		-		-		-				-
4	30 MM TRAINING		-		-		-				-
5	CARTRIDGE CHAFF RR-180		-		-		-				-
6	CARTRIDGE CHAFF RR-188		-		-		-				-
7	SIGNAL MK-4 MOD 3		-		-		-				-
8	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		-		-				-
	MK-82 INERT/BDU-50		-		-		-				-
	BOMBS				-		-				-
10	BSU-49 INFLATABLE RETARDER		-		-		-				-
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		-		-				-
13	SENSOR FUZED WEAPON		-		-		-				-
14	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-						-
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	TARGETS				-		-				
16	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER ITEMS				-		-				-
17	FLARE, IR MJU-7B		-		-		-				-
	MJU-28 FLARE		-		-		-				-
18	MJU-10B		-		-		-				-
19	ALA-17 FLARE		-		-		-				-
20	SPARES AND REPAIR PARTS		-		-		-				-
21	MODIFICATIONS		-		-		-				-
22	ITEMS LESS THAN $2,000,000		-		-		-				-
	FUZES				-		-				
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER WEAPONS				-		-				
25	M-16 A2 RIFLE		-		-		-				-
26	.50 CAL RIFLE		-		-		-				-
	VEHICULAR EQUIPMENT				-		-				
	PASSENGER CARRYING VEHICLES				-		-				
27	SEDAN, 4 DR 4X2	186	1,798	186	1,798	186	1,798			186	1,798
28	STATION WAGON, 4X2	69	1,053	69	1,053	69	1,053			69	1,053
29	BUS, 28 PASSENGER		-		-		-				-
30	BUS - 32-44 PASSENGER		-		-		-				-
31	BUSES	43	2,339	43	2,339	43	2,339			43	2,339
32	AMBULANCE, BUS		-		-		-				-
33	AMBULANCES		-		-		-				-
34	MODULAR AMBULANCE		-		-		-				-
35	14-23 PASSENGER BUS		-		-		-				-
36	LAW ENFORCEMENT VEHICLE	86	1,327	86	1,327	86	1,327			86	1,327

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
37	ARMORED SEDAN	1	202	1	202	1	202		58	1	260
	CARGO + UTILITY VEHICLES										
38	TRUCK, CARGO-UTILITY, 3/4T, 4X4	134	2,760	134	2,760	134	2,760			134	2,760
39	TRUCK, PICKUP, 1/2T, 4X2	235	2,469	235	2,469	235	2,469			235	2,469
40	TRUCK, PICKUP, COMPACT	435	4,777	435	4,777	435	4,777			435	4,777
41	TRUCK MULTI-STOP 1 TON 4X2	164	3,671	164	3,671	164	3,671			164	3,671
42	TRUCK CARRYALL		-		-		-				-
43	TRUCK, CARGO, 2 1/2T, 6X6, M-35	50	2,705	50	2,705	50	2,705			50	2,705
44	MEDIUM TACTICAL VEHICLE	56	5,860	56	5,860	56	5,860			56	5,860
45	TRUCK TRACTOR, OVER 5T	57	2,799	57	2,799	57	2,799			57	2,799
46	CAP VEHICLES		781		781		781				781
47	ITEMS LESS THAN $2,000,000		7,258		7,258		7,258				7,258
	SPECIAL PURPOSE VEHICLES										
48	TRUCK TANK FUEL R-11	154	22,339	154	22,339	154	22,339			154	22,339
49	HMMWV, ARMORED	56	7,170	56	7,170	56	7,170			56	7,170
50	TRACTOR, TOW, FLIGHTLINE	152	4,460	152	4,460	152	4,460			152	4,460
51	ITEMS LESS THAN $2,000,000		6,603		6,603		6,603				6,603
	FIRE FIGHTING EQUIPMENT										
52	TRUCK CRASH P-23		-		-		-				-
53	TRUCK WATER P-26 (P-18)		-		-		-				-
54	HEAVY RESCUE VEHICLE	15	2,616	15	2,616	15	2,616			15	2,616
55	TRUCK PUMPER P-24		-		-		-				-
56	TRUCK PUMPER P-22		-		-		-				-
57	ITEMS LESS THAN $2,000,000		1,314		1,314		1,314				1,314
	MATERIALS HANDLING EQUIPMENT										
58	TRUCK, F/L 10,000 LB		-		-		-				-
59	60K A/C LOADER	28	35,336	28	35,336	28	35,336	8	7,000	36	42,336
60	50K CONTAINER HANDLER		-		-		-				-
61	ITEMS LESS THAN $2,000,000		1,670		1,670		1,670				1,670
	BASE MAINTENANCE SUPPORT										
62	WELL DRILLING SYSTEM		-		-		-				-
63	SPARES AND REPAIR PARTS		-		-		-				-
64	MODIFICATIONS		200		200		200				200
65	ITEMS LESS THAN $2,000,000		2,352		2,352		2,352		11,824		14,176
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP				-		-				
	COMM SECURITY EQUIPMENT(COMSEC)										
66	COMSEC EQUIPMENT		39,422		39,422		39,422				39,422
67	SPARES AND REPAIR PARTS		-		-		-				-
68	MODIFICATIONS (COMSEC)		462		462		462				462
	INTELLIGENCE PROGRAMS										
69	INTELLIGENCE DATA HANDLING SYS		11,966		11,966		11,966				11,966
70	INTELLIGENCE TRAINING EQUIPMENT		2,368		2,368		2,368				2,368
71	INTELLIGENCE COMM EQUIP		5,510		5,510		5,510				5,510
72	ITEMS LESS THAN $2,000,000		995		995		995				995
	ELECTRONICS PROGRAMS										
73	AIR TRAFFIC CTRL/LAND SYS (ATCALS)		-		-		-				-
74	NATIONAL AEROSPACE SYSTEM		-		-		-				-
75	THEATER AIR CONTROL SYS IMPROVEMENT		32,345		32,345		32,345		(4,600)		27,745
76	WEATHER OBSERV/FORCAST		7,103		7,103		7,103				7,103

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77	DEFENSE SUPPORT PROGRAM		36,909		36,909		36,909				36,909
78	STRATEGIC COMMAND AND CONTROL		67,596		67,596		67,596		(9,501)		58,095
79	CHEYENNE MOUNTAIN COMPLEX		8,667		8,667		8,667				8,667
80	SPACE BASED IR SENSOR PROG		19,895		-		-		(19,895)		-
81	NAVSTAR GPS		1,170		1,170		1,170				1,170
82	DEFENSE METEOROLOGICAL SAT PROG		14,350		14,350		14,350				14,350
83	TAC SIGINT SUPPORT		5,879		5,879		5,879				5,879
84	DRUG INTERDICTION PROGRAM		-		-		-				-
85	NUDET DETECTION SYSTEM (NDS)		5,770		5,770		5,770				5,770
86	DARP		-		-		-				-
	SPECIAL COMM-ELECTRONICS PROJECTS										
87	AUTOMATIC DATA PROCESSING EQUIP		23,958		23,958		23,958				23,958
88	ADP OPERATIONS CONSOLIDATION		-		-		-				-
89	WWMCCS/GLOBAL COMMAND & CONTROL SYS		5,173		5,173		5,173				5,173
90	MOBILITY COMMAND AND CONTROL		-		-		-				-
91	PENTAGON RENOVATION		-		-		-				-
92	AIR FORCE PHYSICAL SECURITY SYSTEM		15,247		15,247		15,247				15,247
93	COMBAT TRAINING RANGES		2,079		2,079		2,079				2,079
94	C3 COUNTERMEASURES		7,548		7,548		7,548				7,548
95	BASE LEVEL DATA AUTO PROGRAM		26,851		26,851		26,851				26,851
96	AIR FORCE SATELLITE CONTROL NETWORK		25,495		25,495		25,495				25,495
97	THEATER BATTLE MGT C2 SYS		52,616		52,616		52,616				52,616
98	EASTERN/WESTERN RANGE I&M		114,505		114,505		114,505				114,505
	AIR FORCE COMMUNICATIONS										
99	INFORMATION TRANSMISSION SYSTEMS		-		-		-				-
100	BASE INFORMATION INFRASTRUCTURE		73,138		73,138		58,138		(16,753)		56,385
101	USCENTCOM		2,219		2,219		2,219				2,219
102	AUTOMATED TELECOMMUNICATIONS PRG		18,058		18,058		18,058				18,058
103	MILSATCOM		43,362		43,362		43,362				43,362
104	SATELLITE TERMINALS		-		-		-				-
	DISA PROGRAMS										
105	WIDEBAND SYSTEMS UPGRADE		-		-		-				-
106	MINIMUM ESSENTIAL EMER COMM NET		-		-		-				-
	ORGANIZATION AND BASE										
107	TACTICAL C-E EQUIPMENT		24,628		24,628		24,628				24,628
108	RADIO EQUIPMENT		7,172		7,172		7,172				7,172
109	TV EQUIPMENT (AFRTV)		2,492		2,492		2,492				2,492
110	CCTV/AUDIOVISUAL EQUIPMENT		5,764		5,764		5,764				5,764
111	BASE COMM INFRASTRUCTURE		-		-		-				-
112	SPARES AND REPAIR PARTS		-		-		-				-
113	CAP COM & ELECT		-		-		-				-
114	ITEMS LESS THAN $2,000,000		6,638		6,638		6,638				6,638
	MODIFICATIONS										
115	COMM ELECT MODS		20,424		20,424		20,424		(10,700)		9,724
116	ANTIJAM VOICE		-		-		-				-
117	SPACE MODS		37,142		37,142		37,142				37,142
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP				-		-				
	TEST EQUIPMENT										-
118	BASE/ALC CALIBRATION PACKAGE		10,024		10,024		10,024				10,024

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119	PRIMARY STANDARDS LABORATORY PACKAGE		1,604		1,604		1,604				1,604
120	ITEMS LESS THAN $2,000,000		11,820		11,820		11,820				11,820
	PERSONAL SAFETY AND RESCUE EQUIP										-
121	NIGHT VISION GOGGLES		976		976		976				976
122	BREATHING APPARATUS TWO HOUR		3,134		3,134		3,134				3,134
123	UNIVERSAL WATER ACTIVATED REL SYS		7,460		7,460		7,460				7,460
124	CHEMICAL/BIOLOGICAL DEF PROG		-		-		-				-
125	ITEMS LESS THAN $2,000,000		4,802		4,802		4,802				4,802
	DEPOT PLANT + MATERIALS HANDLING EQ										
126	MECHANIZED MATERIAL HANDLING EQUIP		3,525		3,525		3,525				3,525
127	BASE MECHANIZATION EQUIPMENT		-		-		-				-
128	AIR TERMINAL MECHANIZATION EQUIP		-		-		-				-
129	ITEMS LESS THAN $2,000,000		4,090		4,090		4,090				4,090
	ELECTRICAL EQUIPMENT										-
130	GENERATORS-MOBILE ELECTRIC		3,186		3,186		3,186				3,186
131	FLOODLIGHTS SET TYPE NF2D		325		325		325				325
132	ITEMS LESS THAN $2,000,000		3,294		3,294		3,294				3,294
	BASE SUPPORT EQUIPMENT										
133	BASE PROCURED EQUIPMENT		-		-		-				-
134	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
135	MEDICAL/DENTAL EQUIPMENT		12,843		12,843		12,843				12,843
136	ENVIRONMENTAL PROJECTS		-		-		-				-
137	AIR BASE OPERABILITY		4,316		4,316		4,316				4,316
138	PALLET AIR CARGO	4,000	3,677	4000	3,677	4000	3,677			4000	3,677
139	NET ASSEMBLY, 108		1,952		1,952		1,952				1,952
140	BLADDERS FUEL		3,933		3,933		3,933				3,933
141	AERIAL BULK FUEL DELIVERY SYSTEM		-		-		-				-
142	PHOTOGRAPHIC EQUIPMENT		6,231		6,231		6,231				6,231
143	PRODUCTIVITY ENHANCEMENT		-		-		-				-
144	PRODUCTIVITY INVESTMENTS		-		-		-				-
145	MOBILITY EQUIPMENT		17,670		17,670		17,670		11,900		29,570
146	WARTIME HOST NATION SUPPORT		1,699		1,699		1,699		(1,699)		-
147	SPARES AND REPAIR PARTS		-		-		-				-
148	DEPLOYMENT/EMPLOYMENT CONTAINERS		3,320		3,320		3,320				3,320
149	SPATIAL DISORIENTATION DEMONSTRATOR		-		-		-				-
150	AIR CONDITIONERS		-		-		-				-
151	ITEMS LESS THAN $2,000,000		9,269		9,269		9,269				9,269
	SPECIAL SUPPORT PROJECTS										
152	INTELLIGIENCE PRODUCTION ACTIVITY		67,928		67,928		61,228		1,200		69,128
153	TECH SURV COUNTERMEASURES EQ		1,049		1,049		1,049				1,049
154	SR YR GROUND STATIONS		-		-		-				-
155	DARP		74,051		74,051		74,051				74,051
156	SELECTED ACTIVITIES		5,409,357		5,409,357		5,162,257		(505,100)		4,904,257
157	SPECIAL UPDATE PROGRAM		158,402		158,402		158,402				158,402
158	INDUSTRIAL PREPAREDNESS		1,156		1,156		1,156				1,156
159	MODIFICATIONS		199		199		199				199
160	FIRST DESTINATION TRANSPORTATION		12,914		12,914		12,914				12,914
	SPARE AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
161	SPARES AND REPAIR PARTS		61,715		61,715		61,715				61,715
	OTHER PROCUREMENT, AIR FORCE-TOTAL		6,804,696		6,784,801		6,516,001		(536,266)		6,268,430

Overview

The budget request for fiscal year 1996 contained an authorization of $2,179.9 million for Defense-wide Procurement in the Department of Defense. The House bill would authorize $2,205.9 million. The Senate amendment would authorize $2,118.3 million. The conferees recommended an authorization of $2,124.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT										
	MAJOR EQUIPMENT, OSD/WHS										
1	MOTOR VEHICLES		304		304		304				304
2	MAJOR EQUIPMENT, OSD		193,321		193,321		193,321				193,321
3	MAJOR EQUIPMENT, WHS		15,670		15,670		15,670				15,670
4	ARMED FORCE INFORMATION SERVICE		4,907		4,907		4,907				4,907
5	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY		1,612		1,612		1,612				1,612
6	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION		770		770		770				770
7	DARP		179,307		179,307		183,807		(17,732)		161,575
8	CORPORATE INFORMATION MANAGEMENT		4,933		4,933		4,933				4,933
9	DEFENSE INFORMATION INFRASTRUCTURE		54,234		54,234		54,234		4,500		58,734
	MAJOR EQUIPMENT, NSA										
11	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		16,978		16,978		16,978				16,978
	MAJOR EQUIPMENT, DNA										
12	VEHICLES		130		130		130				130
13	OTHER MAJOR EQUIPMENT		7,971		7,971		7,971				7,971
	MAJOR EQUIPMENT, DISA										
14	WWMCCS ADP SYSTEMS		4,446		4,446		4,446				4,446
15	INFORMATION SERVICES TRANSFER		-		-		-				-
16	PLANS & PROGRAM ANALYSIS SUPPORT CENTER		1,498		1,498		1,498				1,498
17	ITEMS LESS THAN $2 MILLION		294		294		294				294
18	DRUG INTERDICTION SUPPORT		-		-		-				-
	MAJOR EQUIPMENT, DIA				-		-				
	MAJOR EQUIPMENT, DLA										
21	DEFENSE SUPPORT ACTIVITIES		7,291		7,291		7,291				7,291
21a	AUTOMATED DOCUMENT CONVERSION SYSTEM		-		20,000						-
	MAJOR EQUIPMENT, DMA										
22	COMMUNICATION EQUIPMENT		-		-		-				-
23	AUTOMATED INFORMATION SYSTEM EQUIPMENT		-		-		-				-
24	VECTOR PRODUCT EQUIPMENT		-		-		-				-
25	DEVELOPMENT TEST FACILITY		-		-		-				-
26	MC & G MAINFRAME UPGRADE		-		-		-				-
27	VEHICLES		1,211		1,211		1,211				1,211
28	OTHER CAPITAL EQUIPMENT		-		-		-				-
29	DEFENSE HYDROGRAPHIC EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, DIS										
30	VEHICLES	333	3,117	333	3,117	333	3,117			333	3,117
31	OTHER CAPITAL EQUIPMENT		6,801		6,801		6,801				6,801
	MAJOR EQUIPMENT, DCAA										
32	ITEMS LESS THAN $2 MILLION		3,980		3,980		3,980				3,980
	MAJOR EQUIPMENT, DSPO				-		-				
33	MAJOR EQUIPMENT , DSPO		25,104		25,104		25,104				25,104
34	MAJOR EQUIPMENT , DSPO		-		-		-				-
35	MAJOR EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, TJS										
36	MAJOR EQUIPMENT, TJS		38,717		38,717		38,717				38,717
	ON-SITE INSPECTION AGENCY										
37	VEHICLES		-		-		-				-

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38	OTHER CAPITAL EQUIPMENT		2,941		2,941		2,941				2,941
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
40	C4I		32,242		32,242		32,242				32,242
41	HAWK BN/C3 MODS		5,106		5,106		5,106				5,106
	CENTRAL IMAGERY OFFICE										
	CLASSIFIED PROGRAMS										-
	SPECIAL OPERATIONS COMMAND										
	AVIATION PROGRAMS										
44	RADIO FREQUENCY MOBILE ELECTRONIC TEST SET		29,801		29,801		29,801				29,801
45	SOF ROTARY WING UPGRADES		9,042		9,042		9,042				9,042
46	SOF TRAINING SYSTEMS		26,818		26,818		26,818				26,818
47	MC-130H COMBAT TALON II		12,134		12,134		12,134				12,134
48	AC-130U GUNSHIP ACQUISITION		57,165		57,165		57,165				57,165
49	C-130 MODIFICATIONS		115,518		115,518		115,518				115,518
49	LESS: ADVANCE PROCUREMENT (PY)		(5,101)		(5,101)		(5,101)				(5,101)
50	ADVANCE PROCUREMENT (CY)		-		-		-				-
51	HH-53 MODIFICATIONS		-		-		-				-
52	MH-47/MH-60 MODIFICATIONS		-		-		-				-
53	OH-6 PROCUREMENT & MODIFICATIONS		-		-		-				-
54	AIRCRAFT SUPPORT		5,946		5,946		5,946				5,946
	SHIPBUILDING										-
55	PC,CYCLONE CLASS		-		-		-		20,000		20,000
56	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		-		-		-				-
57	MK VIII MOD 1 - SEAL DELIVERY VEHICLE	4	11,115	4	11,115	4	11,115			4	11,115
58	SUBMARINE CONVERSION		6,770		6,770		6,770				6,770
58	LESS: ADVANCE PROCUREMENT (PY)		(2,086)		(2,086)		(2,086)				(2,086)
59	ADVANCE PROCUREMENT (CY)		-		-		-				-
60	MK V SPECIAL OPERATIONS CRAFT (MK V SOC)	2	19,501	2	19,501	4	37,201	2	17,700	4	37,201
	AMMUNITION PROGRAMS										
61	SOF PYRO/DEMO		23,887		23,887		23,887				23,887
62	SOF PLATFORM GUN AMMUNITION		-		-		-				-
63	SOF INDIV WEAPONS AMMUNITION		45,412		45,412		45,412				45,412
	OTHER PROCUREMENT PROGRAMS										
64	MARITIME EQUIPMENT MODIFICATIONS		8,559		8,559		8,559				8,559
65	SPARES AND REPAIR PARTS		35,876		35,876		35,876				35,876
66	COMM EQUIPMENT & ELECTRONICS		32,824		32,824		32,824				32,824
67	SOF INTELLIGENCE SYSTEMS		19,510		19,510		19,510				19,510
68	SOF SMALL ARMS & WEAPONS		9,972		9,972		9,972				9,972
69	SPECIAL WARFARE EQUIPMENT		11,776		11,776		7,483		(4,293)		7,483
69a	LIGHT STRIKE VEHICLE				6,000		-		6,000		6,000
70	DRUG INTERDICTION		-		-		-				-
71	MISCELLANEOUS EQUIPMENT		809		809		809				809
72	SOF PLANNING AND REHEARSAL SYSTEM (SOFPARS)		595		595		595				595
73	CLASSIFIED PROGRAMS		77,656		77,656		77,656				77,656
74	PSYOP EQUIPMENT		28,106		28,106		28,106				28,106
	CHEMICAL/BIOLOGICAL DEFENSE				-		-				-
	CBDP										
75	PROTECTIVE MASK		24,819		24,819		24,819				24,819
76	AIRCREW MASK		-		-		-				-

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
77	REMOTE CHEM AGT ALARM (RSCAAL)		4,190		4,190		4,190				4,190
78	IMPROVED CHEM AGENT MONITOR (ICAM)	237	7,232	237	7,232	237	7,232			237	7,232
79	AUTO CHEM AGENT ALARM (ACADA)		-		-		-				-
80	NBC RECON SYS (NBCRS) MODS		46,033		46,033		46,033				46,033
81	MODULAR DECON SYSTEM		-		-		-				-
82	M17 DECON MODS		3,165		3,165		3,165				3,165
83	POCKET RADIAC AN/UDR- 13	4,636	3,729	4636	3,729	4636	3,729			4636	3,729
84	CB PROTECTIVE SHELTER	62	11,494	62	11,494	62	11,494			62	11,494
85	JOINT BIO DEFENSE PRGM		22,860		22,860		22,860				22,860
86	CHME/BIO DEFENSE EQ (AF)		11,049		11,049		11,049				11,049
87	CHEM WARFARE DETECTORS		5,455		5,455		5,455				5,455
88	CB HELO NDI		-		-		-				-
89	CBR EQUIP-SHIPBOARD		498		498		498				498
999	CLASSIFIED PROGRAMS		844,903		844,903		765,403		(81,713)		763,190
	PROCUREMENT, DEFENSE-WIDE-TOTAL		2,179,917		2,205,917		2,118,324		(55,538)		2,124,379

Defense airborne reconnaissance program procurement

The budget request included $179.3 million in procurement for the Defense airborne reconnaissance program (DARP).

The House bill would approve the budget request.

The Senate amendment would increase the requested amount by $4.5 million, and would direct the Department to change the priorities of some program elements. The conferees agree to an authorization of $161.6 million, a reduction of $17.7 million from the budget request.

JOINT TACTICAL UAV

The conferees agree to authorize a total of $42.4 million for the joint tactical UAV (JT–UAV), a reduction of $17.7 million from the budget request.

The conferees are particularly concerned about the continuing problems with the Hunter UAV in the JT–UAV program. Therefore, the conferees direct that none of the funds appropriated for fiscal year 1996 be used to procure production Hunter systems or additional low-rate initial production units, beyond those already ordered, until the Secretary of Defense provides to the Congressional defense committees the results of the Defense Acquisition Board (DAB) review of the Hunter program.

PIONEER UAV

Of the funds authorized and appropriated for defense-wide procurement, Defense Airborne Reconnaissance Programs (DARP), the conferees direct that the Department use $4.5 million to equip nine Pioneer UAV systems with the common automatic landing and recovery system (CARLS).

The conferees note the Department's continuing failure to equip UAVs with the CARLS system. The conferees are concerned with this result, particularly since the Department agrees that CARLS installation on UAVs in general, and Pioneer in particular, would reduce landing accidents and associated losses.

Automated document conversion system

The budget request did not include any additional funds for the automated document conversion system (ADCS). This is a program for converting the Department of Defense's engineering drawings from hard copy to electronic format.

The House bill would authorize $20.0 million for this purpose.

The Senate amendment would approve the budget request.

The conferees are concerned with the lack of progress by the Department toward achieving major cost savings through the adoption of automated document conversion technology. The conferees are encouraged, however, that the Department has recently acknowledged such savings and has produced a roadmap to realize these savings by changing from raster to vector conversion. The conferees also understand this plan brings an upgrade and expansion of UNIX-based systems and will test several personal computer (PC)-based systems.

However, the conferees are concerned with the Department's plan for using $10.0 million of these funds for ''bulk'' conversion purposes, since these funds were specifically appropriated for the purchase of ADCS equipment. the conferees are concerned that there may be a greater requirement for ADCS software and equipment than the Department currently has planned and that some or all of the funds planned for bulk conversion may be needed for software and equipment. Should the results of the Department's ongoing conversion survey confirm that additional software and equipment is needed, the conferees feel that the Department should address first the needs of UNIX-based engineering systems as the UNIX-based system has undergone extensive testing per Congressional direction. The conferees direct that the Secretary of Defense provide a report to the congressional defense committees by march 29, 1996, on the results of the PC-based system testing.

Overview

The budget request for fiscal year 1996 contained no authorization for National Guard and Reserve Procurement in the Department of Defense. The House bill would authorize $770.0 million. The Senate amendment would authorize $777.4 million. The conferees recommended an authorization of $777.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	NATIONAL GUARD & RESERVE EQUIPMENT										
	RESERVE EQUIPMENT										
	ARMY RESERVE		-								
	TACTICAL VEHICLES		-		20,000		-		15,000		15,000
	SINCGARS		-		3,500		5,000		3,000		3,000
	MEDIUM TRUCK ESP		-		-		10,000		10,000		10,000
	HEAVY TRUCK MODERNIZATION		-		-		15,000		10,000		10,000
	NIGHT VISION EQUIPMENT		-		5,800		5,000		5,700		5,700
	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT		-		-		2,000		2,000		2,000
	ENGINEER EQUIPMENT		-		10,000		-		10,000		10,000
	VARI-REACH LIFT TRUCKS		-		4,500		-				-
	ALL-TERRAIN FORK LIFT TRUCKS										4,500
	CH-47D		-		16,000		-		16,000		16,000
	ENGINE SERVICE ADAPTERS		-		500		-		500		500
	GENERATORS/POWER EQUIP/SPT EQUIP		-		5,000		-		5,000		5,000
	MK-19 GRENADE LAUNCHERS		-		10,000		-				-
	SIMULATORS		-		2,000		-		2,000		2,000
	MEDICAL EQUIPMENT		-		2,000		-		2,000		2,000
	MISCELLANEOUS EQUIPMENT		-		5,000		25,000				-
	NAVY RESERVE										
	DECM EQUIPMENT		-		8,000		-		8,000		8,000
	F/A-18 UPGRADES		-		28,000		24,000		24,000		24,000
	MIUW TSW-108		-		10,000		10,000		10,000		10,000
	C-9 AIRCRAFT AVIONIC UPGRADE		-		35,000		25,000		25,000		25,000
	MISCELLANEOUS EQUIPMENT		-		5,000		15,000				-
	MARINE CORPS RESERVE										
	CBT VEHICLE TRAINER		-		3,800		-		3,800		3,800
	CH-53 HELICOPTERS		-		30,000		-		50,000	2	50,000
	DIGITAL COMMAND & CONTROL NETWORK		-		4,300		-		4,300		4,300
	COMM COMPANY EQUIPMENT		-		5,000		-		5,000		5,000
	UH-1N NAV/FLIR UPGRADES		-		2,600		-		2,600		2,600
	AH-1W HELICOPTERS (3)		-		-		35,000				-
	SINCGARS		-		-		5,000		3,000		3,000
	NIGHT VISION EQUIPMENT		-		-		5,000		5,000		5,000
	MISCELLANEOUS EQUIPMENT		-		5,000		10,000				-
	AIR FORCE RESERVE										
	KC-135R REEINGINING		-		26,000		-				-
	C-130H		-	4	145,200		-		135,600	4	135,600
	C-130J		-		-		210,000				-
	C-20G		-		-		30,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL RESERVE EQUIPMENT		-		392,200		431,000		362,000		362,000
	NATIONAL GUARD EQUIPMENT										
	ARMY NATIONAL GUARD										
	AVENGER		-		-		54,000		50,000		50,000
	PALADIN/FAASV		-		-		55,000				-
	MLRS		-		-		16,400				-
	M113A3 UPGRADES		-		-		10,000		10,000		10,000

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	M113A3 NIGHT VIEWERS		-		-		2,000		2,000		2,000
	MEDIUM TRUCK ESP		-		-		10,000		15,000		15,000
	HEAVY TRUCK MODERNIZATION		-		-		10,000		10,000		10,000
	TACTICAL TRUCK PROC/SLELP		-		-		-				-
	TACTICAL VEHICLES										10,000
	NEW PROCUREMENT		-		10,000		-				-
	SLEP (5 TON)		-		10,000		-				-
	SLEP (2 1/2 TON)		-		10,000		-				-
	SINCGARS		-		10,000		5,000		5,000		5,000
	M109 ACE		-		10,000		-		5,000		5,000
	IFTE		-		10,000		-		10,000		10,000
	NIGHT VISION EQUIPMENT		-		10,000		5,000		5,000		5,000
	CHEM/BIO EQUIPMENT		-		5,000		2,000		2,000		2,000
	HIGH CAPACITY AIR AMBULANCE		-		30,000		-				-
	AH-1 (C-NITE)		-		10,000		-				-
	FADEC		-		10,000		-		5,000		5,000
	TRNG & SIM EQUIPMENT		-		-		-				-
	AH-64 COMBAT MISSION SIMULATOR		-		15,000		15,000		15,000		15,000
	UH-1 SLEP		-		-		-				-
	AH-1 BORESIGHT EQUIPMENT		-		-		5,000		5,000		5,000
	FULL AUTHORITY DIGITAL ELECTRONIC CONTROL (CH-47)		-		-		5,000				-
	C-26									2	11,000
	MISCELLANEOUS EQUIPMENT		-		10,000		15,000				-
	AIR NATIONAL GUARD										
	F-16 220E ENGINES		-		10,000		-		5,000		5,000
	C-130H		-	4	145,200		102,000	6	203,400	6	203,400
	AIRLIFT DEFENSIVE SYSTEMS		-		10,000		-		10,000		10,000
	KC-135R REENGINING		-		26,000		26,000				-
	KC-135 MODS		-		-		-				-
	AIRLIFT REPLACEMENT RADAR		-		6,600		-		6,600		6,600
	C-20G		-		30,000		-		30,000		30,000
	C-26		-		-		9,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL NATIONAL GUARD EQUIPMENT		-		377,800		346,400		415,000		415,000
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		-								
	MISC EQUIPMENT GUARD & RESERVE AIRCRAFT										
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT				770,000		777,400		777,000		777,000

Overview

The budget request for fiscal year 1996 contained an authorization of $746.7 million for Chemical Agent and Munitions Destruction, Army in the Department of Defense. The House bill would authorize $746.7 million. The Senate amendment would authorize $671.7 million. The conferees recommended an authorization of $672.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF										
	CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
	RESEARCH AND DEVELOPMENT										
1	CHEM DEMILITARIZATION - RDTE		53,400		53,400		53,400				53,400
			53,400		53,400		53,400				53,400
	CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
	PROCUREMENT										265,000
2	CHEM DEMILITARIZATION - PROC		299,448		299,448		224,448		(34,448)		265,000
	CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
	OPERATION AND MAINTENANCE										
3	CHEM DEMILITARIZATION - O&M		393,850		393,850		393,850		(40,000)		353,850
			393,850		393,850		393,850		(40,000)		353,850

ITEMS OF SPECIAL INTEREST

Aerial targets

The budget request included $68.6 million for aerial targets.

The House bill and the Senate amendment authorized the request.

The conferees understand the Navy's current acquisition strategy for subscale subsonic aerial targets is to procure only the BQM–74E. However, the conferees understand the contractor may have taken some recent cost reduction initiatives on the BQM–34S subscale target. Therefore, the conferees believe that the Navy's non-competitive procurement of the BQM–74E may not provide the service with the best value target. Accordingly, the conferees urge the Navy to reassess its acquisition strategy for this target and conduct a competition based upon meeting a performance specification. The conferees believe that such a competition could result in buying a target that truly represents the best value to the Navy.

AN/ALE–47

The conferees are concerned that the current Air Force acquisition strategy for the follow-on production of lots IV through VII of the AN/ALE–47 Countermeasure Dispenser System may involve significant and unnecessary risks for the program. The conferees direct the Air Force to delay any procurement action regarding lots IV through VIII of the AN/ALE–47 until 14 days after the date on which the Air Force has provided the congressional defense committees with a report that assesses the cost and acquisition strategy related to the introduction of new suppliers for the system.

Engineer construction equipment

The conferees are aware of the significant contribution National Guard engineer construction units have made to securing the southwest border. The construction efforts of the National Guard have been of singular assistance in providing for increased safety for U.S. Border Patrol agents and in facilitating the U.S. Border Patrol efforts to counter illegal drugs and illegal immigration along the southwest border. The conferees agree that sufficient funds should be allocated by the National Guard to purchase appropriate loaders, dozers, and road-grading equipment for use by National Guard engineer construction units that rotate to continue construction on projects along the United States-Mexican border.

The conferees have indicated elsewhere in this statement of managers, that the Department of Defense should, through normal reprogramming procedures, use available funds provided for counterdrug activities to continue construction to extend the fence constructed by the National Guard on the southwest border.

LPD–17 radio communications systems engineering support

The conferees note that, as a result of the base realignment and closure decisions, the Navy has reorganized and consolidated its radio communications systems (RCS) engineering, production, testing, integration, and training support activities. In assigning RCS engineering support workload for the LPD–17 class of ships, the conferees expect that the Navy will assign such workload to the most appropriate facility.

SH–60 modifications

The conferees understand that there are at least 60 AN/AQS–13F dipping sonars currently installed in the Navy's SH–60F helicopters that will not be replaced under the SH–60R program. These sonars could be upgraded to meet current shallow water operational requirements based on a modification already developed through the FMS program.

The conferees direct the Secretary of the Navy to evaluate the cost effectiveness of a modification program for the AQS–13F dipping sonars that will not be replaced in conjunction with the SH–60R program, and report the results to the congressional defense committees by March 15, 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Subtitle B—Army Programs

Procurement of OH–58D Armed Kiowa Warrior helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would modify current law to permit procurement of twenty additional OH–58D AHIP scout helicopters.

The Senate amendment contained an identical provision (sec. 122).

The conferees understand that the procurement of twenty additional OH–58D Armed Kiowa Warrior helicopters will cost up to $140.0 million and agree to amend the provision to authorize $140.0 million to procure these helicopters.

Repeal of requirements for armored vehicle upgrades (sec. 112)

The House bill contained a provision (sec. 112) that would repeal subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761).

The Senate amendment contained no similar provision.

The Senate recedes.

Multiyear procurement of helicopters (sec. 113)

The budget request included $354.0 million to buy 18 AH–64D aircraft and 13 Longbow fire control radars.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 111) that would authorize an increase of $82.0 million and the multiyear procurement of Longbow Apache helicopters.

The House recedes with an amendment.

The conferees agree to authorize an increase of $76.2 million for the Longbow Apache attack helicopter program and multiyear procurement contracts for both the AH–64D Longbow Apache attack helicopter program and the UH–60 Black Hawk utility helicopter program.

Report on AH–64D engine upgrades (sec. 114)

The Senate amendment contained a provision (sec. 114) that would require the Secretary of the Army to submit a report to Congress on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters.

The House bill contained no similar provision.

The House recedes.

Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement (sec. 115)

The budget request did not include any funds for procurement of small arms.

The House bill and the Senate amendment would authorize funds for the following small arms programs as indicated below:

[In millions of dollars]

	House	Senate
M–16 rifle	$13.5	$13.5
M4 carbine	6.5	13.5
M9 personal defense weapon	2.0	4.0
M249 squad automatic weapon	28.5	28.5
MK–19 grenade launcher	20.0	33.9
Medium machine gun (mod kits)	6.5	6.5

The conferees agree to provide funds for small arms programs as indicated below:

[Dollars amounts in millions]

		Quantity
M–16 rifle	$13.5	27,500
M4 carbine	6.5	12,000
M9 personal defense weapon	2.0	4,660
M249 squad automatic weapon	28.5	10,265
MK–19 grenade launcher	33.9	2,100
Medium machine gun (mod kits)	6.5	1,434

The conferees express their concern that the Army did not include funds for small arms programs in the fiscal year 1996 budget request, despite specific direction regarding multiyear procurement for small arms included in the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1995 (S. Rept. 103–701). The conferees expect the Secretary of the Army to comply with both the letter and intent of the law in this regard. The conferees further expect the Secretary of the Army to ensure that small arms programs are funded at levels approximating those in this report until requirements for each separate class of small arms are fully achieved and that appropriate multiyear contracts are executed. The conferees include a provision (sec. 116) that would direct the Secretary of the Army to enter into multiyear procurement contracts during fiscal year 1997, in accordance with section 115(b)(2) of the National Defense Authorization Act for Fiscal Year 1995.

Subtitle C—Navy Programs

Nuclear attack submarines (sec. 131)

The budget request reflected a policy, adopted by the Department of Defense as a consequence of its Bottom Up Review, that would cause all future nuclear submarines to be constructed by General Dynamics Electric Boat Division (Electric Boat). The budget request included the following funding for submarine construction programs:

(1) $1.5 billion for SSN–23, the final increment required for full funding of this *Seawolf* class submarine;

(2) $704.5 million advance procurement for the first of a new class of nuclear attack submarines, designated as the new attack submarine (NAS), whose construction would begin in fiscal year 1998; and

(3) a total of $455.4 million for research, development, test, and evaluation for the NAS program.

The House report (H. Rept. 104–131) reflected the view that changes in the Navy's plan for acquisition of nuclear attack submarines should be made to incorporate advanced technologies into these submarines' designs. These recommendations were based on an underlying premise that the Navy's NAS program would not provide an adequate technological advantage over foreign submarines presently under construction or in design. The House bill would:

(1) not authorize SSN–23;

(2) authorize $550.0 million for Electric Boat to design, build, and incorporate a hull section into SSN–22 to create a lengthened, expanded capability variant of the basic *Seawolf* design, while retaining its full weapons load;

(3) authorize $704.5 million advance procurement for the fiscal year 1998 submarine that would be built by Electric Boat;

(4) authorize $300.0 million for Electric Boat to design and build a second hull section that would be incorporated into a fiscal year 1998 submarine, and convert that submarine from the lead ship of a serial-production class, based on the current NAS design, into an additional, one-of-a-kind, expanded capability platform that would be derived from the current NAS design;

(5) directs that $10.0 million of the funds in the budget request for NAS detailed design work be used only for establishing and maintaining a cadre of Newport News submarine

designers at Electric Boat and for transfer of all submarine designers at Electric Boat's design data base to Newport News';

(6) authorize $150.0 million to begin an effort at Newport News to design, develop, and build prototype versions of major submarine components that would result in a follow-on submarine design for serial production that represents a substantial improvement in affordability and capability over the current NAS design;

(7) direct the Advanced Research Projects Agency (ARPA) and the national laboratories to make new technologies available to both Electric Boat and Newport News that show potential for achieving a follow-on submarine design for serial production that represents a substantial improvement over the current NAS design; and

(8) include a provision (sec. 133) that would direct the Secretary of the navy to award, on a competitive basis, contracts for attack submarines built after the fiscal year 1998 submarine.

The Senate amendment reflected an alternate view on how to acquire nuclear attack submarines. It contained a provision (sec. 121) that would:

(1) authorize the SSN–23 at $1.5 billion, the budget request;

(2) limit the ability of the Secretary of the Navy to obligate or expend funds for SSN–23 until he restructures the NAS program to provide for:

(a) procurement of the lead NAS from Electric Boat in fiscal year 1998;

(b) procurement of the second NAS from Newport News Shipbuilding and Drydock (Newport News) in fiscal year 1999; and

(c) competitive procurement of any additional NAS vessels after the second. Potential competitors for these additional vessels would be contractors that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years;

(3) place additional limits on the total amount of funds that may be expended for SSN–23 in fiscal years 1996, 1997, 1998, and 1999;

(4) direct the Secretary of the Navy to solicit competitive proposals and award the contract or contracts for NAS, after the second NAS, on the basis of price;

(5) direct the Secretary of the Navy to take no action that would impair the design, engineering, construction, and maintenance competencies of either Electric Boat or Newport News to construct the NAS;

(6) direct the Secretary of the Navy to report every six months to the Committee on Armed Services of the Senate and the Committee on National Security of the House the obligation and expenditure of funds for SSN–23 and the NAS;

(7) authorize $814.5 million in fiscal year 1996 for design and advance procurement of the lead and second NAS, of which $10.0 million would be available only for participation of Newport News in the NAS design, and $100.0 million would be available only for advance procurement and design of the second submarine under the NAS program;

(8) place limits on the expenditure of advance procurement funds in fiscal year 1996 for the lead NAS, unless funds are also obligated or expended for the second NAS;

(9) authorized $802.0 million in fiscal year 1997 for advance procurement of the lead and second NAS, of which $75.0 million would be available only for participation by Newport News in the design of the NAS, and $427.0 million would be available only for advance procurement and design of the second submarine under the NAS program; and

(10) authorized $455.4 million, the budget request, for research, development, test, and evaluation for the NAS program.

The conferees agree to adopt a new provision dealing with the design and procurement of future Navy attack submarines. This provision would:

(1) authorize the SSN–23 at $700.0 million;

(2) authorize $804.5 million in fiscal year 1996 for design and advance procurement of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the NAS), of which;

(a) $704.5 million would be available only for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which would be built by Electric Boat; and

(b) $100.0 million would be available only for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which would be built by Newport News;

(3) authorize $10.0 million only for participation of Newport News in the design of the submarine previously designated by the Navy as the NAS;

(4) establish a special bipartisan congressional panel that would be briefed, at least annually, by the Secretary of the Navy on the status of the submarine modernization program and submarine-related research and development;

(5) direct the Secretary of Defense, not later than March 15, 1996, to accomplish the following:

(a) develop and submit a detailed plan for development of a program that will lead to production of more capable, less expensive submarines than the submarine previously designated as the NAS;

(b) ensure the plan includes a program for the design, development, and procurement of four nuclear attack submarines that would be procured during fiscal years 1998 through 2001 with each successive submarine being more capable and more affordable;

(c) structure the program so that:

(i) one of the four submarines would be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(ii) to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines would be constructed by Electric Boat and the fiscal year 1999 and the fiscal year 2001 submarines would be constructed by Newport News;

(iii) the design previously designated as the NAS would be used as the base design by both contractors:

(iv) each contractor would be called on to propose improvements, including design improvements, for each successive submarine so that each of them would be more capable, more affordable, and their design would lead to a design for a future class of nuclear attack submarines that would possess the latest, best, and most affordable technology; and

(v) the fifth and subsequent nuclear attack submarines, proposed for construction after SSN–23, would be procured after a competition based on price;

(d) the Secretary of Defense's plan would also:

(i) set forth a program to accomplish the design, development, and construction of the four submarines that would take maximum advantage of a streamlined acquisition process;

(ii) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003 with procurement to occur after a competition based on price;

(iii) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates for incorporation into the plan to design, develop, and procure the submarines;

(iv) designate the fifth submarine procured after SSN–23 to be the lead ship in a next generation submarine class, unless the Secretary of the Navy, in consultation with the special congressional submarine review panel, determines that more submarines should be built before the design of a new class of submarines is fixed, in which case the fifth and each successive submarine would be procured after a competition based on price; and

(v) identify the impact of the submarine program on the remainder of the Navy's shipbuilding account;

(6) impose certain limits on the amounts that can be obligated and expended on the SSN–23 and the fiscal year 1998 and 1999 submarines until:

(a) the Secretary of the Navy has certified in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House that procurement of future nuclear attack submarines, except as stipulated elsewhere in this provision, would be accomplished through a competition based on price; and

(b) the Secretary of Defense, not later than March 15, 1996, has:

(i) submitted the submarine design and procurement plan that would be required by the provision;

(ii) directed the Under Secretary of Defense (Comptroller) to incorporate the costs of the submarine design and procurement plan into the future years defense program, even if the total cost of the plan's program exceeds the President's budget; and

(iii) directed that the Under Secretary of Defense for Acquisition and Technology conduct oversight of the development and improvement of the nuclear attack submarine program of the Navy and established reporting procedures to ensure that officials of the Department of the Navy, who exercise management oversight of the program, report to the Under Secretary of Defense for Acquisition and Technology with respect to that program;

(7) direct the Secretary of Defense to use streamlined acquisition policies to reduce the cost and increase the efficiency of the submarine program;

(8) direct the Secretary of Defense to submit to Congress an annual update of the submarine design and procurement plan with the submission of the President's budget, for each of fiscal years 1998 through 2002;

(9) direct that funds authorized for fiscal year 1996 by this provision may not be obligated or expended during fiscal year 1996 for the fiscal year 1998 submarine unless funds are also obligated and expended during fiscal year 1996 for the fiscal year 1999 submarine;

(10) authorize the Secretary of the Navy to enter into contracts with Electric Boat and Newport News, and suppliers of components during fiscal year 1996 for:

(a) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine; and

(b) advance construction of long-lead components and other components for such submarines;

(11) authorize that, of the amount provided in section 201(4) of this Act for ARPA, that $100.0 million would be available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the submarine design and procurement plan specified under this provision, to include electric drive, hydrodynamic quieting, ship control automation, solid-state power electronics, wake reduction technologies, superconductor technologies, torpedo defense technologies, advanced control concepts, fuel cell technologies, and propulsors;

(12) direct that the Director of ARPA shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies in concert with Electric Boat and Newport News: and

(13) define potential competitors, for the purposes of this provision, as those that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years.

Research for advanced submarine technology (sec. 132)

The conferees agree to adopt a new provision that would direct that, of the amount appropriated for fiscal year 1996 for the national defense sealift fund, $50.0 million would be available only for the Director of the Advance Research Projects Agency for advanced submarine technology activities.

Cost limitation for Seawolf submarine program (sec. 133)

The Senate amendment would authorize the third *Seawolf* class submarine SSN–23. Consistent with this authorization, the Senate amendment included a provision (sec. 125) that would establish a combined cost cap on all three *Seawolf* submarines (SSN–21), SSN–22 and SSN–23). This cost cap would be in addition to a cost cap that Congress imposed on the first two *Seawolf* class submarines SSN–21 and SSN–22, in fiscal year 1995.

The House bill included a provision (sec. 132) that would repeal the cost cap on SSN–21 and SSN–22.

The conferees agree to adopt a new provision that would:

(1) establish a combined cost cap on the three *Seawolf* submarines (SSN–21, SSN–22, and SSN–23); and

(2) repeal the combined cost cap on SSN–21 and SSN–22 that was imposed by the National Defense Authorization Act for Fiscal Year 1995.

Repeal of prohibition on backfit of Trident submarines (sec. 134)

The House bill contained a provision (sec. 131) that would repeal the provision of law that prohibits the backfit of Trident II (D–5) missiles into Trident I (C–4) missile-carrying submarines.

The Senate amendment contained an identical provision (sec. 122).

The conference agreement contains this provision.

The conferees endorse on all D–5 fleet of Trident submarines. But the conferees also believe that it is premature to rule out the option of retaining all 18 Trident submarines. Although the Nuclear Posture Review recommended a force of 14 Trident submarines equipped with the D–5 missile, circumstances may require the United States to retain a higher number of such submarines or, alternatively, reduce to a lower level.

Given this uncertainty, the conferees direct the Secretary of the Navy to take several actions: (1) fully fund all activities necessary for the backfitting of Trident II missiles into at least four west coast Trident submarines on the schedule recommended in the Nuclear Posture Review; and (2) continue to fund, in the fiscal year 1997 budget and in the Future Years Defense Program, adequate operational support for Trident I missiles to ensure the option of retaining all 18 Trident submarines on full operational status, assuming backfits of the final four submarines with D–5 missiles following the completion of the first four conversions.

Arleigh Burke class destroyer program (sec. 135)

The Senate amendment contained a provision (sec. 123) that would:

(1) authorize $650.0 million as the first increment of split funding for two *Arleigh Burke* class destroyers in accordance with a split funding provision (sec. 124) that was included elsewhere in the Senate amendment; and

(2) express the sense of Congress that the Secretary of the Navy should plan for and request the final increment of funding for the two *Arleigh Burke* class destroyers in fiscal year 1997, also in accordance with the split funding provision (sec. 124) of the Senate amendment.

The House bill contained no similar provision.

The conferees adopt a new provision that would:

(1) authorize six *Arleigh Burke* class destroyers;

(2) authorize $2.17 billion, the budget request, for the construction, including advance procurement, for *Arleigh Burke* class destroyers;

(3) authorize the Secretary of the Navy to enter into contracts in fiscal year 1996 for the construction of three *Arleigh Burke* class destroyers;

(4) authorize the Secretary of the Navy to enter into contracts in fiscal year 1997 for the construction of three *Arleigh Burke* class destroyers, subject to the availability of appropriations for such destroyers;

(5) continue the contract award pattern and sequence used by the Navy for the procurement of *Arleigh Burke* class destroyers in fiscal years 1994 and 1995;

(6) limit the liability of the government for these vessels to the amounts appropriated for them; and

(7) encourage, subject to a prior notification to the congressional defense committees, the Secretary of the Navy to use shipbuilding and conversion savings, that become excess to the needs of the Navy from other programs, to fully fund *Arleigh Burke* class destroyers contracts entered into under the terms of the provision.

Acquisition program for crash attenuating seats (sec. 136)

The Senate amendment contained a provision (sec. 126) that would allow the Secretary of the Navy to establish a program to procure and install commercially developed, energy absorbing, crash attenuating seats in H-53E helicopters. The Senate provision would allow the Secretary to use up to $10.0 million for the program out of unobligated balances in the Legacy Resource Management Program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to establish such a program.

The conferees acknowledge the potential value of crash attenuating seats for passengers in military helicopters, and expect the Department to proceed quickly to define the technical specification and qualification for non-developmental seats. The conferees further expect the Department to ensure the acquisition program incorporates full and open competition.

T–39N trainer aircraft (sec. 137)

The budget request did not include funds to purchase the T–39N aircraft the Department of the Navy now uses to train naval flight officers. The government leases these aircraft as part of a service contract. The lessor has offered to sell these aircraft to the government, rather than continue the current leasing arrangement.

The House bill and the Senate amendment would support the budget request.

The Senate report (S. Rept 104–112) would direct the Secretary of the Navy to provide analysis of the contractor's proposal to the Armed Services Committee of the Senate, so the proposal and the analysis could be reviewed for possible further action.

The conferees recommend $45.0 million for purchasing T–39N aircraft, subject to certain conditions. The conferees believe that the proposal deserves further review before purchasing these aircraft. The conferees expect the Department's analysis to answer, at a minimum, the following questions:

(1) What would be the status of the training program for which T–39Ns are currently leased?

(2) For what purpose would the Navy spend procurement funds in fiscal year 1996?

(3) Is funding for this project contained anywhere in the future years defense program (FYDP)? If there is funding, how much?

(4) Is there an approved requirement in the Navy for acquiring this capability? Does this requirement supplant or supplement the current mission that is being filled by the T–39N leasing program?

(5) How much funding beyond $45.0 million would be required to enable the T–39N system to meet future training requirements? If additional funds are required, how much of the additional cost is budgeted in the FYDP?

(6) What savings, in terms of both current and constant dollars, would accrue to the Navy by purchasing aircraft for this requirement on a non-competitive basis in fiscal year 1996, rather than selecting an aircraft under competitive procedures when the current lease program expires in fiscal year 1998? If savings will accrue, are they attributable to factors other than inflation? Are there savings in life cycle support costs beyond the initial acquisition costs?

(7) Would additional funding for the project now interfere with the Navy's opportunity to conduct a competitive procurement or better define the program's requirements?

(8) Are there other reasons that would prevent executing the program in fiscal year 1996?

(9) The conferees understand that the T–39N leasing contract provided for amortizing the full purchase price of the aircraft over the first five years of the lease. Since the contractor has already been reimbursed in full for purchase price, why would it be in the government's interests to pay more than a nominal amount for aircraft?

The conferees believe that the proposal to buy the aircraft could have merit; however, the conferees recommend a provision that would prohibit obligation of these acquisition funds until 60 days after the Under Secretary of Defense for Acquisition and Technology has submitted the analysis described above and has certified to the Armed Services Committee of the Senate and the National Security Committee of the House of Representatives that acquisition of the T–39N aircraft is in the best interest of the government and is the most cost effective alternative in meeting the requirements for training naval flight officers.

Pioneer unmanned aerial vehicle program (sec. 138)

The Senate amendment contained a provision (sec. 132) that would prohibit the Secretary of the Navy from spending more than one-sixth of the funds appropriated for fiscal year 1996, or any unobligated balances available from previous years, until the Secretary certifies that funds have been obligated to equip nine Pioneer Unmanned Aerial vehicle systems with the Common Automatic Landing and Recovery System (CARLS).

The House bill contained no similar provision.

The House recedes.

Subtitle D—Air Force Programs

Repeal of limitations (secs. 141 and 142)

The budget request included $279.9 million for B–2 procurement and $623.6 million for B–

2 research and development for a B–2 program consisting of twenty aircraft. The House bill contained a provision (sec. 141) that would repeal limitations on the B–2 program, and provide an increase of $553 million for B–2 procurement. The House bill would repeal:

Section 112 of the National Defense Act for Fiscal Years 1990 and 1991, which requires certification from the Secretary of Defense that the B–2 is meeting certain performance criteria.

Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993, which limits B–2 procurement to 20 bombers and one test aircraft.

Section 131(c) of the National Defense Authorization Act for Fiscal Year 1994, which reaffirms the twenty one aircraft limitation.

Section 131(d) of the National Defense Authorization Act for Fiscal Year 1994, which limits the total program costs to $28,968,000,000 in Fiscal Year 1981 constant dollars.

Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995, which provides that none of the $125.0 million authorized and appropriated for the Enhanced Bomber Capability Fund may be obligated for advance procurement of new B–2 aircraft (including long lead items).

The Senate amendment contained no additional funds, nor did it contain any repeal of the limitations provision.

The conferees agree to an amendment that would repeal the limitations imposed on the scope of the B–2 program, while retaining requirements for B–2 performance compliance in both the present authorization and any possible future acquisition of the aircraft.

The conferees agree to authorize the budget request for research and development and to increase the authorization for procurement by $493.0 million. The conferees further agree that the $493.0 million may not be spent until March 31, 1996.

The conferees believe that the B–2 bomber represents a major technological advance in strategic bomber capabilities. However, if a decision were made to acquire additional B–2 bombers, their high cost would result in funding reductions in the Administration's five year defense program. Therefore, the Senate conferees believe that the increased authorization of $493.0 million provided for the B–2 bomber program may be expended only for procurement of B–2 components, upgrades, and modifications that would be of value for the existing fleet of B–2 bombers.

The conferees are concerned over the cost of producing modern, highly capable, long range bombers, and therefore strongly urge the Secretary of Defense to: (1) complete the study called for in section 133(d)(3) of the National Defense Act of 1995 (Public Law 103–337) for requirements formulation and conceptual studies for a conventional-conflict-oriented, lower-cost, next generation bomber; and (2) explore options, including adoption of streamlined acquisition policies and procedures, for reducing the costs of producing long-range bombers. Accordingly, the conferees agree to repeal the requirements contained in section 133(d)(3), which states that such a study may be carried out only if the previously-produced bomber force study found bomber capabilities to be inadequate.

The conferees note that section 133(d) permitted the Secretary to obligate up to $25.0 million of the $125.0 million authorized and appropriated in fiscal year 1995 for the Enhanced Bomber Capability Fund for such a study. The conferees direct that any remaining unobligated fiscal year 1995 funds from the $125.0 million made available for B–2 bomber industrial base preservation and next-generation bomber study shall promptly be merged with the $493.0 million in additional B–2 funds authorized in this Act.

In order to compare force capabilities with relative costs, the conferees urge the Secretary of Defense to provide a summary and detailed listing of program reductions and adjustments to the fiscal year 1997 budget request and the future years' defense program (FYDP) required by the possible acquisition of additional B–2 bombers. The Secretary should use the standard cost analysis approach used in the March 1995 Air Force cost estimate for further B–2 acquisition of one and one-half and three aircraft per year.

MC–130H Aircraft Program (sec. 143)

The conference agreement includes a new provision that would amend section 161 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101–189) to enable obligation of funds for award fee and procurement of contractor furnished equipment.

The conferees understand that the Air Force desires to grant an award fee to the MC–130H Combat Talon II development contractor, but is prohibited from doing so by a provision of Public Law 101–189. The conferees note that the prohibitive legislative provision requires the Director of Operational Test and Evaluation (DOT&E) to certify that the MC–130H Combat Talon II terrain avoidance radar performs in accordance with requirements outlined in the test and Evaluation Master Plan (TEMP) approved by the DOT&E in September 1988. The conferees have been informed that the aircraft cannot be certified as having met TEMP criteria because a specific test criterion referred to in the TEMP has been determined to be unmeasurable.

The conferees agree to include a provision that would allow the DOT&E to certify to the congressional defense committees that the MC–130H terrain avoidance radar is operationally effective in order to release the award fee for the MC–130H. The conferees direct the DOT&E to report all unmeasurable test criteria included in the September 1988 TEMP that have been appropriately corrected.

Subtitle E—Chemical Demilitarization Program

Chemical agents and munitions destruction program (secs. 107, 151–153)

The budget request contained $746.7 million for operation and maintenance, research and development and procurement, for the defense chemical agents and munitions destruction program.

The House bill contained a series of provisions (secs. 106, 151–153, and 2407) that would: authorize the budget request; repeal a legislative requirement to develop a chemical demilitarization cryofracture facility; express congressional concern about the cost growth of destroying the unitary chemical stockpile and express a view that the Secretary of Defense should consider measures to reduce the overall cost; direct the Secretary of Defense to conduct a review and evaluation of issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations; and prohibit the obligation or expenditure of fiscal year 1996 funds, prior to March 1, 1996, for the construction of a chemical munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained provisions (sec. 107 and 1099C) that would authorize $671.7 million for the chemical agents and munitions destruction program, and direct the Department of Defense to review and assess the risk associated with the transportation of any portion of the unitary chemical stockpile, such as drained chemical agents or munitions from one location to another within the continental United States, and review and evaluate issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations. The Senate report (S. Rept. 104–112) would recommend the use of unobligated fiscal years 1994 and 1995 procurement funds for procurement of equipment at Pine Bluff, Arkansas and Umatilla, Oregon.

The conferees agree to provisions that would authorize $672.3 million for the defense chemical agents and munitions program, to include: $265.0 million for procurement; $353.8 million for operations and maintenance; and $53.4 million for research and development. The provision would repeal the legislative requirement to develop a chemical demilitarization cryofracture facility.

Further, the conferees agree to provisions that would direct the Secretary of Defense to proceed with the destruction of the U.S. chemical stockpile using the current baseline technology. The conferees would also require the Secretary to ensure that support measures have been provided at each installation where a chemical agent and munitions demilitarization facility would be constructed, as required by the Department of Defense and the Department of Army regulations, the chemical demilitarization plans, and the Solid Waste Disposal Act permit. The conferees direct the Secretary to conduct an assessment of the current chemical demilitarization program and recommend measures that could reduce the total cost of the program. The provision would also direct the Secretary to review and evaluate issues associated with the closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations. The conferees agree to authorize the use of funds appropriated for the defense chemical agents and munitions destruction program to support travel and associated travel costs of Commissioners of the Citizens' Advisory Commissions, when such travel is conducted at the invitation of the Assistant Secretary of the Army for Research, Development and Acquisition. The provision would modify existing law to permit the appointment of a civilian as project manager for the chemical agent and munitions destruction program. The Department would also be required to provide a quarterly report to Congress on the use of such funds to pay for the travel and associated travel costs.

COST OF THE CHEMICAL AGENTS AND MUNITIONS DESTRUCTION PROGRAM

The conferees remain concerned about the escalating costs associated with the chemical agents and munitions destruction program. The program has grown from its original estimate of $1.7 billion in 1986 to the current estimated cost of $11.9 billion, with expectations that costs will further increase. Continued delays in proceeding with the demilitarization and destruction of the chemical stockpile have added to the overall increases in the program. The conferees believe that the program should proceed expeditiously and utilize technology that minimizes risks to the public and the environment.

The conferees are concerned that continued delays, related to site operation systemization, environmental permits, and construction of the demilitarization and destruction facilities, would increase the overall program costs and risks to the public and the environment.

Finally, as the Department reviews measures that could be implemented to reduce the growth of the program costs, the conferees expect the Secretary to consider the potential for reconfiguration of the stockpile, as described in the October 19, 1995 letter from the Assistant Secretary of the

Army for Research, Development and Acquisition, and to ensure protection of the public and environment.

ALTERNATIVE TECHNOLOGIES

The Department of the Army is currently conducting research and development of chemical neutralization and biodegradation, in conjunction with neutralization, for use at the bulk-only storage sites. The conferees believe there is potential for the implementation of these processes at future demilitarization and destruction sites, which could reduce the requirement for a liquid incinerator. The conferees support the National Research Council's (NRC's) recommendation that the Army continues its current baseline incineration program until such time as the evaluation of these alternative technologies is concluded.

If the evaluation of the alternative technologies research and development program proves successful, the conferees would support inclusion of this process into the baseline process. In conducting the chemical demilitarization and destruction program and assessing measures to significantly reduce program costs, the conferees expect the Department to consider a wide range of alternatives to the current baseline incineration program, to include the use of alternative technologies.

Additionally, the conferees expect the Secretary's assessment of the current chemical demilitarization program and measures to reduce the overall cost of the program, to include a risk analysis specific to each chemical stockpile storage and demilitarization site, the results of the stockpile surveillance and stability analysis related to the physical and chemical integrity of the stockpile, and the potential reconfiguration of the chemical stockpile. In making such an assessment, the Secretary shall ensure the maximum protection of the environment, the general public, and the personnel involved in the destruction of the chemical stockpile, while minimizing total program costs. The conferees expect the assessment to yield potential revisions to the chemical agents and munitions destruction program that could reduce program costs and increase public safety.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of limitation on total cost for SSN–21 and SSN–22 Seawolf submarines

The budget request included $1.5 billion for construction of the third *Seawolf* class submarine, SSN–23.

The House bill would not authorize SSN–23. However, consistent with other actions taken by the House on SSN–22, the House bill contained a provision (sec. 132) that would eliminate the existing cost cap on the first two *Seawolf* class submarines.

The Senate amendment would authorize SSN–23. It did not contain a provision that would repeal the cost cap on SSN–21 and SSN–22.

The House recedes.

Competition required for selection of shipyards for construction of vessels for next generation attack submarine program

The House bill contained a provision (sec. 133) that would:

(1) require the Secretary of the Navy to select on a competitive basis the shipyard for construction of each vessel of the next generation attack submarine program; and

(2) stipulate that the next generation attack submarine program shall begin with the first submarine that is programmed to be constructed after the submarine that is programmed to be constructed in fiscal year 1998.

The Senate amendment contained a provision (sec. 121) that would address competition as an integral part of the broader issue of current and future nuclear submarine construction programs.

The House recedes.

The conferees agree to incorporate the issue of competition for future submarines into a new, more comprehensive provision dealing with future submarine development and procurement.

Sonobuoy programs

The budget request included $8.9 million for the procurement of AN/SSQ–53 sonobuoys and no funding for the procurement of AN/SSQ–110 sonobuoys.

The House bill contained a provision (sec. 134) that would:

(1) stipulate that no fiscal year 1996 funds could be used for procurement of AN/SSQ–53 sonobuoys; and

(2) authorize $8.9 million for AN/SSQ–110 sonobuoys.

While the Senate amendment contained no similar provision, it did recommend funding adjustments to these two sonobuoy programs that would accomplish the intent underlying the House provision.

The conferees agree that the funding adjustment included in the House provision should be adopted, but do not believe that a legislative provision to that effect is necessary.

The House recedes.

Split funding for construction of naval vessels and incremental funding of procurement items

The Senate amendment contained a provision (sec. 124) that would authorize the Secretary of Defense to employ split funding for construction of certain naval vessels when developing the future years defense program. The provision would permit the Secretary to provide funding for these vessels over two years, but enter into a contract based on the first increment of funding. The intent of the provision would be to provide the Secretary with more flexibility to develop a uniform and cost effective shipbuilding program.

The House bill contained a provision (sec. 1007) that would prohibit the use of incremental funding, including split funding, for:

(1) the procurement of aircraft, missiles, or naval vessels;

(2) the procurement of tracked combat vehicles;

(3) the procurement of other weapons, and

(4) the procurement of naval torpedoes and related support equipment.

The House provision would not apply to funding classified as advance procurement funding.

These provisions were not included in the conference agreement.

Tier II predator unmanned aerial vehicle program

The Senate amendment contained a provision (sec. 131) that would prohibit the obligation of funds appropriated or otherwise made available for the Department of Defense in fiscal year 1996 for the Tier II Predator Unmanned Aerial Vehicle.

The House bill contained no similar provision.

The Senate recedes.

Joint primary aircraft training system program

The budget request included $55.0 million for three joint primary aircraft training system (JPATS) aircraft. At the time of the budget submission, the Department of Defense (DOD) had not completed the JPATS competition. This amount was derived from an estimate of funding required to procure three aircraft from any of the potential competitors. After source selection, the Department determined that it could procure eight JPATS aircraft with the requested funds.

The Senate amendment contained a provision (sec. 133) that would increase the number of aircraft that the Department could procure, from three to eight, without changing the amount of the authorization.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Air Force should buy up to eight aircraft with authorized funds.

Weapons industrial facilities

The budget request included $13.1 million for naval weapons industrial facilities.

The Senate amendment included a provision (sec. 391) that would authorize an increase of $2.0 million in operations and maintenance accounts for essential safety functions for the Allegany Ballistics Laboratory.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to provide an increase of $30.0 million for naval weapons industrial facilities for continuation of the facility restoration program at Allegany Ballistics Laboratory.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Overview

The budget request for fiscal year 1996 contained an authorization of $34,331.9 million for Research and Development in the Department of Defense. The House bill would authorize $35,934.5 million. The Senate amendment would authorize $35,959.9 million. The conferees recommended an authorization of $35,730.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE II					
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868
Research, Development, Test, and Evaluation, Defense-	8,802.881	9,287.058	9,271.220	616.630	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082
Undistributed Reduction			(40.000)	-	-
FFRDC Reduction	-	(90.000)	(90.000)	(90.000)	(90.000)
Total Research & Development	34,331.953	35,934.544	35,959.864	1,398.459	35,730.412

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Overview

The budget request for fiscal year 1996 contained an authorization of $4,444.2 million for Army, Research and Development in the Department of Defense. The House bill would authorize $4,774.9 million. The Senate amendment would authorize $4,845.1 million. The conferees recommended an authorization of $4,737.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	14,340	14,340	14,340		14,340
0601102A	2	DEFENSE RESEARCH SCIENCES	127,565	127,565	127,565		127,565
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	62,715	62,715	62,715	(14,936)	47,779
0602104A	4	TRACTOR ROSE	2,618	2,618	2,618		2,618
0602105A	5	MATERIALS TECHNOLOGY	10,176	14,176	14,176		10,176
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	21,918	27,918	21,918	6,000	27,918
0602122A	7	TRACTOR HIP	5,885	5,885	5,885		5,885
0602211A	8	AVIATION TECHNOLOGY	20,381	20,381	23,381	(1,911)	18,470
0602270A	9	EW TECHNOLOGY	15,311	15,311	15,311		15,311
0602303A	10	MISSILE TECHNOLOGY	17,985	17,985	22,985		17,985
0602307A	11	LASER WEAPONS TECHNOLOGY	-	4,000	-		-
0602308A	12	MODELING AND SIMULATION	23,770	23,770	23,770	(3,244)	20,526
0602601A	13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	39,207	39,207	39,207		39,207
0602618A	14	BALLISTICS TECHNOLOGY	28,126	35,126	28,126	8,000	36,126
0602622A	15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	1,891	1,891	1,891		1,891
0602623A	16	JOINT SERVICE SMALL ARMS PROGRAM	5,114	5,114	5,114		5,114
0602624A	17	WEAPONS AND MUNITIONS TECHNOLOGY	23,968	25,968	26,968		23,968
0602705A	18	ELECTRONICS AND ELECTRONIC DEVICES	17,525	20,525	17,525	2,000	19,525
0602709A	19	NIGHT VISION TECHNOLOGY	17,086	17,086	19,086		17,086
0602716A	20	HUMAN FACTORS ENGINEERING TECHNOLOGY	12,534	12,534	12,534		12,534
0602720A	21	ENVIRONMENTAL QUALITY TECHNOLOGY	21,304	21,304	24,304		21,304
0602727A	22	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	-	-	-		-
0602782A	23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	15,726	15,726	17,726	(2,148)	13,578
0602783A	24	COMPUTER AND SOFTWARE TECHNOLOGY	3,992	3,992	3,992		3,992
0602784A	25	MILITARY ENGINEERING TECHNOLOGY	35,220	35,220	35,220		35,220
0602785A	26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	7,500	7,500	7,500		7,500
0602786A	27	LOGISTICS TECHNOLOGY	28,036	28,036	28,036		28,036
0602787A	28	MEDICAL TECHNOLOGY	56,658	61,658	56,658		56,658
0602788A	29	TRACTOR FLOP	-	-	-		-
0602789A	30	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,166	2,166	2,166		2,166
0603001A	31	LOGISTICS ADVANCED TECHNOLOGY	10,569	13,669	10,569	(1,862)	8,707
0603002A	32	MEDICAL ADVANCED TECHNOLOGY	11,760	11,760	14,760	9,000	20,760
0603003A	33	AVIATION ADVANCED TECHNOLOGY	48,593	65,093	48,593	8,000	56,593
0603004A	34	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,518	20,518	18,518	9,000	27,518
0603005A	35	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	30,616	30,616	30,616	(2,445)	28,171
0603006A	36	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	16,922	16,922	23,922	9,000	25,922
0603007A	37	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,826	4,826	4,826		4,826
0603009A	38	TRACTOR HIKE	14,588	31,588	24,588	10,000	24,588

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603012A	39	TRACTOR HOLE	-	-	-		-
0603013A	40	TRACTOR DIRT	1,805	1,805	1,805		1,805
0603017A	41	TRACTOR RED	5,663	5,663	5,663		5,663
0603020A	42	TRACTOR ROSE	4,513	4,513	18,013		4,513
0603105A	43	ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) RESEARCH	2,946	2,946	2,946		2,946
0603122A	44	TRACTOR HIP	-	-	-		-
0603238A	45	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY DEMONSTRATION	39,824	43,824	39,824	(1,500)	38,324
0603270A	46	EW TECHNOLOGY	4,022	4,022	4,022		4,022
0603313A	47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	123,913	111,813	135,913	(5,000)	118,913
0603322A	48	TRACTOR CAGE	8,530	8,530	8,530		8,530
0603606A	49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	18,820	28,820	18,820	6,000	24,820
0603607A	50	JOINT SERVICE SMALL ARMS PROGRAM	4,487	6,487	7,487		4,487
0603654A	51	LINE-OF-SIGHT, ANTITANK (LOSAT)	14,727	14,727	14,727		14,727
0603710A	52	NIGHT VISION ADVANCED TECHNOLOGY	37,969	42,969	37,969	(4,166)	33,803
0603734A	53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,380	12,380	18,380		12,380
0603759A	54	CHEMICAL BIOLOGICAL DEFENSE AND SMOKE ADVANCED TECHNOLOGY	-	-	-		-
0603771A	55	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	17,776	-	17,776	(17,776)	-
0603772A	56	ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	33,989	33,989	33,989	(5,037)	28,952
0603018A	57	TRACTOR TREAD	14,930	14,930	14,930		14,930
0603019A	58	TRACTOR DUMP	15,025	15,025	15,025	(15,025)	-
0603308A	59	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	2,985	2,985	2,985	21,000	23,985
0603604A	60	NUCLEAR MUNITIONS - ADV DEV	-	-	-		-
0603617A	61	NON-LINE OF SIGHT (N-LOS)	-	-	-		-
0603619A	62	LANDMINE WARFARE AND BARRIER - ADV DEV	32,839	32,839	32,839		32,839
0603627A	63	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	3,248	3,248	3,248		3,248
0603639A	64	ARMAMENT ENHANCEMENT INITIATIVE	61,491	61,491	61,491		61,491
0603640A	65	ARTILLERY PROPELLANT DEVELOPMENT	10,946	30,546	21,646	11,000	21,946
0603645A	66	ARMORED SYSTEM MODERNIZATION - ADV DEV	201,513	201,513	201,513	(10,000)	191,513
0603647A	67	TRACTOR DIRT	-	-	-		-
0603649A	68	ENGINEER MOBILITY EQUIPMENT ADVANCED DEVELOPMENT	5,615	10,115	10,115	4,500	10,115
0603653A	69	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	9,955	9,955	9,955		9,955
0603713A	70	ARMY DATA DISTRIBUTION SYSTEM	6,694	6,694	6,694		6,694
0603730A	71	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	-	-	-		-
0603745A	72	TACTICAL ELECTRONIC SUPPORT SYSTEMS - ADV DEV	2,937	5,937	2,937	3,000	5,937
0603746A	73	SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS)	-	3,000	-		-
0603747A	74	SOLDIER SUPPORT AND SURVIVABILITY	33,848	33,848	33,848	(25,935)	7,913
0603760A	75	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ADVANCED DEVELOPMENT	-	-	-		-
0603766A	76	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	28,369	28,369	28,369		28,369
0603774A	77	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,960	2,960	2,960		2,960

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603801A	78	AVIATION - ADV DEV	8,430	14,430	8,430	6,000	14,430
0603802A	79	WEAPONS AND MUNITIONS - ADV DEV	-	-	5,000	1,000	1,000
0603804A	80	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	7,427	7,427	7,427		7,427
0603805A	81	COMBAT SERVICE SUPPORT COMPUTER SYSTEM EVALUATION AND ANALYSIS	13,969	13,969	13,969		13,969
0603806A	82	NBC DEFENSE SYSTEM-ADV DEV	-	-	-		-
0603807A	83	MEDICAL SYSTEMS - ADV DEV	10,576	10,576	10,576		10,576
0603851A	84	TRACTOR CAGE (DEM/VAL)	3,411	3,411	3,411		3,411
0603889A	85	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604018A	87	TRACTOR TREAD	-	-	-		-
0604201A	88	AIRCRAFT AVIONICS	22,044	33,044	33,044		22,044
0604220A	89	ARMED, DEPLOYABLE OH-58D	726	726	726		726
0604223A	90	COMANCHE	199,103	299,103	373,103	100,000	299,103
0604270A	91	EW DEVELOPMENT	65,222	65,222	65,222		65,222
0604315A	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	-	-		-
0604321A	93	ALL SOURCE ANALYSIS SYSTEM	52,698	52,698	52,698		52,698
0604325A	94	ADVANCED MISSILE SYSTEM-HEAVY	995	-	995		995
0604328A	95	TRACTOR CAGE	-	-	-		-
0604604A	96	MEDIUM TACTICAL VEHICLES	-	-	10,000	1,500	1,500
0604609A	97	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	2,000	2,000	2,000		2,000
0604611A	98	JAVELIN	-	2,000	-	1,000	1,000
0604619A	99	LANDMINE WARFARE	31,028	31,028	31,028		31,028
0604622A	100	HEAVY TACTICAL VEHICLES	-	2,745	1,900	2,745	2,745
0604633A	101	AIR TRAFFIC CONTROL	1,813	1,813	1,813		1,813
0604640A	102	ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	18,238	18,238	18,238		18,238
0604641A	103	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	-	-	-		-
0604642A	104	LIGHT TACTICAL WHEELED VEHICLES	2,187	2,187	7,187	2,000	4,187
0604645A	105	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.	38,465	43,825	43,825	1,600	40,065
0604649A	106	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	21,831	35,984	35,984	2,600	24,431
0604710A	107	NIGHT VISION SYSTEMS - ENG DEV	39,697	39,697	39,697		39,697
0604713A	108	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	17,959	17,959	17,959		17,959
0604715A	109	NON-SYSTEM TRAINING DEVICES - ENG DEV	55,303	55,303	55,303	(3,000)	52,303
0604716A	110	TERRAIN INFORMATION - ENG DEV	9,011	9,011	9,011		9,011
0604726A	111	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	-	-	-		-
0604740A	112	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	-	3,100	3,000	3,000	3,000
0604741A	113	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	22,030	32,030	32,030	(1,200)	20,830
0604746A	114	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,437	15,437	5,437	10,000	15,437
0604760A	115	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEERING DEVELOPMENT	-	-	-		-
0604766A	116	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ENG DEV	24,699	24,699	24,699		24,699
0604768A	117	TRACTOR BAT	193,303	200,303	200,303	7,000	200,303

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0604770A	118	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	18,771	18,771	18,771	9,500	28,271
0604778A	119	POSITIONING SYSTEMS DEVELOPMENT	460	460	460		460
0604780A	120	COMBINED ARMS TACTICAL TRAINER (CATT)	59,475	59,475	59,475		59,475
0604801A	121	AVIATION - ENG DEV	5,142	5,142	5,142		5,142
0604802A	122	WEAPONS AND MUNITIONS - ENG DEV	15,928	20,228	16,428	2,100	18,028
0604804A	123	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	20,756	22,756	20,756		20,756
0604805A	124	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	13,432	13,432	13,432		13,432
0604806A	125	NBC DEFENSE SYSTEM-ENG DEV	-	-	-		-
0604807A	126	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - ENG DEV	4,738	4,738	4,738		4,738
0604808A	127	LANDMINE WARFARE/BARRIER - ENG DEV	7,382	7,382	7,382		7,382
0604814A	128	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	16,617	16,617	16,617		16,617
0604816A	129	LONGBOW - ENG DEV	23,590	23,590	23,590		23,590
0604817A	130	NON-COOPERATIVE TARGET RECOGNITION - ENG DEV	30,466	30,466	30,466	(8,000)	22,466
0604818A	131	ARMY TACTICAL COMMAND & CONTROL SYSTEMS (ATCCS) ENG DEV	18,769	18,769	18,769		18,769
0604820A	132	RADAR DEVELOPMENT	-	-	-		-
0604256A	133	THREAT SIMULATOR DEVELOPMENT	14,397	14,397	14,397		14,397
0604258A	134	TARGET SYSTEMS DEVELOPMENT	14,292	14,292	14,292		14,292
0604759A	135	MAJOR T&E INVESTMENT	66,874	66,874	56,874		66,874
0605103A	136	RAND ARROYO CENTER	21,872	21,872	16,872	(3,000)	18,872
0605104A	137	LOS ALAMOS MESON PHYSICS FACILITY	-	-	-		-
0605301A	138	ARMY KWAJALEIN ATOLL	149,769	149,769	149,769		149,769
0605502A	139	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605601A	140	ARMY TEST RANGES AND FACILITIES	147,330	147,330	147,330		147,330
0605602A	141	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	27,600	27,600	27,600		27,600
0605604A	142	SURVIVABILITY/LETHALITY ANALYSIS	34,535	34,535	34,535		34,535
0605605A	143	DOD HIGH ENERGY LASER TEST FACILITY	3,000	3,000	34,800	32,000	35,000
0605606A	144	AIRCRAFT CERTIFICATION	2,976	2,976	2,976		2,976
0605702A	145	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,660	6,660	6,660		6,660
0605706A	146	MATERIEL SYSTEMS ANALYSIS	17,864	17,864	17,864		17,864
0605709A	147	EXPLOITATION OF FOREIGN ITEMS	8,869	8,869	8,869		8,869
0605710A	148	JOINT NUCLEAR BIOLOGICAL CHEMICAL TEST, ASSESSMENT & SURVIVABILITY	-	-	-		-
0605712A	149	SUPPORT OF OPERATIONAL TESTING	46,491	47,991	46,491		46,491
0605801A	150	PROGRAMWIDE ACTIVITIES	63,649	63,649	63,649		63,649
0605802A	151	INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	1,606	1,606	1,606		1,606
0605803A	152	TECHNICAL INFORMATION ACTIVITIES	16,401	16,401	16,401	(2,564)	13,837
0605805A	153	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,903	6,903	6,903		6,903
0605810A	154	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	-	-	-		-
0605853A	155	ENVIRONMENTAL CONSERVATION	2,533	2,533	2,533		2,533
0605854A	156	POLLUTION PREVENTION	13,005	13,005	13,005		13,005

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0605856A	157	ENVIRONMENTAL COMPLIANCE	66,101	66,101	66,101		66,101
0605876A	158	MINOR CONSTRUCTION (RPM) - RDT&E	5,497	5,497	5,497		5,497
0605878A	159	MAINTENANCE AND REPAIR (RPM) - RDT&E	95,696	95,696	95,696		95,696
0605896A	160	BASE OPERATIONS - RDT&E	329,978	329,978	309,978	(10,500)	319,478
0605898A	161	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,766	8,766	8,766		8,766
0909999A	162	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	-	-	-		-
0603778A	163	MLRS PRODUCT IMPROVEMENT PROGRAM	68,786	72,486	72,486	3,700	72,486
0203726A	164	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,422	45,622	45,622	(3,000)	36,422
0203735A	165	COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,669	198,978	198,978	17,334	215,003
0203740A	166	MANEUVER CONTROL SYSTEM	38,327	51,327	38,327	13,000	51,327
0203744A	167	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	2,326	2,326	2,326		2,326
0203752A	168	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,012	3,012	3,012		3,012
0203758A	169	DIGITIZATION	88,567	88,567	88,567	1,500	90,067
0203801A	170	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,069	26,869	61,869	44,800	61,869
0203802A	171	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	57,949	57,949	57,949	10,000	67,949
0203806A	172	TRACTOR RIG	3,215	3,215	3,215		3,215
0203808A	173	TRACTOR CARD	10,156	10,156	10,156		10,156
0208010A	174	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	13,368	13,368	20,568		13,368
0301359A	175	SPECIAL ARMY PROGRAM	8,690	11,690	8,690		8,690
0303140A	176	INFORMATION SYSTEMS SECURITY PROGRAM	3,644	3,644	3,644		3,644
0303142A	177	SATCOM GROUND ENVIRONMENT	56,355	56,355	58,655		56,355
0303152A	178	WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS, INFORMATION SYSTEM	-	-	-		-
0305127A	179	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	-	-	-		-
0305150A	180	AIR RECONNAISSANCE LOW	-	-	-		-
0708045A	181	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	-	27,776	-	26,776	26,776
		Depressed Altitude Guided Gun Round System			5,000		
		Undistributed Reduction			(5,000)		
		TASK FORCE XXI					
		TASK FORCE XXI - Soldier				30,000	30,000
XXXXXXXXXX	999	Classified Programs	-	-	-		-
		Total Army RDT&E	4,444,175	4,774,947	4,845,097	293,406	4,737,581

Passive millimeter wave camera

The budget request did not include funds for the passive millimeter wave camera.

The House bill would add $6.0 million in PE 62120A for continuation of the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Tractor Rose

The budget request included $4.5 million for Tractor Rose.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $13.5 million.

The conferees are aware of recent progress in the activities related to this program. As a consequence, the conferees recommend authorization of this project at the level of funds appropriated in fiscal year 1996. In addition, the conferees urge the Department of the Army to consider reprogramming funds below threshold to capitalize on the potential of this technology.

Electric gun technology

The budget request included $9.0 million for the electric gun exploratory development program.

The House bill would authorize an additional $6.0 million in PE 62618A to complete research team data gathering and assessment in order to refocus the effort on the most promising technologies.

The conferees agree to authorize an additional $7.0 million for electric gun technology and an additional $1.0 million for the electrothermal chemical gun.

Objective individual combat weapon (OICW)

The budget request included $5.1 million in PE 62623A and $4.5 million in PE 63607A for continuation of the joint service small arms program.

The House bill would authorize an additional $2.0 million in PE 63607A for an advanced technology demonstration of lightweight, medium caliber, multi-shot, anti-armor weapon technology for application to a next-generation objective individual combat weapon system (OICW) for the Army and the Marines. The House report (H. Rept. 104–131) expressed the concern that funds requested for the OICW in fiscal year 1996 are insufficient to adequately conduct this advanced technology program. The House report also encouraged the Secretary of the Army to examine the current development strategy for the OICW to support the joint small arms master plan (JSAMP) and to request reprogramming of funds to carry out the plan.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees strongly support the development of advanced technology for advanced individual weapons systems, as outlined in the JSAMP, and share the concerns expressed in the House report regarding adequacy of funding for development of the OICW. The conferees encourage the Secretary of the Army to request reprogramming of additional funds to compensate for any fiscal year 1996 funding shortfalls in the OICW program. The conferees also encourage the Secretary to include additional funds in the fiscal year 1997 budget request for OICW.

Advanced battery technology

The budget request did not include funding for advanced batteries.

The House bill would authorize $3.0 million in PE 62705A for non-metallic lithium and low-cost reusable alkaline batteries.

The Senate amendment contained no similar provision.

The conferees agree to the House authorization, but agree to provide only $2.0 million in PE 62705A.

Environmental policy simulation laboratory

The conferees agree that $3.0 million of the funds appropriated in PE 62720A shall be authorized for the establishment of an environmental policy simulation lab under the direction of the Army Environmental Policy Institute. The conferees further direct the Department of Defense to comply with the direction contained in the Senate report (S. Rept. 104–112) regarding the establishment of this lab.

Command, control, and communications technology

The budget request included $15.7 million in PE 62782A for the exploratory development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $2.0 million in PE 62782A as part of a general increase to address underfunding in the Army technology base.

The Senate recedes.

The conferees agree that the Army technology base has been underfunded in recent years. The conferees urge the Army leadership and the Office of the Secretary of Defense provide for balanced funding of the Army technology base program, as related to other Defense program accounts in the fiscal year 1997 budget request.

Medical advanced technology

The budget request included $11.8 million for medical advanced technology.

The House bill would include an additional $5.0 million for continuation of the battlefield tissue replacement program.

The Senate amendment would include an additional $3.0 million for telemedicine.

The conferees agree to authorize an additional $8.0 million for both of these programs and an additional $1.0 million for Army standardized testing of Trichloromelamine (TCM) in PE 63002A.

Aviation advanced technology

The budget request included $48.6 million for aviation advanced technology.

The House bill provided an additional authorization of $6.5 million for evaluation of the Starstreak missile and $10.0 million for tactical mobility technologies and designs, particularly related to the CH–47.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $4.0 million in PE 63003A for the completion of the phase II air-to-air test and evaluation for Starstreak during fiscal year 1996 and $4.0 for modernization technologies and improvement designs for the CH–47D.

The Army is encouraged to provide sufficient funding in its fiscal year 1997 budget request for completion of the air-to-air Starstreak evaluation program and continuation of the CH–47D modernization program.

Weapons and munitions-advanced technology

The budget request included $18.8 million for weapons and munitions advanced technology.

The House bill would authorize an additional $2.0 million for the XM 982/155mm projectile development.

The Senate amendment would authorize the request.

The conferees agree to authorize $2.0 million for the XM 982/155mm projectile development, an additional $6.0 million for the precision guided mortar munition, and an additional $1.0 million for electrorheological fluid recoil in PE 63004A.

Command, control, and communications-advanced technology

The budget request included $16.9 million in PE 63006A for advanced development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $3.0 million to partially address funding shortfalls in the Army technology base for fiscal year 1996. The Senate amendment would also authorize an increase of $4.0 million in PE 63006A to develop and test wave net technology for possible application to the Army's digitization initiatives.

The conferees agree to authorize the additional $4.0 million to PE 63006A for development and testing of wave net technology.

Space applications technology program

The budget request included $16.9 million in PE 63006A for command, control, and communications advanced technology, including $498,000 for the Army's space applications technology program.

Both the House bill and the Senate amendment would authorize the budget request for the Army's space applications technology program.

The conferees agree to an additional $5.0 million in PE 63006A for the space applications technology program. The conferees are aware of the program's success in demonstrating global positioning system and Wrasse weather data receivers during Operation Desert Storm/Desert Shield and other space technology applications, such as, the location of high value targets using hyperspectral sensing techniques, high data rate satellite communications on the move, and down link weather satellite technology. The conferees encourage the Army to continue support to the program in future budget requests.

Acquired immune deficiency syndrome

The budget request included $2.9 million in PE 63105A.

Both the House bill and the Senate amendment authorized the requested amount.

The conferees agree to authorize the requested amount and concur with the Senate report (S. Rept. 104–112) that directed at least $1.0 million of the authorized amount be used to continue domestic clinical HIV programs.

Joint precision strike demonstration programs

The budget request included $34.1 million in PE 63238A for the joint air-land-sea precision strike demonstration (JPSD) program.

The House bill would direct that the JPSD program be expanded into a jointly manned program, with participation by all military services, and would recommend an increase of $4.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees agree with the views expressed in the House report (H. Rept. 104–131) on the progress made by the Army in demonstrating advanced concepts for attack of time-critical targets. The conferees also agree with the House report recommendations for increased participation by the other military services in the JPSD. Attack of time-critical targets on the battlefield is a joint issue which requires the coordinated efforts of all the military services.

Missile and rocket advanced technology

The budget request included $123.9 million in PE 63313A for missile and rocket advanced technology.

The House bill would reduce the requested amount by $12.1 million by making the following adjustments: adding $2.5 million for low cost autonomous attack submunition (LOCAAS) and $5.0 million for low-cost guidance development for the multiple launch rocket system (MLRS); and reducing the amount requested for the rapid force projection initiative by $19.6 million.

The Senate amendment would increase the requested amount by $12.0 million, with $5.0 million for LOCAAS and $7.0 million for low-cost guidance for MLRS.

The conferees agree to authorize a total of $118.9 million in PE 63313A. The conferees agree to reduce the requested amount by $7.5 million for the Enhanced-Fiber Optic Guided (E–FOG) missile system, as a result of concerns expressed in the House report (H. Rept. 104–131), and to add $2.5 million for LOCAAS within PE 63313A. The conferees would also increase the requested amount by $2.5 million for LOCAAS in PE 63601F for the Air Force. The conferees continue to support low-cost guidance for the MLRS and urge the Army to reprogram funds for this program in fiscal year 1996 and to request adequate funds in the fiscal year 1997 budget request.

Landmine warfare and barrier advanced technology

The budget request included $18.8 million for landmine warfare, and barrier advanced technology.

The House bill would authorize an additional $10.0 million for continuation of the landmine neutralization program.

The Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $6.0 million for PE 63604A. Of this increase, $3.0 million will be used for landmine detection and clearance technology development, and $3.0 million will be used for the accelerated development and testing of the Ground Penetrating Radar.

Intelligence fusion analysis demonstration

The budget request included $2.9 million in PE 63745A for the Intelligence Fusion Analysis Demonstration program.

The House bill would authorize an additional $3.0 million for development and evaluation in Army Warfighter Experiments and the joint precision strike demonstration program of advanced large screen, automated graphical displays that would provide enhanced situational awareness for tactical commanders.

The Senate amendment would authorize the requested amount.

The Senate recedes.

Aviation advanced development

The budget request contained $8.4 million for aviation advanced development.

The House bill would authorize an additional $6.0 million for the common helicopter helmet development in PE 63801A.

The Senate amendment would authorize the budget request.

The Senate recedes.

Comanche helicopter (RAH–66)

The budget request included $199.1 million to continue development of the Comanche scout/attack helicopter.

The House bill would authorize an increase of $100.0 million for Comanche research and development.

The Senate amendment would authorize an increase of $174.0 million and require the Department of Defense and the Department of the Army to develop a plan to provide for procurement of Comanche helicopters, not later than fiscal year 2001, with initial operating capability by fiscal year 2003.

The Senate recedes.

The conferees agree to authorize an increase of $100.0 million to accelerate development of the electro-optical system and integrated communication navigation package, and mission equipment software development for the second aircraft.

Medium truck extended service program

The House bill would authorize an additional $9.4 million for the Marine Corps medium truck variant.

The Senate amendment would add $10.0 million to PE 64604A for initiation of a five-ton truck extended service program (ESP), and $9.4 million to PE 26624M for additional medium truck variants and development of simulation models and testing.

The conferees agree to provide $1.5 million in PE 64604A for the Army's five-ton ESP and $3.5 million for the Marine Corps in PE 26624M for initiation of a medium tactical vehicle replacement (MTVR).

The conferees agree with the section of the Senate Report (S. Rept. 104–112) that deals with the medium tactical truck extended service program, including the requirements for a report from the Secretary of the Army on the medium truck ESP.

As the manager of tactical vehicles for the Department of Defense, the conferees expect the Army to manage the Army five-ton truck ESP and the Marine Corps MTVR program and ensure that Air Force and Navy requirements are included in executing the Army ESP. The conferees expect the Army to take maximum advantage of medium truck ESP currently underway, to minimize additional procurements to avoid industrial overcapacity, and to give consideration to reliable manufacturers that have demonstrated capabilities to produce military trucks.

Heavy tactical vehicles

The House bill would provide an increase of $2.75 million in PE 64622A, $1.9 million for water heater/chiller development for the Army's water tank semitrailer, and $.85 million for a palletized loading system technology demonstration.

The Senate amendment would provide an increase of $1.9 million in PE 64622A for water heater/chiller development for the Army's water tank semitrailer.

The Senate recedes.

High mobility multipurpose wheeled vehicle extended service program

The Senate amendment would include an increase of $5.0 million in PE 64642A to initiate an extended service program (ESP) for the high mobility multipurpose wheeled vehicle (HMMWV).

The conferees recognize that the HMMWV fleet is reaching age and mileage levels leading to increased maintenance and operating costs and lower reliability. The conferees agree to provide an increase of $2.0 million for initiation and prototype development for HMMWV ESP.

The conferees direct the Secretary of the Army to submit, with the fiscal year 1997 budget request, a report to the congressional defense committees that describes a program to develop and test prototypes, and to initiate a joint program to remanufacture HMMWV's for the Army and the Marine Corps, harmonizing their requirements for ESP. The conferees further direct the Secretary of the Army and the Secretary of the Navy to ensure this program is fully funded in future budgets.

Automated test equipment development

The budget request included $5.4 million for automated test equipment development.

The House bill would authorize an additional $10.0 million in PE 64746A for the integrated family of test equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint surveillance target attack radar system

The budget request included $18.8 million for the Army and $169.7 million for the Air Force for the Joint Surveillance Target Attack Radar System (JSTARS).

The House bill would authorize an increase in the Air Force requested amount, $14.0 million to establish a NATO program office and $20.0 million for development of an improved data modem and satellite communications capability.

The Senate amendment would authorize no additional funding for these programs.

The conferees agree to authorize an additional $9.5 million in PE 64770A for the Army Ground Station Module, in support of the NATO Alliance Ground Surveillance program, and an additional $24.5 million in PE 64770F, with $4.5 million for the Air Force portion of the JSTARS NATO Alliance Ground Surveillance program and $20.0 million for development of an improved data modem and satellite communications capability.

Weapons and munitions-engineering development

The budget request included $15.9 million for weapons and munitions-engineering development.

The House bill would authorize an additional $2.7 million for type classification of a soft mount for the MK–19 and $1.6 million for the 120mm practice cartridge XM–931 training round.

The Senate amendment would authorize $0.5 million for type classification of a non-developmental universal mounting bracket for the MK–19 grenade machine gun.

The conferees agree to authorize $0.5 million for the type classification of the MK–19 mounting bracket and $1.6 million for the 120mm practice cartridge in PE 64802A.

Battlefield combat identification system (BCIS)

The conferees are disappointed with the fiscal constraints that precluded full funding of the administration's $30.5 million request for non-cooperative target recognition (PE 64817A), particularly in relation to the battlefield combat identification system (BCIS). Fratricide on the battlefield is of great concern to our fighting forces, and BCIS is expected to significantly enhance the Army's ability to deal with this critical issue. The system has performed extremely well in Army testing to date, and the program enjoys widespread support, both within the military services and the warfighting Commanders-in-Chief. The conferees encourage the Secretary of the Army to aggressively pursue the program, and would entertain a reprogramming request to fund additional BCIS units or accelerated BCIS development.

Joint warfighter interoperability demonstration

The budget request included $46.5 million in PE 65712A for support of Army operational testing.

The House bill would recommend an additional $1.5 million for support of a joint warfighter interoperability demonstration, one of the key fiscal year 1996 funding shortfalls identified during evaluation of the Department of the Army budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $1.5 million in PE 23758A for support of the joint warfighting interoperability demonstration, as recommended in the House bill.

Missile/air defense product improvement

The budget request included $17.1 million for the missile/air defense product improvement program element.

The House bill would authorize an increase of $9.8 million for the evaluation of Stinger block II.

The Senate amendment would also authorize $9.8 million for Stinger, and an additional $35.0 million for Patriot cruise missile defense.

The conferees agree to authorize $61.9 million in PE 23801A, an increase of $44.8 million for both programs.

Instrumented factory for gear development

The budget request did not include funding for the continuation of the instrumented factory gear (INFAC).

The House bill would authorize an additional $5.0 million for INFAC in PE 78045A.

The Senate amendment contained no similar provision.

The Senate recedes.

Polycrylonitrile carbon fibers

The budget request did not include funding for polycrylonitrile (PAN) fiber development.

The House bill would authorize an additional $4.0 million for PAN fibers in the Army MANTECH program.

The Senate amendment would authorize an additional $4.0 million for PAN fibers in the Army materials technology program.

The conferees agree to authorize an additional $4.0 million for this PAN fibers program in PE 78045A.

Rotary winged aircraft repair

The budget request included no funding for manufacturing technology related to rotary winged aircraft repair.

The House bill would fence $1.5 million of the Army MANTECH program for technologies related to industrial-academic partnerships for repair technology development and insertion for rotary winged aircraft.

The Senate amendment contained no similar provision.

The conferees agree to authorize $1.5 million for the program in PE 78045A.

Task Force XXI Soldier

The conferees agree to authorize $30.0 million for a program that consolidates the Army's Land warrior and Generation II (GEN II) soldier programs. The conferees agree to the following adjustment for the purpose of program consolidation:

	Millions
PE 63001A—Logistics Advanced Technology	−$4.9
PE 63710A—Night Vision Advanced Technology	−4.2
PE 63772A—Advanced Tactical Computer Science and Technology	−5.0
PE 63747A—Soldier Support and Survivability	−25.9
Task Force XXI Soldier	+30.0

The conferees believe that the Army must examine and consider a full range of alternatives, including expansion of the dismounted soldier system of the applique program, execution of the Land Warrior program, and acceleration of the GEN II advanced technology demonstrator, to the extent that they support the new consolidated program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8,204.5 million for Navy, Research and Development in the Department of Defense. The House bill would authorize $8,516.5 million. The Senate amendment would authorize $8,624.2 million. the conferees recommended an authorization of $8,474.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL NAVY					
0601152N	1	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	16,084	16,084	16,084		16,084
0601153N	2	DEFENSE RESEARCH SCIENCES	385,917	391,917	373,917	(12,000)	373,917
0602111N	3	SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,658	36,658	42,058	2,000	34,658
0602121N	4	SURFACE SHIP TECHNOLOGY	36,786	52,786	42,786	31,000	67,786
0602122N	5	AIRCRAFT TECHNOLOGY	22,238	24,738	22,238	2,500	24,738
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	17,623	18,623	17,623		17,623
0602232N	7	COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	60,090	64,090	60,090		60,090
0602233N	8	READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,511	43,211	40,511		40,511
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	74,849	77,849	74,849	3,000	77,849
0602270N	10	ELECTRONIC WARFARE TECHNOLOGY	18,341	18,341	18,341		18,341
0602314N	11	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,182	51,682	55,982	5,300	56,482
0602315N	12	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	43,384	43,384	43,384		43,384
0602435N	13	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	45,526	50,526	45,526	2,500	48,026
0602633N	14	UNDERSEA WARFARE WEAPONRY TECHNOLOGY (H)	35,582	35,582	35,582		35,582
0603217N	15	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	17,082	52,082	26,082	54,000	71,082
0603238N	16	PRECISION STRIKE AND AIR DEFENSE	64,502	64,502	124,502		64,502
0603270N	17	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	14,532	14,532	14,532		14,532
0603508N	18	SHIP PROPULSION SYSTEM	43,544	17,986	17,986	(25,558)	17,986
0603528N	18a	NON-ACOUSTIC ANTI-SUBMARINE WARFARE		23,200		10,000	10,000
0603640M	19	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	25,896	25,896	25,896		25,896
0603706N	20	MEDICAL DEVELOPMENT	27,754	27,754	27,754	3,000	30,754
0603707N	21	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	17,797	19,297	17,797		17,797
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	21,504	33,504	21,504		21,504
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	51,816	51,816	51,816	(3,323)	48,493
0603771N	24	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	41,251	-	41,251	(41,251)	-
0603782N	25	SHALLOW WATER MCM DEMOS	50,958	50,958	50,958	(10,000)	40,958
0603792N	26	ADVANCED TECHNOLOGY TRANSITION	96,825	99,825	96,825	(15,825)	81,000
0603794N	27	C3 ADVANCED TECHNOLOGY	26,794	26,794	26,794		26,794
0603207N	28	AIR/OCEAN TACTICAL APPLICATIONS	16,621	16,621	16,621		16,621
0603208N	29	TRAINING SYSTEM AIRCRAFT	3,069	3,069	3,069		3,069
0603216N	30	AVIATION SURVIVABILITY	7,477	14,877	7,477	7,400	14,877
0603254N	31	ASW SYSTEMS DEVELOPMENT	30,202	30,202	30,202		30,202
0603261N	32	TACTICAL AIRBORNE RECONNAISSANCE	18,924	18,924	18,924		18,924
0603382N	33	ADVANCED COMBAT SYSTEMS TECHNOLOGY	2,803	2,803	2,803		2,803
0603451N	34	TACTICAL SPACE OPERATIONS	1,383	1,383	1,383		1,383
0603502N	35	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	54,527	56,177	62,027	1,650	56,177
0603504N	36	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	21,281	28,181	21,281	6,900	28,181
0603506N	37	SURFACE SHIP TORPEDO DEFENSE	10,049	10,049	10,049		10,049

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603512N	38	CARRIER SYSTEMS DEVELOPMENT	16,164	16,164	16,164	(3,400)	12,764
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	16,804	16,804	16,804		16,804
0603514N	40	SHIP COMBAT SURVIVABILITY	11,649	11,649	11,649		11,649
0603525N	41	PILOT FISH	78,960	78,960	78,960		78,960
0603536N	42	RETRACT JUNIPER	10,002	10,002	10,002		10,002
0603542N	43	RADIOLOGICAL CONTROL	3,202	3,202	3,202		3,202
0603553N	44	SURFACE ASW	6,655	6,655	6,655		6,655
0603561N	45	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	35,748	48,848	35,748	20,000	55,748
0603562N	46	SUBMARINE TACTICAL WARFARE SYSTEMS	5,070	5,070	5,070		5,070
0603563N	47	SHIP CONCEPT ADVANCED DESIGN	16,736	16,736	16,736		16,736
0603564N	48	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	9,708	9,708	9,708		9,708
0603570N	49	ADVANCED NUCLEAR POWER SYSTEMS	141,835	141,835	141,835		141,835
0603573N	50	ADVANCED SURFACE MACHINERY SYSTEMS	39,156	86,214	64,714	43,708	82,864
0603576N	51	CHALK EAGLE	114,175	114,175	114,175		114,175
0603582N	52	COMBAT SYSTEM INTEGRATION	5,414	5,414	5,414		5,414
0603609N	53	CONVENTIONAL MUNITIONS	31,537	31,537	31,537		31,537
0603610N	54	ADVANCED WARHEAD DEVELOPMENT (MK-50)	2,993	2,993	2,993		2,993
0603611M	55	MARINE CORPS ASSAULT VEHICLES	34,157	40,157	40,157	6,000	40,157
0603612M	56	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	2,470	2,470	2,470		2,470
0603634N	57	ELECTROMAGNETIC EFFECTS PROTECTION DEVELOPMENT	-	-	-		-
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	46,733	50,933	50,933	4,200	50,933
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,298	7,298	7,298		7,298
0603709N	60	ADVANCED MARINE BIOLOGICAL SYSTEM	-	-	-		-
0603711N	61	FLEET TACTICAL DEVELOPMENT	4,268	4,268	4,268		4,268
0603713N	62	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	5,166	5,166	5,166		5,166
0603721N	63	ENVIRONMENTAL PROTECTION	65,947	65,947	65,947		65,947
0603724N	64	NAVY ENERGY PROGRAM	1,976	1,976	1,976		1,976
0603725N	65	FACILITIES IMPROVEMENT	1,803	1,803	1,803		1,803
0603734N	66	CHALK CORAL	71,085	71,085	71,085		71,085
0603746N	67	RETRACT MAPLE	82,932	90,932	87,932	5,000	87,932
0603748N	68	LINK PLUMERIA	17,879	17,879	21,879	3,700	21,579
0603751N	69	RETRACT ELM	32,561	32,561	32,561	(1,000)	31,561
0603755N	70	SHIP SELF DEFENSE	245,620	245,620	288,120	42,500	288,120
0603763N	71	WARFARE SYSTEMS ARCHITECTURE AND ENGINEERING	-	-	-		-
0603785N	72	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE ASSESSMENT	16,042	16,042	16,042		16,042
0603787N	73	SPECIAL PROCESSES	72,251	72,251	72,251		72,251
0603795N	74	GUN WEAPON SYSTEM TECHNOLOGY	12,028	37,028	31,228	22,000	34,028
0603800N	75	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	149,295	123,795	324,295	(65,500)	83,795
0604707N	76	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SPT	5,742	5,742	5,742		5,742

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0603889N	77	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604212N	78	ASW AND OTHER HELO DEVELOPMENT	91,803	80,175	91,803	(2,167)	89,636
0604214N	79	AV-8B AIRCRAFT - ENG DEV	11,309	26,909	11,309	15,600	26,909
0604215N	80	STANDARDS DEVELOPMENT	10,567	10,567	10,567		10,567
0604217N	81	S-3 WEAPON SYSTEM IMPROVEMENT	12,872	27,872	26,072		12,872
0604218N	82	AIR/OCEAN EQUIPMENT ENGINEERING	6,182	6,182	6,182		6,182
0604221N	83	P-3 MODERNIZATION PROGRAM	1,945	16,945	1,945	15,000	16,945
0604231N	84	TACTICAL COMMAND SYSTEM	27,389	27,389	27,389	(2,639)	24,750
0604261N	85	ACOUSTIC SEARCH SENSORS	9,680	9,680	9,680		9,680
0604262N	86	V-22A	762,548	762,548	762,548	(5,000)	757,548
0604264N	87	AIR CREW SYSTEMS DEVELOPMENT	9,788	17,688	9,788	7,900	17,688
0604265N	88	AIR LAUNCHED SATURATION SYSTEM (ALSS)	-	-	-		-
0604270N	89	EW DEVELOPMENT	87,440	87,440	112,440	10,000	97,440
0604301N	90	MK 92 FIRE CONTROL SYSTEM UPGRADE	-	-	-		-
0604307N	91	AEGIS COMBAT SYSTEM ENGINEERING	105,683	89,883	105,683	(11,000)	94,683
0604312N	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0604366N	93	STANDARD MISSILE IMPROVEMENTS	8,572	8,572	8,572		8,572
0604372N	94	NEW THREAT UPGRADE	-	-	-		-
0604373N	95	AIRBORNE MCM	42,226	42,226	42,226	(7,758)	34,468
0604503N	96	SSN-688 AND TRIDENT MODERNIZATION	70,315	70,315	70,315		70,315
0604504N	97	AIR CONTROL	7,815	7,815	7,815		7,815
0604507N	98	ENHANCED MODULAR SIGNAL PROCESSOR	8,342	8,342	8,342	6,500	14,842
0604512N	99	SHIPBOARD AVIATION SYSTEMS	11,343	11,343	11,343		11,343
0604516N	100	SHIP SURVIVABILITY	4,907	4,907	4,907		4,907
0604518N	101	COMBAT INFORMATION CENTER CONVERSION	15,859	15,859	15,859		15,859
0604524N	102	SUBMARINE COMBAT SYSTEM	43,302	37,151	43,302		43,302
0604558N	103	NEW DESIGN SSN	347,415	347,415	347,415		347,415
0604561N	104	SSN-21 DEVELOPMENTS	83,503	83,503	83,503		83,503
0604562N	105	SUBMARINE TACTICAL WARFARE SYSTEM	38,479	20,487	38,479		38,479
0604567N	106	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	17,994	17,994	17,994		17,994
0604574N	107	NAVY TACTICAL COMPUTER RESOURCES	5,499	5,499	5,499		5,499
0604601N	108	MINE DEVELOPMENT	3,045	3,045	3,045		3,045
0604603N	109	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	40,517	40,517	40,517		40,517
0604610N	110	LIGHTWEIGHT TORPEDO DEVELOPMENT	22,027	22,027	22,027		22,027
0604612M	111	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV	263	263	263		263
0604618N	112	JOINT DIRECT ATTACK MUNITION	37,832	37,832	37,832	475	38,307
0604654N	113	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	5,408	5,408	5,408		5,408
0604703N	114	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,043	1,043	1,043		1,043
0604710N	115	NAVY ENERGY PROGRAM	2,628	2,628	2,628		2,628

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0604719M	116	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	15,380	10,380	15,380		15,380
0604721N	117	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	7,600	7,600	7,600		7,600
0604727N	118	JOINT STANDOFF WEAPON SYSTEMS	81,837	81,837	81,837		81,837
0604755N	119	SHIP SELF DEFENSE	165,997	165,997	184,497	17,500	183,497
0604761N	120	INTELLIGENCE ENGINEERING	-	-	-		-
0604771N	121	MEDICAL DEVELOPMENT	3,402	3,402	3,402		3,402
0604777N	122	NAVIGATION/ID SYSTEM	56,472	56,472	56,472	(2,368)	54,104
0604784N	123	DISTRIBUTED SURVEILLANCE SYSTEM	93,507	103,507	93,507	10,000	103,507
0604256N	124	THREAT SIMULATOR DEVELOPMENT	25,911	25,911	25,911		25,911
0604258N	125	TARGET SYSTEMS DEVELOPMENT	24,364	24,364	24,364		24,364
0604759N	126	MAJOR T&E INVESTMENT	46,586	46,586	46,586		46,586
0605152N	127	STUDIES AND ANALYSIS SUPPORT - NAVY	9,281	9,281	9,281	(2,281)	7,000
0605154N	128	CENTER FOR NAVAL ANALYSES	44,429	44,429	44,429		44,429
0605155N	129	FLEET TACTICAL DEVELOPMENT	2,620	2,620	2,620		2,620
0605502N	130	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605804N	131	TECHNICAL INFORMATION SERVICES	2,027	2,027	2,027		2,027
0605853N	132	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	20,371	20,371	20,371	(1,949)	18,422
0605856N	133	STRATEGIC TECHNICAL SUPPORT	3,584	3,584	3,584	(584)	3,000
0605861N	134	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	61,001	61,001	61,001		61,001
0605862N	135	RDT&E INSTRUMENTATION MODERNIZATION	8,278	8,278	8,278		8,278
0605863N	136	RDT&E SHIP AND AIRCRAFT SUPPORT	63,232	63,232	63,232		63,232
0605864N	137	TEST AND EVALUATION SUPPORT	245,911	247,911	240,911	(6,000)	239,911
0605865N	138	OPERATIONAL TEST AND EVALUATION CAPABILITY	5,675	5,675	5,675		5,675
0605866N	139	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,638	3,638	3,638		3,638
0605867N	140	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	12,134	12,134	12,134		12,134
0605871M	141	MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES	2,984	2,984	2,984		2,984
0605873M	142	MARINE CORPS PROGRAM WIDE SUPPORT	5,914	5,914	5,914		5,914
0101221N	143	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	39,511	39,511	41,711	(2,902)	36,609
0101224N	144	SSBN SECURITY TECHNOLOGY PROGRAM	25,078	34,578	25,078	5,500	30,578
0101226N	145	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,937	7,937	7,937		7,937
0101402N	146	NAVY STRATEGIC COMMUNICATIONS	20,416	20,416	20,416		20,416
0102427N	147	NAVAL SPACE SURVEILLANCE	752	752	752		752
0204136N	148	F/A-18 SQUADRONS	919,484	919,484	919,484		919,484
0204152N	149	E-2 SQUADRONS	52,965	52,965	52,965		52,965
0204163N	150	FLEET TELECOMMUNICATIONS (TACTICAL)	24,032	24,032	24,032		24,032
0204229N	151	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	141,440	141,440	141,440	4,000	145,440
0204311N	152	INTEGRATED SURVEILLANCE SYSTEM	16,440	16,440	16,440		16,440
0204413N	153	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,364	4,364	4,364		4,364
0204571N	154	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	48,058	51,058	48,058	3,000	51,058

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0205601N	155	HARM IMPROVEMENT	3,348	6,348	3,348		3,348
0205604N	156	TACTICAL DATA LINKS	54,869	54,869	54,869		54,869
0205620N	157	SURFACE ASW COMBAT SYSTEM INTEGRATION	9,955	9,955	9,955		9,955
0205632N	158	MK-48 ADCAP	22,214	22,214	22,214		22,214
0205633N	159	AVIATION IMPROVEMENTS	66,875	66,875	66,875		66,875
0205658N	160	NAVY SCIENCE ASSISTANCE PROGRAM	6,036	6,036	6,036		6,036
0205667N	161	F-14 UPGRADE	44,490	44,490	44,490	(25,375)	19,115
0205675N	162	OPERATIONAL NUCLEAR POWER SYSTEMS	58,065	58,065	58,065		58,065
0206313M	163	MARINE CORPS COMMUNICATIONS SYSTEMS	3,250	3,250	3,250		3,250
0206623M	164	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	13,386	13,386	23,386		13,386
0206624M	165	MARINE CORPS COMBAT SERVICES SUPPORT	3,915	16,315	13,315	3,500	7,415
	165a	ATV	-	-	-		-
0206625M	166	MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS	5,131	5,131	5,131		5,131
0206626M	167	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	19,793	19,793	19,793		19,793
0207161N	168	TACTICAL AIM MISSILES	29,721	29,721	29,721		29,721
0207163N	169	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	4,491	4,491	4,491		4,491
0303109N	171	SATELLITE COMMUNICATIONS	38,472	38,472	38,472		38,472
0303140N	172	INFORMATION SYSTEMS SECURITY PROGRAM	25,848	25,848	25,848		25,848
0305160N	174	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	18,416	18,416	18,416		18,416
0708011N	175	INDUSTRIAL PREPAREDNESS	-	51,251	-	88,000	88,000
XXXXXXXXXX	999	Classified Programs	539,680	579,680	545,480	45,800	585,480
		FREE ELECTRON LASER PROGRAM	-	9,000		9,000	9,000
		Total Navy RDT&E	8,204,530	8,525,509	8,624,230	270,253	8,474,783

Long-range guided projectile technology

The budget request contained $32.7 million for development and demonstration of the advanced global positioning system/inertial navigation system (GPS/INS) guidance and control technology for long range precision guided munitions used by Navy surface fire support and Army long-range artillery.

The House bill would authorize an additional $9.0 million to accelerate the development and demonstration of the GPS/INS.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to an additional $2.0 million in PE 62111N for the purposes indicated in the House report (H. Rept. 104–131). The conferees are aware of a demonstrated rapid progress in the development and demonstration of miniaturized, gun-hardened GPS/INS technology in the Army's Low-Cost Competent Munition (LCCM) Program, the Navy's advanced technology demonstration program for an extended range guided projectile, and the cooperative LCCM technology program established between Departments of the Army and the Navy. The conferees believe that the technology may significantly improve the accuracy of existing and future gun-fired projectiles, missiles, and rockets, and that an opportunity exists to accelerate development and demonstration in these areas. The conferees strongly encourage increased funding in this area in future Army and Navy budget requests.

Surface ship technology

The budget request included $36.8 million for surface ship technology.

The House bill would authorize an additional $6.0 million for power electronics building blocks and $10.0 million for advanced submarine technology development.

The Senate amendment would authorize an additional $6.0 million for power electronics building blocks.

The conferees agree to authorize $67.8 million in PE 62121N; an increase of $31.0 million. That authorization includes $6.0 million for power electronics building blocks, $10.0 million for advanced submarine technology development and $15.0 million for curved plate technology for ship construction.

Power electronic building blocks

The budget request did not include funding for the power electronic building blocks project.

Both the House bill and the Senate amendment contained $6.0 million in PE 62121N to initiate a power electronics program based on metal oxide semiconductor (MOS) control thyristors for high speed switching.

The conferees agree that the program should be affiliated with academic institutions and, as recommended by the Senate, involve a computational test bed for system simulation. The conferees agree that at least one-third of the funding should be for university participation.

Flat panel, helmet-mounted display

The budget request included $7.0 million in PE 62122N for exploratory development of air vehicle technology.

The House bill would authorize an additional $2.5 million to continue exploratory development of flat panel, helmet-mounted displays for air crew helmets.

The Senate amendment would authorize the budget request.

The Senate recedes.

Communications technology

The budget request included $9.2 million in PE 62232N to continue development of key communications technologies for air, ship, and submarine platforms.

The House bill would authorize an additional $4.0 million for support of wireless and satellite communications research in the areas of integrated antenna systems, communications hardware design, communication algorithm development and high-frequency device modeling and measurements.

The Senate amendment contained no similar recommendation.

The House recedes. The conferees recognize the importance of continued wireless and satellite communications research in the areas recommended in the House report (H. Rept. 104–131).

Air crew adaptive automation technology

The budget request included $40.5 million in PE 62233N for exploratory development of enabling readiness, training, and environmental technologies that support the manning, operation, and maintenance of fleet assets, and that provide the necessary training, facilities, and equipment to maintain operational forces in a high state of readiness.

The House bill would authorize an additional $2.7 million to continue development of adaptable automation technology for management of air crew workloads.

The Senate amendment would authorize the budget request.

The House recedes.

Embedded sensors

The budget request included $74.8 million in PE 62234N for exploratory development in the areas of materials, electronics, and computer technology in support of Navy advanced weapon and platform systems.

The House bill would authorize an additional $3.0 million to complete the exploratory development of embedded, remotely queried, microelectromechanical sensors in thick composites, which would be suitable for use in submarine, ships, and armored vehicles.

The Senate amendment would authorize the budget request.

The Senate recedes.

Parametric airborne dipping sonar

The budget request included $51.2 million for exploratory development of undersea surveillance and weapons technology.

The Senate amendment would authorize an additional $4.8 million in PE 62314N to expand to current scope of the demonstration and evaluation of parametric sonar technology to provide three dimensional stabilized steerable beams, around 360 degrees, at full source level, further characterize the technology for mine avoidance implications, and evaluate whether parametric sonar technology merits further development.

The House bill contained no similar provision.

The House recedes. The conferees agree that the Navy should complete evaluation of the limited capability laboratory prototype, in-depth technical review and assessment of the potential of parametric sonar for helicopter application, and in-water testing and evaluation of the parametric airborne dipping sonar prototype.

Polar Ozone Aerosol Monitor III

The budget request included $45.5 million for exploratory development of oceanographic and atmospheric technology, in support of joint warfare mission area capabilities.

The House bill would authorize an additional $5.0 million to complete engineering, integration and test of the Polar Ozone Aerosol Monitor (POAM) III payload on the SPOT 4 spacecraft, in anticipation of system launch in 1997.

The Senate amendment included no similar provision.

The conferees agree to authorize an additional $2.5 million in PE 62435N to continue engineering, integration and test of the POAM III payload on the SPOT 4 spacecraft. The conferees encourage the Secretary of the Navy to reprogram those funds necessary to complete the program and launch the POAM III payload on the SPOT 4 spacecraft in 1997.

Air crew protective clothing and devices

The budget request included $1.7 million in PE 63216N for demonstration and validation of air crew protective clothing and devices.

The House bill would authorize an additional $7.4 million to the budget request to continue development of the advanced integrated life support system and of an advanced technology escape system for air crews. The House report (H. Rept. 104–131) also directed the Navy to provide, by March 2, 1996, a report that would describe the program plan for these two programs and the coordination of each plan with programs under consideration in the Air Force and the Army.

The Senate amendment would authorize the budget request.

The Senate recedes.

The conferees direct the Secretary of the Navy to submit the report described in the House report (H. Rpt. 104–131).

Air systems and weapons advanced technology

The budget request included $17.1 million for air systems advanced technology in PE 63217N. The request contained no specific funding for the maritime avionics subsystems and technology (MAST) program. MAST is a fiscal year 1995 ''new start'' that focuses on the development of scaleable, open, fault-tolerant, and common avionics architectures.

The House bill would authorize an additional $35.0 million for the advanced anti-radiation guided missile (AARGM). The House report (H. Rept. 104–131) encouraged the Navy and the Air Force to pursue the technology objectives of the MAST program under respective avionics technology development programs and the Joint Advanced Strike Technology (JAST) program.

The Senate amendment would authorize an additional $9.0 million for rapid response technologies.

The conferees agree to authorize an additional $35.0 million in PE 63217N for AARGM and $9.0 million for rapid response technologies for the specific purposes detailed in the respective House and Senate reports (H. Rept. 104–131; S. Rept. 104–112). The conferees also agree to authorize an additional $10.0 million for continuation of the MAST program in fiscal year 1996, and recommend that the Secretary of the Navy consider requirements for continuation of the MAST program in the Navy's fiscal year 1997 budget request.

Mobile off-shore base (MOBS)

The budget request included $14.7 million in PE 63238N to begin using ARPA developed technology for a mobile offshore base (MOB) and to initiate sub-scale tests of a complete system for the purpose of evaluating risks associated with full scale construction.

The House bill would authorize the budget request. The House report (H. Rept. 104–131), citing the potential cost of the MOBS system, noted that the Department of Defense had failed to comply with guidance provided in the Statement of Managers (H. Rept. 103–701) accompanying the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The House report directed that any fiscal year 1996 funds authorized and appropriated for MOBS or for the Landing Ship Quay/Causeway not be obligated until the Department provides the reports and certification previously directed by Congress.

The Senate amendment would authorize the budget request.

The House recedes from its restriction on the obligation of fiscal year 1996 funds for the MOBS project. The conferees note, however, the point made in the House report (H. Rept. 104–131) about the large potential cost of the MOBS program if carried to completion. The conferees further note that, in accordance with section 2430, title 10, United States Code, MOBS qualifies as an Acquisition Category I major defense acquisition program. Therefore, it is subject to the review and approval procedures for major defense acquisition programs established in Department of Defense instructions, regulations, and procedures. Under these review and approval procedures, a Milestone 0 (concept exploration and definition) review of the MOBS project is required by the Defense Acquisition Board (DAB). The conferees direct the Secretary of Defense to report to the congressional defense committees, by March 31, 1996, the plan and schedule for incorporating MOBS into the DAB process and accomplishing a Milestone 0 review.

Medical development

The conferees agreed to authorize an additional $1.0 million (PE 63706N) for acceleration of blood storage development and an additional $3.0 million (PE 63706N) for the Naval Biodynamics Laboratory (NBDL) for infrastructure transfer activities.

Sensor integration and decision support systems

The budget request contained $17.8 million in PE 63707N for advanced development of manpower, personnel, and training technology, including $1.1 million for air human factors engineering.

The House bill would authorize an additional $1.5 million in PE 63707N for development and evaluation of intelligent, multisource, multi-platform sensor integration and cockpit decision support systems.

The Senate amendment would authorize the budget request.

The House recedes.

Navy advanced technology demonstration

The budget request included $96.8 million in PE 63792N for advanced development and demonstration of high payoff, emerging technologies that could significantly improve Navy warfighting capabilities.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees agree that the program for advanced technology demonstration of low cost, highly accurate guidance and control for improved naval surface fire support from surface 5″ guns shall be fully funded at the level established in the budget request.

Remote controlled minehunting vehicle

The budget request included $7.6 million in PE 63502N for development and demonstration of improvements in minehunting sonar and remotely controlled minehunting systems.

The House bill would authorize an additional $1.65 million in PE 63502N to accelerate the remote minehunting operational prototype (RMOP) development program and provide an interim operational capability to the fleet.

The Senate amendment would authorize an additional $7.5 million in PE 63502N to accelerate development of RMOP.

The Senate recedes. The conferees agree that the mine detection and location capability demonstrated by the RMOP vehicle during a joint amphibious exercise in March-April 1995 suggests that it has the potential to fill a gap in the Navy's mine countermeasures operational capabilities. Therefore, the conferees conclude that the RMOP program should be accelerated to provide a contingency capability for fleet use. The conferees encourage the Secretary of the Navy to include additional funds for this purpose in the fiscal year 1997 budget request.

Non-acoustic antisubmarine warfare program

The House bill would authorize $23.2 million to reestablish a separate Navy non-acoustic antisubmarine warfare (NAASW) program in PE 63528N that would be on par with the Department of Defense's advanced sensor applications program.

The Senate amendment contained no funding for a Navy specific research and development program. However, the Senate amendment did provide $10.0 million of additional funding in PE 63714D, the Department of Defense's advanced sensor applications program, to continue development for a NAASW program, ATD–111, that is being executed by the Navy.

The conferees authorize an increase of $10.0 million in PE 63528N for the ATD–111 NAASW program. The funding is authorized to: (1) test system upgrades; (2) correct system defects identified during field tests; (3) bring the test systems to a common configuration; and (4) evaluate carriage on alternate airborne platforms.

The conferees recommend that the Navy conduct a comparative evaluation of the ATD–111 laser radar (LIDAR) system with other approaches. Comparative testing of competing non-acoustic approaches to antisubmarine warfare and other applications should provide a basis for establishing a firm requirement for follow-on systems.

The conferees also agree that there is a need for two viable, independent, but coordinated and complementary NAASW programs, one in the Navy and one in the Office of the Secretary of Defense. To reestablish the Navy's independent NAASW program, the conferees encourage the Secretary of the Navy to provide funding for it in the fiscal year 1997 budget request. Further guidance with respect to the NAASW program is contained in the classified annex.

Advanced submarine technology development

The budget request included $18.4 million in PE 62121N for exploratory development of submarine systems technology and $30.9 million in PE 63561N for advanced submarine systems development.

The House bill would authorize an increase of $10.0 million in PE 62121N. Of this amount, $7.0 million is to continue the transfer of technology to the Navy for active control of machinery platforms demonstrated in the Advanced Research Projects Agency's (ARPA's) Project M. The House bill would also authorize an additional $13.1 million in PE 63561N. The House report (H. Rept. 104–131) expressed concern over the overall reduction in submarine research and development funding, reflecting in the budget request, and the belief that this level of funding would be inadequate to support the type of long-term research necessary to ensure the availability of advanced technologies that could maintain the superior technological capability of the U.S. submarine force. The House report directed the Secretary of Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees with the submission of the fiscal year 1997 budget request.

The Senate amendment would approve the budget request.

The conferees agree to an increase of $10.0 million in PE 62121N. This increase would not include any reservations for ARPA's Project M. The conferees would authorize the transition effort associated with Project M in PE 63569E. The conferees also agree to an increase of $20.0 million in PE 63561N. The conferees would also adopt a provision, discussed in greater detail in the procurement section of the conference report, that would direct the Secretary of the Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees no later than March 15, 1996.

Intercooled recuperated gas turbine engine

The budget request included $25.6 million in PE 63508N, a technology base program element, for continued development of the intercooled recuperated (ICR) gas turbine.

The House bill expressed concern that the budget request had transferred the ICR gas turbine engine from the Advanced Surface Machinery (ASM) Program (PE 63573N), where it had been previously budgeted, because of the possibility of disruption in the relationship between the ICR program and other elements of the ASM program. In order to restore ASM program integrity, the House bill would direct the transfer of $25.6 million from PE 63508N to PE 63573N. Additionally, the House bill would increase funding for the ICR engine by $21.5 million to support ICR engine tests at the Navy's land-based test site and, based on elements of the Navy's revised ICR development plan, direct the Navy to proceed with a second 500 hour engine test and other associated testing at the site.

The Senate amendment also directed transfer of $25.6 million from PE 63508N to PE 63573N, but did not increase funding for the ICR engine.

The conferees agree to a funding level of $82.9 million in PE 63573N. The conferees direct that, of the total amount authorized for PE 63573N, $41.0 million is authorized for the ICR program.

Cooperative engagement capability

The budget request included $180.0 million in PE 63755N for development of the cooperative engagement capability (CEC).

The House bill would authorize the requested amount, but would direct that no more than $102.0 million be obligated until the Secretary of Defense notifies the congressional defense committees that the test and evaluation master plan for the CEC program has been approved by the Director, Operational Test and Evaluation.

The Senate amendment would add $22.5 million to continue accelerated development of the airborne component of CEC and an additional $20.0 million to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.

The conferees agree to an additional $42.5 million for CEC for the purposes described in Senate amendment. The House recedes from its funding limitation. The conferees note the concerns expressed in the House report (H. Rept. 104–131) regarding developmental testing and independent operational testing required to insure that the CEC is operationally effective and suitable when deployed to the fleet. They direct the Secretary of the Navy to submit to the congressional defense committees, by March 31, 1996, a report on the status of plans for developmental and independent operational testing of the CEC.

Naval surface fire support

The Navy's budget request included $12.0 million in PE 63795N to develop the gun weapon system technology needed by the Navy to resolve major deficiencies in its ability to provide naval surface fire support (NSFS) to amphibious operations.

The House report (H. Rept. 104–131) noted that the budget request was sharply reduced during the budget formulation process. It further observed that the future years defense plan for gun system technology had been left under funded by over $160 million

and did not include an adequate plan to meet long-term requirements for advanced NSFS weapons systems. To address these concerns the House bill would increase funding in PE 63795N by $25.0 million to:

(1) accelerate the development of a long range guided projectile that would incorporate advanced low cost global positioning system/inertial navigation system (GPS/INS) guidance;

(2) improve the existing MK–45 5-inch naval gun; and

(3) permit the Navy to place increased emphasis on satisfying long-term requirements for advanced gun systems in addition to its near-term focus on modifications to the MK–45 gun.

The Senate amendment would add $19.2 million to PE 63795N. The Senate's evaluation noted in the Senate report (S. Rept. 104–112) of the Navy's NSFS program, as reflected in the budget request, yielded conclusions similar to those of the House.

The conferees note that in May 1995 the Secretary of the Navy, based on a recently completed cost and operational effectiveness analysis (COEA), reported the following conclusions to Congress regarding NSFS:

(1) a 155 millimeter/60-caliber naval gun, employing precision guided munitions, is the most cost effective NSFS solution; and

(2) a combination of guns, missiles, and tactical aviation is needed to fully meet NSFS requirements.

The Secretary also reported that, as a result of the NSFS COEA, the Navy's NSFS program had been structured to:

(1) proceed with the long-term development of a 155 millimeter gun;

(2) develop a gun-launched precision guided munition; and

(3) modify the Navy's existing MK–45, 5-inch gun to deal with long-term and near-term challenges.

However, as reflected in the budget request, affordability constraints and a desire to field an enhanced NSFS capability prior to Fiscal Year 2001 have moved the Navy to embrace a near-term program reflecting the following priorities:

(1) develop a global positioning system/inertial navigation system 5-inch guided projectile;

(2) improve the existing MK–45 5-inch gun; and

(3) demonstrate the NSFS capabilities of Army Tactical Missile System (ATACMS), Sea Standoff Land Attack Missile (SLAM), and STANDARD Missiles.

To confirm the cost effectiveness of this near-term approach, which was not thoroughly evaluated in the NSFS COEA, the Navy has directed the Center for Naval Analysis to perform supplemental analysis to evaluate its cost effectiveness. The need for this supplemental analysis was reinforced by the General Accounting Office, which strongly recommended in May 1995 that the Navy revalidate its NSFS requirements and conduct a comprehensive supplemental analysis to the COEA that would include all available gun and missile alternatives.

The conferees agree to authorize $34.0 million, an increase of $22.0 million, in PE 63795N. Over the past several years, the conferees have repeatedly stressed the issue of NSFS, but have found the Navy's response to be highly variable as new programs or approaches have succeeded one another from year to year. Because of a strong need and the Navy's apparent commitment to pursue the program to completion, the conferees are willing to provide initial support, in fiscal year 1996, to the Navy's effort to upgrade the capability of its 5-inch guns and projectiles. The conferees take this action based on the Navy leadership's assurances that the Navy will follow through with consistent, stable, and adequate future years funding.

The conferees affirm their conclusion that the Navy needs to place increased emphasis on pursuing a long-term program to satisfy NSFS mission requirements. The conferees direct that the Secretary of the Navy include a report on the plans for such a program in the fiscal year 1997 budget submission. The conferees also affirm the need for an updated COEA that considers all available gun and missile alternatives, including extended range multiple launch rockets and existing and improved 5-inch guns, to support future acquisition milestone decisions related to the Navy's near-term and long-term programs.

AH-1W integrated weapons system upgrade

The budget request included $14.9 million in PE 64212N for engineering and manufacturing development of upgrades to the AH–IW Cobra attack helicopter for the Marine Corps.

The House bill recommended a reduction of $11.6 million to the budget request, based on the understanding that the Marine Corps had decided to suspend development of the integrated weapon system (IWS) for the AH–1W.

The Senate amendment would authorize the budget request.

The House recedes. The conferees understand that the Department of the Navy has suspended the IWS upgrade, based on identification of other urgent requirements for modification of Marine Corps helicopters. The upgrade program would now focus on the adaptation of both the AH–1W attack helicopter and the UH–1N utility helicopter, and their respective power trains, to a 4–blade rotor system which will increase the operational safety power margin and useful mission payload of both helicopters. The IWS upgrade for the AH–1W will be deferred until later in the program. The conferees further understand, based upon the Department's analysis, that the revised program will provide growth potential to bridge the gap until the joint replacement aircraft would become available around the year 2020, and is reportedly more cost effective than the adoption of other, more modern attack and utility helicopters that have already been fielded or are under development.

The conferees note that the Department plans a defense acquisition milestone II decision to proceed with engineering and manufacturing development in late fiscal year 1996 and also plans to use the fiscal year 1996 funds made available for the program for pre-milestone IV/II engineering studies. The conferees are aware of a Department of the Navy experience with harmonic coupling problems encountered during a previous major helicopter power train upgrade that contributed to a number of aircraft mishaps. Accordingly, this issue must be addressed in detail during pre-milestone engineering studies and in the milestone II decision process, and the absence of the problem demonstrated prior to milestone III. The Secretary of the Navy is directed to report the results of these engineering studies and the milestone II decision with the submission of the fiscal year 1998 budget request.

AV–8B Harrier weapons system improvements

The budget request included $11.3 million in PE 64214N for integration and testing of weapons and aircraft improvements for the AV–8B Harrier aircraft.

The House bill would authorize an increase of $15.6 million to the budget request to support the United States' share of the AV–8B production memorandum of understanding between the United States, Spain, and Italy, and for concurrent integration of the AIM–120 missile and 1760 data bus during remanufacture of the day-only AV–8As to the AV–8B radar configuration.

The Senate amendment would authorize the budget request.

The Senate recedes. The conferees agree to authorize the increase of $15.6 million to the budget request with the increase of $15.6 million to the budget request with the understanding that the Department of the Navy would include in the fiscal year 1997 budget request the balance of the $11.7 million required by the memorandum of understanding.

S–3B Project Gray Wolf

The budget request included $12.9 million in PE 64217N for continued development of weapon system improvements for the S–3 aircraft.

The House bill would authorize an additional $15.0 million for continued evaluation and potential establishment of an advanced concept technology demonstration of ''Project Gray Wolf'', a fleet proof of concept demonstration of the ability of an S–3B aircraft equipped with a multi-mode synthetic aperture radar designed to provide real time stand-off surveillance, targeting, and strike support for littoral operations.

The Senate amendment would authorize an additional $13.2 million for the same purpose.

The conferees agree to authorize the requested amount.

The conferees agree that ''Project Gray Wolf'' demonstrates potential for providing the Department of the Navy with a versatile carrier-based capability provide real time, stand-off surveillance, targeting, and strike support. The conferees encourage the Secretary of the Navy to consider a reprogramming request to support this program, should any funds become available during fiscal year 1996. The conferees further encourage the Secretary to include funds for the program in his fiscal year 1997 budget request.

P–3 maritime patrol aircraft sensor integration

The budget request included $1.9 million in PE 64221N for the P–3 maritime patrol aircraft (MPA) modernization program.

The House bill would authorize an increase of $15.0 million to the budget request. That increase would include $12.0 million to restore the schedule for integration of the improved extended echo ranging (IEER) and the anti-surface warfare improvement program (AIP) capabilities in the P–3, and $3.0 million for upgrade of P–3 stores management, to permit integration of advanced weapons systems. In relation to the fiscal year 1995 budget projections for fiscal year 1996, the House report (H. Rept. 104–131) noted that sharp funding reductions in the P–3 modernization program would result in an overall program cost increase and multi-year delays in fielding capability improvements needed to offset decreases in MPA force structure. The House report also expressed the House's expectation that the Navy's future budget requests would include the increased funding necessary to complete the IEER and AIP capabilities integration in the P–3, the P–3 stores management upgrades, and procurement of sufficient quantities of the AIP and update III kits to appropriately outfit the active and reserve MPA force.

The Senate amendment would authorize the budget request.

The Senate recedes.

Air crew systems development

The budget request included $9.8 million in PE 64264N for the development of aviation life support systems for air crews.

The House bill would authorize an increase of $7.9 million to transition the Navy's Day/Night/All Weather Helmet Mounted Display to operational evaluation in F/A–18 and AV–8B aircraft, to upgrade current escape systems, and to develop crashworthy troop seats in the H–1, H–3 and H–46 helicopters.

The Senate amendment would authorize the budget request.

The Senate recedes.

AEGIS combat systems engineering

The budget request included $105.9 million in PE 64307N, including $90.0 million for continued development of improvements in the AEGIS combat system.

The House bill would authorize $89.9 million, a reduction of $15.8 million from the requested amount. In support of the funding reduction, the House report (H. Rept. 104–131) cited the deferred release of fiscal year 1995 funds, which led to a corresponding, but unnecessary, increase in the Navy's budget request. The House report (H. Rept. 104–131) also expressed concern about the Navy's revised strategy for development of the AEGIS baseline 6.

The Senate amendment would authorize the requested amount.

The conferees agree to a reduction of $11.0 million in PE 64307N for AEGIS combat systems engineering. The conferees note that the Navy included the $11.0 million in its budget request in anticipation of losing $15.8 million of fiscal year 1995 funds through the omnibus reprogramming process. The use of these fiscal year 1995 funds as a reprogramming source has been specifically denied by Congress. The conferees direct the Office of the Secretary of Defense to return these funds to the Navy without delay to permit orderly execution of the AEGIS program. Further, the navy should review its program for development of the AEGIS baseline 6 with a view to minimizing concurrency.

Enhanced modular signal processor

The budget request included $8.3 million in PE 64507N for development and risk mitigation testing of the AN/UYS–2 enhanced modular signal processor (EMSP) and software development, integration, testing, and critical engineering design support in the airborne low-frequency sonar (ALFS), surveillance towed array sensor system (SURTASS), AN/SQQ–89 surface combat system, and AN/BSY–2 submarine combat system.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees understand that the Navy is considering development of a commercial-off-the-shelf (COTS) variant of the EMSP, as discussed in the House report (H. Rept. 104–131). The conferees authorize an increase of $6.5 million in PE 64507N for development of this COTS variant. The conferees encourage the Navy to include additional funds that may be required to complete the EMSP COTS development in its fiscal year 1997 budget request.

Submarine combat system

The budget request included $42.3 million in PE 64524N for development of the AN/BSY–2 submarine combat system.

The House bill would reduce the authorization by $6.2 million, the amount requested for delivery of the AN/BSY–2 system for the SSN–23.

The Senate amendment would authorize the budget request.

The House recedes.

Submarine tactical warfare system

The budget request included $38.5 million in PE 64562N for continued development of improvements in SSN combat control systems.

The House bill recommended a reduction of $18.0 million to the budget request.

The Senate amendment would authorize the requested amount.

The House recedes.

Advanced tactical air command central

The budget request included $8.4 million in PE 604719M to continue development of the advanced tactical air command central (ATACC) for the Marine Corps.

The House bill would reduce the PE by $5.0 million and direct that the details of the operational requirement and a revised program plan be provided with the fiscal year 1997 budget request. The house report (H. Rept. 104–131) expressed concerns regarding the marked growth in program costs for fiscal year 1996 and succeeding years, changes in the acquisition strategy, and significant revisions in the program schedule. These concerns raise questions regarding how well the operational requirement is defined and whether the system should continue in engineering and manufacturing systems development, or whether a demonstration/validation program would be more appropriate.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees agree that the concerns expressed by the House should be addressed following submission of the fiscal year 1997 defense budget request.

Ship self-defense system

SUMMARY

The budget request included $166.0 million in PE 64755N for the ship self-defense program.

The House bill would approve the budget request. The House report (H. Rept. 104–131) expressed concern that the Navy had failed to include funding in its budget request to continue development of either the infrared search and track (IRST) system or NULKA, an electronic warfare countermeasures system, despite the apparently high priority that the Navy has placed on these systems in the past. The House report argued that such funding lapses point to the absence of clearly defined program baselines in the ship self-defense programs.

The Senate amendment would authorize $184.5 million in PE 64755N, an increase of $18.5 million. It would authorize an additional $9.5 million for IRST and $9.0 million for NULKA. The Senate report (S. Rept. 104–112) also discussed evaluation of existing self-defense systems, such as the BARAK 1 missile system, for installation on active and new construction Navy ships.

The conferees agree to authorize $183.5 million for the ship self-defense program in PE 64755N. Funding increases and areas of emphasis are discussed in the following paragraphs. The conferees also agree that the year-to-year volatility of the Navy's budget requests for ship self-defense programs appear to contradict the Navy's oft stated emphasis on littoral warfare. Therefore, the conferees direct the Secretary of the Navy to provide to the congressional defense committees, as a part of the annual update of the ''Ship Anti-Air Warfare (AAW) Report'', an assessment of progress in establishing program baselines for the ship self-defense program and the degree to which these baselines are being met.

IRST

The budget requested reduced funding for and restructured the infrared search and track (IRST) program for affordability reasons. The conferees believe that the IRST system has the potential to play a very important role in defending naval ships against sea skimming antiship missiles. A recently completed cost and operational effectiveness analysis (COEA) supports this conclusion. The conferees agree that the Navy should emphasize early integration of the IRST system with both Aegis and non-Aegis ships, and place priority on early completion of its development. Therefore, the conferees authorize an increase of $9.5 million in PE 64755N to accelerate plans for combat system integration and design of the IRST system.

NULKA

NULKA is a joint United States/Australian project to develop an anti-ship missile decoy system. Increased funding in fiscal year 1996 would allow the Navy to integrate NULKA with the ship self-defense system (SSDS), for installation on amphibious ships and other self-defense ships, to conduct testing of the integrated system, and to commence development of improvements to the payload needed to counter improvements in anti-ship missile technology. The conferees strongly support these objectives and authorize an increase of $8.0 million in PE 64755N.

BARAK 1

The Senate report expressed concern about the need to protect Navy ships from the proliferation of maneuvering, sea-skimming, low observable, anti-ship cruise missiles. It also recognizes the fact that the Navy's evaluation of existing systems, such as the BARAK 1 missile, as candidates for the LPD–17 class's self-defense suite, could produce the most cost-effective solution to this threat. Development costs could be avoided through such an approach.

While addressing ship self-defense in some detail, the House report did not discuss this aspect of the requirement.

The conferees agree that the incorporation of weapons systems that are already in production, such as BARAK 1, into the combat systems of active or new construction ships could be a cost effective means to deal with a rapidly proliferating and evolving cruise missile threat. The conferees desire to be kept informed on the progress and results of the LPD–17 cost and operational effectiveness analysis (COEA). Furthermore, the conferees direct the Navy to present, by February 1996, a plan that could lead to testing of the BARAK 1 system in the United States during fiscal year 1996, should the LPD–17 COEA demonstrate that self-defense systems such as BARAK 1 would be cost effective.

Because of the advantage to the fleet of an early deployment of a robust ship self-defense system, the committee directs the Navy to also examine and report on BARAK 1 applicability to other ship classes. The results of this analysis should be provided to the congressional defense committees by February 1996.

Fixed distributed system—deployable

The budget request included $93.5 million in PE 64784N for the fixed distribution surveillance system (FDS), but included no funding for the deployable (FDS–D) prototype.

The House bill would add $10.0 million to the budget request to refurbish the FDS–D prototype and improve its capability to provide an interim deployable undersea surveillance, until the Advanced Deployable System becomes available.

The Senate amendment would authorize the budget request.

The conferees authorize $103.5 million in PE 64784N, of which $10.0 million would be used to refurbish the FDS–D prototype and improve its surveillance capability. Further guidance is contained in the classified annex.

SSBN security and survivability program

The budget request included $25.1 million in PE 12224N for the SSBN security and survivability program.

The House bill would provide an increase of $9.5 million to the budget request. The House bill would also direct the Secretary of the Navy to provide to the congressional defense committees, within 60 days of enactment, an assessment of the potential threat to the U.S. SSBN force an analysis of the SSBN security program needed to counter that threat.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $5.5 million in PE 12224N for the SSBN security and survivability program. The conferees agree with the House direction to the Secretary of Defense regarding the SSBN security program, contained in the House report (H. Rept. 104–131). Further guidance regarding the program is provided in the classified annex.

Cryptologic system trainer

The budget request included $7.0 million in PE 24571N to continue development and evaluation of the Navy's surface tactical team trainer.

The House bill would authorize an additional $3.0 million for:

(1) integration and evaluation of the cryptologic systems trainer in the battle force tactical training system; and

(2) the development of related information warfare/command and control warfare shipboard training systems.

The Senate amendment would authorize the budget request.

The conferees authorize $10.0 million in PE 24571N. Of this amount, $3.0 million is for the purposes discussed in the House report (H. Rept. 104–131).

Optoelectronics

The budget request did not include funding for optoelectronics manufacturing.

The House bill would provide $10.0 million to initiate partnerships with industry, government laboratories and other research organizations to allow the development of manufacturing technologies that would support optoelectronics devices and components.

The Senate amendment contained no similar provision.

The conferees agree to authorize an additional $10.0 million for this program in PE 78011N. The conferees also agree to authorize an additional $2.0 million for advanced bulk manufacturing of mercury cadmium telluride (MCT) for low cost sensors, also in PE 78011N.

Overview

The budget request for fiscal year 1996 contained an authorization of $12,598.4 million for Air Force, Research and Development in the Department of Defense. The House bill would authorize $13,184.1 million. The Senate amendment would authorize $13,087.4 million. The conferees recommended an authorization of $12,914.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL AF					
0601101F	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	-	-	-		-
0601102F	2	DEFENSE RESEARCH SCIENCES	239,893	244,893	235,893	9,585	249,478
0602101F	3	GEOPHYSICS	-	-	-		-
0602102F	4	MATERIALS	74,534	82,534	75,284		74,534
0602201F	5	AEROSPACE FLIGHT DYNAMICS	66,268	66,268	66,268	(1,918)	64,350
0602202F	6	HUMAN SYSTEMS TECHNOLOGY	90,311	90,311	75,311	(3,400)	86,911
0602203F	7	AEROSPACE PROPULSION	78,592	81,592	81,592	(3,522)	75,070
0602204F	8	AEROSPACE AVIONICS	74,256	74,256	74,256	(5,756)	68,500
0602205F	9	PERSONNEL, TRAINING AND SIMULATION	-	-	-		-
0602206F	10	CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	-	-	-		-
0602269F	11	HYPERSONIC TECHNOLOGY PROGRAM	19,900	19,900	19,900		19,900
0602302F	12	ROCKET PROPULSION AND ASTRONAUTICS TECHNOLOGY	-	-	-		-
0602601F	13	ADVANCED WEAPONS	124,446	130,446	124,446	11,000	135,446
0602602F	14	CONVENTIONAL MUNITIONS	44,954	44,954	44,954		44,954
0602702F	15	COMMAND CONTROL AND COMMUNICATIONS	98,477	96,477	98,477	(2,000)	96,477
0603106F	16	LOGISTICS SYSTEMS TECHNOLOGY	17,960	17,960	17,960		17,960
0603112F	17	ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,283	23,283	23,283		23,283
0603202F	18	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	29,818	29,818	29,818		29,818
0603203F	19	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	32,131	32,131	32,131		32,131
0603205F	20	AEROSPACE VEHICLE TECHNOLOGY	10,793	10,793	10,793		10,793
0603211F	21	AEROSPACE STRUCTURES	13,269	13,269	13,269		13,269
0603216F	22	AEROSPACE PROPULSION AND POWER TECHNOLOGY	41,779	41,779	41,779		41,779
0603227F	23	PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	8,930	8,930	8,930		8,930
0603231F	24	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	18,953	21,953	18,953	3,000	21,953
0603238F	25	GLOBAL SURVEILLANCE	2,483	2,483	2,483		2,483
0603245F	26	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	12,491	12,491	12,491		12,491
0603250F	27	LINCOLN LABORATORY	-	-	-		-
0603253F	28	ADVANCED AVIONICS INTEGRATION	20,421	20,421	20,421	(2,800)	17,621
0603269F	29	NATIONAL AERO SPACE PLANE TECHNOLOGY PROGRAM	-	-	-		-
0603270F	30	EW TECHNOLOGY	25,079	25,079	25,079	(2,500)	22,579
0603302F	31	SPACE AND MISSILE ROCKET PROPULSION	15,203	20,203	15,203	5,000	20,203
0603311F	32	BALLISTIC MISSILE TECHNOLOGY	3,085	8,785	8,085	5,700	8,785
0603319F	33	AIRBORNE LASER TECHNOLOGY	-	-	-		-
0603401F	34	ADVANCED SPACECRAFT TECHNOLOGY	32,627	140,127	52,627	70,000	102,627
0603410F	35	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,479	3,479	3,479		3,479
0603428F	36	SPACE SUBSYSTEMS TECHNOLOGY	-	-	-		-
0603601F	37	CONVENTIONAL WEAPONS TECHNOLOGY	31,637	34,137	31,637	2,500	34,137
0603605F	38	ADVANCED RADIATION TECHNOLOGY	47,919	47,919	47,919		47,919

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603707F	39	WEATHER SYSTEMS TECHNOLOGY	4,577	4,577	4,577		4,577
0603723F	40	CIVIL AND ENVIRONMENTAL ENGINEERING TECHNOLOGY	9,835	9,835	9,835	(1,000)	8,835
0603726F	41	C3I SUBSYSTEM INTEGRATION	12,008	12,008	12,008		12,008
0603728F	42	ADVANCED COMPUTING TECHNOLOGY	11,005	11,005	11,005		11,005
0603771F	43	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	53,332	-	53,332	(53,332)	-
0603789F	44	C3 ADVANCED DEVELOPMENT	12,617	12,617	12,617		12,617
0603260F	45	INTELLIGENCE ADVANCED DEVELOPMENT	5,109	5,109	5,109		5,109
0603307F	46	AIR BASE OPERABILITY ADVANCED DEVELOPMENT	-	-	-		-
0603319F	47	AIRBORNE LASER TECHNOLOGY	19,954	19,954	19,954		19,954
0603402F	48	SPACE TEST PROGRAM	-	-	-		-
0603430F	49	ADVANCED MILSATCOM	30,038	30,038	30,038		30,038
	49a	POLAR SATCOM	-	-	58,000	58,000	58,000
0603434F	50	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM	23,861	18,861	13,861	(5,000)	18,861
0603438F	51	SATELLITE SYSTEMS SURVIVABILITY	-	-	-		-
0603440F	52	BRILLIANT EYES	-	-	-		-
0603441F	53	SPACE BASED INFRARED ARCHITECTURE (SBIR) - DEM/VAL	130,744	265,744	265,744	135,000	265,744
0603617F	54	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	6,437	6,437	6,437		6,437
0603714F	55	DOD PHYSICAL SECURITY EQUIPMENT - EXTERIOR	-	-	-		-
0603742F	56	COMBAT IDENTIFICATION TECHNOLOGY	4,571	4,571	4,571		4,571
0603800F	57	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	151,186	125,686	151,186	(65,500)	85,686
0603851F	58	INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	20,265	34,765	24,565		20,265
0603852F	60	C-130J - DEM/VAL	-	-	-		-
0603853F	61	EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) PROGRAM - DEM/VAL	39,226	39,226	39,226		39,226
0604201F	62	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,892	16,892	16,892		16,892
0604212F	63	AIRCRAFT EQUIPMENT DEVELOPMENT	-	-	-		-
0604218F	64	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	756	756	756		756
0604222F	65	NUCLEAR WEAPONS SUPPORT	4,822	4,822	4,822		4,822
0604226F	66	B-1B	173,838	194,838	287,638	28,600	202,438
0604227F	67	TRAINING SYSTEMS DEVELOPMENT	8,786	8,786	8,786		8,786
0604231F	68	C-17 PROGRAM	85,753	85,753	85,753	(11,950)	73,803
0604233F	69	SPECIALIZED UNDERGRADUATE PILOT TRAINING	63,042	63,042	63,042		63,042
0604237F	70	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT	-	-	-		-
0604239F	71	F-22 EMD	2,138,718	2,138,718	2,138,718		2,138,718
0604240F	72	B-2 ADVANCED TECHNOLOGY BOMBER	623,616	623,616	623,616		623,616
0604243F	73	MANPOWER, PERSONNEL AND TRAINING DEVELOPMENT	5,300	5,300	5,300		5,300
0604249F	74	NIGHT/PRECISION ATTACK	8,708	8,708	8,708		8,708
0604268F	75	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	-	-	-		-
0604270F	76	EW DEVELOPMENT	50,203	50,203	50,203		50,203
0604321F	77	COMBAT INTELLIGENCE SYSTEM -EMD	3,938	3,938	3,938		3,938

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0604441F	78	SPACE BASED INFRARED ARCHITECTURE (SBIR) - EMD	152,219	162,219	162,219	10,000	162,219
0604479F	79	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS	649,666	649,666	577,666	(72,000)	577,666
0604480F	80	GLOBAL POSITIONING SYSTEM BLOCK IIF	19,699	19,699	29,699		19,699
0604600F	81	MUNITIONS DISPENSER DEVELOPMENT	53,254	53,254	53,254		53,254
0604601F	82	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	-	-	-		-
0604602F	83	ARMAMENT/ORDNANCE DEVELOPMENT	8,075	8,075	8,075		8,075
0604604F	84	SUBMUNITIONS	4,953	4,953	14,953	10,000	14,953
0604609F	85	R&M MATURATION/TECHNOLOGY INSERTION	-	-	-		-
0604617F	86	AIR BASE OPERABILITY	9,692	9,692	9,692		9,692
0604618F	87	JOINT DIRECT ATTACK MUNITION	92,161	92,161	99,161	475	92,636
0604703F	88	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	6,235	6,235	6,235		6,235
0604704F	89	COMMON SUPPORT EQUIPMENT DEVELOPMENT	1,167	1,167	1,167		1,167
0604706F	90	LIFE SUPPORT SYSTEMS	4,035	4,035	4,035		4,035
0604707F	91	WEATHER SYSTEMS - ENG DEV	-	-	-		-
0604708F	92	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,737	2,737	2,737		2,737
0604711F	93	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	37	-	37	(37)	-
0604727F	94	JOINT STANDOFF WEAPONS SYSTEMS	44,025	44,025	44,025		44,025
0604733F	95	SURFACE DEFENSE SUPPRESSION	-	5,000	-		-
0604735F	96	COMBAT TRAINING RANGES	10,418	10,418	10,418		10,418
0604740F	97	COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	2,166	2,166	2,166		2,166
0604750F	98	INTELLIGENCE EQUIPMENT	1,294	1,294	1,294		1,294
0604754F	99	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,146	10,146	10,146		10,146
0604770F	100	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	169,702	203,702	169,702	12,500	182,202
0604779F	101	JOINT INTEROPERABILITY OF TACTICAL COMMAND & CONTROL SYSTEMS (JINTACCS)	6,356	6,356	6,356		6,356
0604851F	102	INTERCONTINENTAL BALLISTIC MISSILE - EMD	192,719	200,719	192,719		192,719
0303606F	103	UHF SATELLITE COMMUNICATIONS	15,568	13,068	9,068	(2,500)	13,068
0603402F	104	SPACE TEST PROGRAM	57,710	64,710	57,710	(10,710)	47,000
0604256F	105	THREAT SIMULATOR DEVELOPMENT	53,377	53,377	53,377		53,377
0604258F	106	TARGET SYSTEMS DEVELOPMENT	5,362	5,362	5,362		5,362
0604759F	107	MAJOR T&E INVESTMENT	37,879	37,879	37,879		37,879
0605101F	108	RAND PROJECT AIR FORCE	25,924	25,924	25,924		25,924
0605306F	109	RANCH HAND II EPIDEMIOLOGY STUDY	3,139	3,139	3,139		3,139
0605502F	110	SMALL BUSINESS INNOVATIVE RESEARCH (H)	-	-	-		-
0605708F	111	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	-	-	-		-
0605712F	112	INITIAL OPERATIONAL TEST & EVALUATION	24,506	24,506	24,506		24,506
0605807F	113	TEST AND EVALUATION SUPPORT	454,067	444,167	424,167	(19,900)	434,167
0605808F	114	DEVELOPMENT PLANNING	6,745	6,745	6,745		6,745
0605853F	115	ENVIRONMENTAL CONSERVATION	14,169	4,169	14,169	(10,000)	4,169
0605854F	116	POLLUTION PREVENTION	14,046	14,046	14,046		14,046

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0605856F	117	ENVIRONMENTAL COMPLIANCE	26,423	26,423	26,423		26,423
0605860F	118	ROCKET SYSTEMS LAUNCH PROGRAM (RSLP)	5,949	5,949	5,949		5,949
0605863F	119	RDT&E AIRCRAFT SUPPORT	-	-	-		-
0605876F	120	MINOR CONSTRUCTION (RPM) - RDT&E	-	-	-		-
0605878F	121	MAINTENANCE AND REPAIR (RPM) - RDT&E	-	-	-		-
0605896F	122	BASE OPERATIONS - RDT&E	117,083	126,983	126,983	6,900	123,983
0604268F	125	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,700	103,700	135,200	29,530	133,230
0101113F	126	B-52 SQUADRONS	16,505	16,505	36,505	4,500	21,005
0101120F	127	ADVANCED CRUISE MISSILE	7,060	7,060	7,060		7,060
0101213F	128	MINUTEMAN SQUADRONS	-	-	-		-
0102325F	129	JOINT SURVEILLANCE SYSTEM	4,711	4,711	4,711		4,711
0102411F	130	NORTH ATLANTIC DEFENSE SYSTEM	9,351	9,351	9,351		9,351
0102412F	131	NORTH WARNING SYSTEM (NWS)	1,015	1,015	1,015		1,015
0207129F	132	F-111 SQUADRONS	597	597	597		597
0207133F	133	F-16 SQUADRONS	175,600	175,600	175,600		175,600
0207134F	134	F-15E SQUADRONS	171,337	171,337	171,337		171,337
0207136F	135	MANNED DESTRUCTIVE SUPPRESSION	2,908	12,908	2,908		2,908
0207141F	136	F-117A SQUADRONS	3,881	3,881	3,881		3,881
		JASSM	-	-	50,000	25,000	25,000
0207160F	137	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0207161F	138	TACTICAL AIM MISSILES	20,082	20,082	20,082		20,082
0207163F	139	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	42,311	50,311	47,311	5,000	47,311
0207217F	140	FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM	-	-	-		-
0207247F	141	AF TENCAP	21,966	21,966	21,966		21,966
0207248F	142	SPECIAL EVALUATION PROGRAM	87,184	87,184	87,184		87,184
0207411F	143	OVERSEAS AIR WEAPON CONTROL SYSTEM	-	-	-		-
0207412F	144	THEATER AIR CONTROL SYSTEMS	290	290	290		290
0207417F	145	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	96,696	96,696	96,696		96,696
0207419F	146	TACTICAL AIRBORNE COMMAND AND CONTROL SYSTEMS	2,093	2,093	2,093		2,093
0207422F	147	DEPLOYABLE C3 SYSTEMS	-	-	-		-
0207423F	148	ADVANCED COMMUNICATIONS SYSTEMS	1,934	1,934	1,934		1,934
0207424F	149	EVALUATION AND ANALYSIS PROGRAM	77,688	77,688	77,688		77,688
0207433F	151	ADVANCED PROGRAM TECHNOLOGY	157,397	157,397	157,397		157,397
0207438F	152	THEATER BATTLE MANAGEMENT (TBM) C4I	24,813	24,813	24,813		24,813
0207579F	153	ADVANCED SYSTEMS IMPROVEMENTS	105,548	105,548	65,548	(41,800)	63,748
0207590F	154	SEEK EAGLE	17,390	17,390	17,390		17,390
0207591F	155	ADVANCED PROGRAM EVALUATION	140,571	140,571	140,571		140,571
0207601F	156	USAF WARGAMING AND SIMULATION	19,762	19,762	19,762		19,762
0208006F	157	MISSION PLANNING SYSTEMS	20,585	20,585	20,585		20,585

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0208060F	159	THEATER MISSILE DEFENSES	25,102	25,102	53,102		25,102
0303110F	166	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	32,555	32,555	32,555		32,555
0303131F	167	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	15,777	15,777	15,777		15,777
0303140F	168	INFORMATION SYSTEMS SECURITY PROGRAM	11,261	11,261	12,761	1,500	12,761
0303144F	169	ELECTROMAGNETIC COMPATIBILITY ANALYSIS CENTER (ECAC)	-	-	-		-
0303601F	170	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	42,591	42,591	42,591		42,591
0303605F	171	SATELLITE COMMUNICATIONS TERMINALS	-	-	-		-
0305110F	173	SATELLITE CONTROL NETWORK	89,717	89,717	89,717	(5,100)	84,617
0305111F	174	WEATHER SERVICE	5,771	5,771	5,771		5,771
0305114F	175	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	3,968	3,968	3,968		3,968
0305119F	176	MEDIUM LAUNCH VEHICLES	21,898	21,898	21,898		21,898
0305128F	178	SECURITY AND INVESTIGATIVE ACTIVITIES	299	299	299		299
0305137F	179	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	13,759	13,759	13,759		13,759
0305138F	180	UPPER STAGE SPACE VEHICLES	3,554	3,554	3,554		3,554
0305144F	182	TITAN SPACE LAUNCH VEHICLES	140,514	140,514	140,514	(5,000)	135,514
0305145F	183	ARMS CONTROL IMPLEMENTATION	998	998	998		998
0305158F	184	CONSTANT SOURCE	3,089	3,089	3,089		3,089
0305160F	185	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	21,464	21,464	21,464		21,464
0305164F	186	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	17,371	17,371	17,371		17,371
0305165F	187	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	26,921	26,921	26,921	(1,000)	25,921
0305181F	189	WESTERN SPACE LAUNCH FACILITY (WSLF)	-	-	-		-
0305182F	190	EASTERN SPACE LAUNCH FACILITY (ESLF)	52,272	52,272	52,272		52,272
0305887F	191	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	-	-	-		-
0305905F	193	IMPROVED SPACE BASED TW/AA	-	-	-		-
0305906F	194	NCMC - TW/AA SYSTEM	60,897	60,897	60,897	7,900	68,797
0305910F	195	SPACETRACK	35,583	35,583	35,583		35,583
0305911F	196	DEFENSE SUPPORT PROGRAM	43,672	43,672	38,672	(6,231)	37,441
0305913F	197	NUDET DETECTION SYSTEM	16,277	16,277	16,277	(3,000)	13,277
0401119F	198	C-5 AIRLIFT SQUADRONS	-	-	-		-
0401218F	199	KC-135S	12,727	12,727	12,727		12,727
0401840F	200	AMC COMMAND AND CONTROL SYSTEM	-	-	-		-
0404102F	201	AEROSPACE RESCUE AND RECOVERY	5,369	5,369	5,369		5,369
0701111F	202	SUPPLY DEPOT OPERATIONS (NON-IF)	-	-	-		-
0702207F	203	DEPOT MAINTENANCE (NON-IF)	1,464	1,464	1,464		1,464
0708011F	204	INDUSTRIAL PREPAREDNESS	-	53,332	-	60,932	60,932
0708012F	205	LOGISTICS SUPPORT ACTIVITIES	-	-	-		-
0708026F	206	PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRAMPO)	15,719	15,719	15,719		15,719
0708054F	207	POLLUTION PREVENTION	-	-	-		-
0708611F	208	SUPPORT SYSTEMS DEVELOPMENT	5,906	5,906	5,906		5,906

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0804734F	209	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAINING	1,139	1,139	1,139		1,139
0901218F	210	CIVILIAN COMPENSATION PROGRAM	5,827	5,827	5,827		5,827
1001004F	211	INTERNATIONAL ACTIVITIES	3,713	3,713	3,713		3,713
		Joint Seismic Program and Global Seismic Network		-	9,500		
		FY95 Unobligated Balances		-	(9,500)		
XXXXXXXXXX	999	Classified Programs	3,203,479	3,396,479	3,312,079	149,763	3,353,242
		POLAR SATCOM					-
		Total Air Force RDT&E	12,598,439	13,182,102	13,087,389	316,429	12,914,868

Defense research sciences

The budget request included $239.893 million for defense research sciences in PE 61102F.

The House bill would authorize an additional $5.0 million for adaptive optics research.

The Senate amendment would reduce the budget request by $9.0 million and authorize $5.0 million for adaptive optics research.

The conferees agree, that of the $249.5 million authorized in this program element, $5.0 million shall be authorized for adaptive optics research.

Robotics corrosion inspection system

The House bill would authorize $8.0 million in PE 62102F to conduct a competitive program to demonstrate the feasibility of non-contact robotic corrosion inspection for detection of hidden corrosion and metal fatigue.

The Senate amendment did not include such authorization.

The conferees strongly encourage the Air Force to consider environmentally benign technologies that demonstrate the potential to provide a 25 percent savings in cargo and fighter aircraft inspection and repair costs through the use of non-contact robotic corrosion inspection.

Firefighting clothing

The conferees encourage the Department of Defense to continue to make greater use of commercial off-the-shelf technologies that meet military requirements without extensive development programs. The conferees are aware of recent commercial developments in thermal absorbing materials that would have the potential to significantly increase personnel protection for fighting aircraft, ship-board, and chemical fires. Accordingly, the conferees authorize an additional $1.25 million in PE 62201F for the development of a firefighting suit that would incorporate these technologies.

Aerospace propulsion

The budget request included $3.7 million in PE 62203F for the high thermal stability and the endothermic hydrocarbon fuels project 3048.

The House bill and Senate amendment would authorize an additional $3.0 million for the acceleration of this project.

The conferees agree that of the $75.0 million authorized for this program element that $6.7 million be authorized for project 3048.

Rocket propulsion technology

The House bill would authorize an additional $13.0 million for rocket propulsion technology programs in PE 62601F, PE 63302F, and PE 62111N.

The Senate amendment contained no similar provision.

The conferees agree to provide an additional $13.0 million, as specified in the House report (H. Rept. 104–131).

Computer security

The budget request included $98.5 million for Command, Control, and Communications in PE 62702F.

The House bill would authorize an additional $3.0 million to evaluate voice recognition computer security systems.

The Senate amendment contained no similar authorization.

The conferees direct that, of the $96.5 million authorized, $3.0 million be authorized for evaluation of voice recognition computer security systems, as specified in the House report (H. Rept. 104–131).

Aircraft ejection seats

The budget request included $19.0 million in PE 63231F for crew systems and personnel protection technology.

The House bill would authorize an additional $3.0 million to test existing Navy, Marine Corps, and Air Force front-line trainer and tactical aircraft ejection seats. Ejection seat tests would be conducted to verify predicted performance and to identify existing problems and the required corrective action.

The Senate amendment had no similar provision.

The conferees agree to authorize an additional $3.0 million in PE 63231F for the purposes specified in the House report (H. Rept. 104–131).

Micro-satellite development program

The budget request included $32.6 million in PE 63401F for Advanced Spacecraft Technology.

The Senate amendment would authorize an additional $20.0 million for a micro-satellite development program.

The House bill would authorize the budget request.

The House recedes.

The Air Force Phillips Laboratory, in conjunction with the Air Force Space Command's Space Warfare Center, has initiated a small satellite program to develop and demonstrate a variety of miniaturized space technologies. The micro-satellite program builds upon the highly successful Clementine satellite program. The conferees strongly support this effort and direct that it be placed under the control of the Space Warfare Center and be executed by the Clementine Team (Phillips Laboratory, Naval Research Laboratory, and Lawrence Livermore National Laboratory).

Intercontinental ballistic missile (ICBM) research and development and associated issues

ICBM DEMONSTRATION/VALIDATION

The budget request included $20.3 million in PE 63851F for six Minuteman-related projects.

The House bill would authorize an additional $14.5 million to complete acquisition and requirement documentation efforts and to conduct missile guidance technology experiments. The House report (H. Rept. 104–131) expressed concern that the budget request failed to include pre-milestone 0 and phase 0 funding for the command signal decoder, the modified miniature receive terminal for launch control centers, the safety enhanced reentry vehicle, and inertial measurement modifications.

The Senate amendment would authorize an additional $4.3 million to bolster the Air Force reentry vehicle applications project. The Senate report (S. Rept. 104–112) expressed concern that the reentry vehicle nose tip requirements were not adequately funded.

The conferees agree to authorize the budget request. The conferees also reiterate the concerns expressed in the House and Senate reports. The conferees understand that the Air Force is considering options to address these concerns from within their existing fiscal year 1996 budget, in particular the documentation issues identified in the House report. The conferees strongly urge the Air Force to fulfill these requirements.

ICBM ENGINEERING AND MANUFACTURING DEVELOPMENT

The budget request contained $192.7 million in PE 64851F to fund the Minuteman guidance and propulsion replacement programs.

The House bill would authorize an additional $8.0 million to fund the initial integration design and testing of the capability to integrate the Mk21 warhead on the new Minuteman guidance set. The House report (H. Rept. 104–131) endorsed using the Mk21, the safest warhead in the inventory, on the Minuteman, if and when it becomes available as a result of arms control treaties. The House report expressed concern that the current guidance replacement program fails to fund the design and testing necessary to ensure the Mk21 capability prior to initiation of the guidance set production.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request. The conferees, however, reiterate the concerns expressed in the House report (H. Rept. 104–131), and support the recommendations made therein. The conferees are concerned that the Department of Defense and the Air Force have failed to take the necessary action to ensure that the safest nuclear warheads are compatible with the new Minuteman guidance sets. Therefore, the conferees direct that, of the funds authorized for fiscal year 1996 in PE 64851F, up to $4.0 million shall be available to initiate efforts to ensure that the new Minuteman guidance sets are capable of accommodating the Mk21 warhead. The conferees further direct the Secretary of Defense to ensure that the funds necessary to continue this effort are included in the fiscal year 1997 budget request.

REENTRY VEHICLE MATERIALS

The Senate amendment would authorize $750,000 above the budget request in PE 62102F for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three nose tip billets and related technologies.

The House bill would not authorize additional funds for reentry vehicle materials.

The Senate recedes. Nevertheless, the conferees reiterate the concerns expressed in the Senate report (S. Rept. 104–112) regarding the adequacy of the reentry vehicle applications program, and, in particular, the reentry vehicle materials program. Therefore, the conferees direct that, of the funds available in PE 62102F, up to $750,000 shall be available for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three ICBM reentry vehicle nose tip billets and related thermal technologies.

BALLISTIC MISSILE TECHNOLOGY

The budget request contained $3.1 million in PE 63311F to conduct guidance and range safety technology experiments.

The House bill would authorize an additional $5.7 million for Minuteman class range tracking and safety equipment based on Global Positioning System (GSP) equipment developments.

The Senate amendment would authorize an additional $5.0 million for suborbital flight testing conducted at White Sands Missile Range for ballistic missile guidance, range tracking, and safety equipment, based on existing GPS equipment.

The conferees agree to authorize $5.7 million above the budget request to enhance ballistic missile technology experiments and to proceed with a follow-on to the successful Missile Technology Demonstration Flight 1 (MDT–1). The conferees commend the participants in this joint effort and encourage the Air Force, the Ballistic Missile Defense Organization, the Defense Nuclear Agency, and the Phillips Laboratory to continue to pursue such joint efforts. Prior to completing plans for a MTD follow-on, the conferees direct the Air Force to consult with the Senate Committee on Armed Services and the House Committee on National Security on the issues and options associated with the following: (1) the technologies to be tested; (2) the type of booster configuration to be employed; and (3) the test range to be used.

PEACEKEEPER CONTINGENCY PLANNING

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees, by March 1, 1996, that outlines the Air Force's current plans for retiring Peacekeeper, and maintaining the system in the interim. The report should also address the additional actions and funding that would be required to maintain the option of retaining up to 50 Peacekeeper ICBMs in an operational status beyond 2003. The report should include a timetable that outlines when such actions and funding would be needed.

Weapon impact assessment system

The conferees are aware of innovative technologies that may significantly resolve the battlefield damage assessment problems related to tactical aviation. The conferees support the priorities established in the fiscal year 1996 Department of Defense Small Business Innovative Research Program solicitation (96.1) to expeditiously pursue weapon impact assessment technology. Accordingly, the conferees authorize $950,000, distributed equally between PE 64618N and PE 64618F, for a joint Navy-Air Force flight demonstration of a weapon impact assessment system that uses a video sensor-transmitter with precision guided munitions.

Stand-off land attack missiles

The budget request contained $40.5 million in PE 64603N for continued development of the stand-off land attack missile-enhanced response (SLAM-ER) as an interim replacement for the canceled tri-service stand-off attack missile (TSSAM) for the Navy.

The House bill would authorize the budget request for SLAM-ER. However, the House report (H. Rept. 104–131) would prohibit the Navy from obligating more than $10.0 million for the program without specific approval by the congressional defense committees.

The House bill would also provide an additional $37.5 million in PE 64312N for the Navy and an additional $37.5 million in PE 27160F for the Air Force to establish a joint program for accelerated development and evaluation of candidate joint air-to-surface stand-off missile (JASSM) systems as a near-term replacement for TSSAM. The House report would direct the Secretary of Defense to establish immediately such a program and would further direct the Secretary to report to the congressional defense committees within 60 days of the enactment of the Act on:

(1) the Department's plan to address near-term Navy and Air Force requirements for an interim TSSAM replacement;

(2) the Department's plans to satisfy these near-term requirements; and

(3) the long-term plan for development of a TSSAM replacement that will satisfy the requirements of both services.

The Senate amendment would authorize the budget request in PE 64603N for continued development of SLAM-ER, and would provide an additional $50.0 million for the Air Force in PE 27160F to initiate a JASSM program, with the expectation that the Department of Defense would establish a joint program to meet Air Force and Navy needs for a replacement for TSSAM.

The House recedes with an amendment. The conferees agree to:

(1) authorize the SLAM-ER budget request;

(2) provide $25.0 million for JASSM in the Air Force budget; and

(3) require the Department to report on plans for meeting near-term and long-term Air Force and Navy requirements for stand-off weapons systems.

JOINT AIR-TO-SURFACE STAND-OFF MISSILE (JASSM)

In testimony before the Congress this year, the Air Force and the Navy continued to support the requirement for a survivable, precision strike stand-off weapon. The DOD decision to cancel the TSSAM program exacerbated an already significant shortfall in this capability. The conferees stress the urgent need for the operational capability that would be provided by the TSSAM, and expect the Secretary of Defense to establish a joint program in the Air Force and the Navy for development of a TSSAM replacement, as recommended in both the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112).

The conferees are concerned about the approach the services may pursue to fulfill the JASSM requirement. The conferees note that there are a number of competing alternatives upon which the JASSM could be based. The conferees believe that JASSM could evolve from a existing, or planned interim weapons system. The conferees believe that, if the Department decides that a new weapon development is appropriate, the new development program should be based on technologies that have already been developed in the TSSAM program, or in other existing or planned stand-off weapons systems, including technologies relating to low and very low observability/stealth.

The conferees note that there are a number of competing alternatives upon which the JASSM could be based, and want to ensure that due consideration is given to all competing approaches. Therefore, the conferees direct the Department to consider the following in conducting the JASSM program: (1) the results of the TSSAM development program, and the potential for using technology and components derived from that program; and (2) the results of programs for development of other stand-off weapons systems, and the potential for using technologies derived from those programs. The conferees direct the Secretary of Defense to include, in his report on precision guided munitions, information on the extent to which the Department may avail itself of TSSAM-derivative components and technology, as well as, components and technologies derived from other stand-off weapons programs, in meeting the JASSM requirement.

REQUIRED REPORT

The conferees direct the Secretary of Defense to include in the report on the analysis required by the provision on precision guided munitions, the Department's plan for meeting near-term Navy and Air Force requirements for an interim TSSAM replacement and the long-term plan for development of a TSSAM replacement that will meet the requirements of both services. The conferees expect that the Department would establish the following for JASSM weapons system at the next milestone: design-to-unit cost goals; minimum performance parameters; and interface requirements between JASSM and launch platforms.

Mobile missile launch detection and tracking

The conferees are aware of a proposal to use specialized processing techniques on synthetic aperture radar data to detect medium-rage ballistic missiles shortly after launch. The conferees urge the Air Force to consider this promising concept and agree to authorize the use of up to $1.0 million in funds made available in PE 28060F to demonstrate the feasibility of this concept.

Rivet joint technology transfer program

The Senate amendment recommended a $28.0 million increase to the theater missile defense program element (PE 28060F) to initiate the migration of the Cobra Ball medium wave infrared acquisition technology for the Rivet Joint RC–135 tactical reconnaissance fleet.

The House bill did not contain a similar recommendation.

The Senate recedes.

The conferees encourage the Air Force to move forward with this near term, cost effective program. With the transfer of this mature technology, the Rivet Joint fleet would offer early deployment and provide a significant improvement to the Department of Defense's capabilities in long range surveillance, warning, rapid cueing for attack operations, and impact point prediction. To achieve this goal, the conferees would consider a reprogramming in fiscal year 1996. The conferees understand that funds for the completion of this technology migration are included in the Air Force future year defense plans for this program.

Information systems security

The budget request included $11.3 million in PE 33140F for the Air Force's Information Systems Security program.

The Senate amendment would authorize an additional $1.5 million to complete research and development of the Trusted RUBIX multi-level security database management system.

The House bill would authorize the budget request.

The House recedes.

Computer-assisted technology transfer

The conferees agree to authorize $7.2 million in PE 78011F to continue the computer-assisted technology transfer program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8.802.9 million for Defense-Wide, Research and Development in the Department of Defense. The House bill would authorize $9,287.1 million. The Senate amendment would authorize $9,271.2 million. The conferees recommended an authorization of $9,419.5 million. Unless noted explicity in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL DEFENSE-WIDE				-	
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	3,551	3,551	3,551		3,551
0601101E	2	DEFENSE RESEARCH SCIENCES	89,732	84,732	89,732	(8,400)	81,332
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	236,165	256,165	231,165	(5,000)	231,165
0601110D	4	FOCUSED RESEARCH INITIATIVES	14,009	9,009	14,009	(5,000)	9,009
0601384BP	5	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	23,947	28,547	23,947	4,600	28,547
0602160D	6	COUNTERPROLIFERATION SUPPORT	9,952	9,952	9,952		9,952
0602173C	7	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES EXPLORATORY DEVELOPMENT	93,308	93,308	93,308		93,308
0602227D	8	MEDICAL FREE ELECTRON LASER	13,258	13,258	21,258	13,000	26,258
0602228D	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE AND ENGINEER	14,779	14,779	14,779		14,779
0602234D	10	LINCOLN LABORATORY RESEARCH PROGRAM	19,903	10,000	19,903	(7,000)	12,903
0602301E	11	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	403,875	389,875	406,875	(7,550)	396,325
0602384BP	12	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,665	84,165	60,665	7,850	68,515
0602702E	13	TACTICAL TECHNOLOGY	113,168	122,868	101,818	(4,350)	108,818
0602708E	14	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	48,000	48,000	48,000		48,000
0602712E	15	MATERIALS AND ELECTRONICS TECHNOLOGY	226,045	253,545	242,045	16,000	242,045
0602715H	16	DEFENSE NUCLEAR AGENCY	219,003	223,003	242,003	22,700	241,703
0602787D	17	MEDICAL TECHNOLOGY	7,501	7,501	7,501		7,501
0305108K	18	COMMAND AND CONTROL RESEARCH	1,999	1,999	1,999		1,999
		DEFENSE HEALTH R&D					-
0603002D	19	MEDICAL ADVANCED TECHNOLOGY	4,088	4,088	4,088		4,088
0603104D	20	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	-	-	-	15,000	15,000
0603122D	21	COUNTERTERROR TECHNICAL SUPPORT	12,044	12,044	14,044	2,000	14,044
0603160D	22	COUNTERPROLIFERATION SUPPORT - ADV DEV	55,331	55,331	91,631		55,331
		ASAT PROGRAM		-		30,000	30,000
0603173C	23	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES - ADVANCED TECHNOLOGY	79,387	79,387	149,387	50,000	129,387
0603215C	24	LIMITED DEFENSE SYSTEM	-	-	-		-
0603216C	25	THEATER MISSILE DEFENSE ADVANCED DEVELOPMENT	-	-	-		-
0603218C	26	RESEARCH AND SUPPORT ACTIVITIES	-	-	-		-
0603225D	27	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,799	31,799	16,799	5,000	21,799
0603226E	28	EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	618,005	673,805	626,005	(14,300)	603,705
0603384BP	29	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT	25,684	38,284	25,684	10,000	35,684
0603569E	30	ADVANCED SUBMARINE TECHNOLOGY	7,473	30,473	7,473	23,000	30,473
0603570D	31	DEFENSE LABORATORY PARTNERSHIP PROGRAM	16,106	-	10,106	(16,106)	-
0603570E	32	DEFENSE DUAL USE TECHNOLOGY INITIATIVE	500,000	-	238,000	(305,000)	195,000
0603704D	33	SPECIAL TECHNICAL SUPPORT	18,187	18,187	18,187		18,187
0603711H	34	VERIFICATION TECHNOLOGY DEMONSTRATION	33,971	33,971	33,971		33,971
0603716D	35	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,435	54,155	58,435	(280)	58,155
0603724D	36	BIOLOGICAL DEFENSE - ADVANCED DEVELOPMENT	-	-	-		-

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603725D	37	COMPUTERS & COMMUNICATIONS TO REDUCE MEDICAL COSTS	-	-	-		-
0603726D	38	JOINT TECHNOLOGY INSERTION PROGRAM	4,976	-	4,976	(1,500)	3,476
0603736D	39	CALS INITIATIVE	6,545	6,545	18,545	12,000	18,545
0603738D	40	COOPERATIVE DOD/VA MEDICAL RESEARCH	-	-	-		-
0603739E	41	ADVANCED ELECTRONICS TECHNOLOGIES	419,863	421,221	369,863	(10,845)	409,018
0603744E	42	ADVANCED SIMULATION	5,799	5,799	5,799		5,799
0603745E	43	SEMICONDUCTOR MANUFACTURING TECHNOLOGY	89,554	89,554	89,554		89,554
0603746E	44	MARITIME TECHNOLOGY	49,657	49,657	49,657		49,657
0603747E	45	ELECTRIC VEHICLES	-	-	-		-
0603748E	46	NATURAL GAS VEHICLES	-	-	-		-
0603749E	47	EARTH CONSERVANCY	-	-	-		-
0603750D	48	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	63,251	71,251	59,851	(18,400)	44,851
0603755D	49	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	89,682	89,682	89,682		89,682
0603756D	50	CONSOLIDATED DOD SOFTWARE INITIATIVE	-	-	-		-
0603771S	51	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	7,007	-	7,007	(7,007)	-
0603800E	52	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	30,675	30,675	30,675		30,675
0603832D	53	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	77,690	77,690	77,690		77,690
0305889E	55	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0603228D	56	PHYSICAL SECURITY EQUIPMENT	20,092	27,092	20,092		20,092
0603708D	57	INTEGRATED DIAGNOSTICS	10,266	10,266	10,266		10,266
0603709D	58	JOINT ROBOTICS PROGRAM	17,382	27,382	17,382	5,000	22,382
0603714D	59	ADVANCED SENSOR APPLICATIONS PROGRAM	25,923	35,923	35,923		25,923
0603715D	60	AIM-9 CONSOLIDATED PROGRAM	-	-	-		-
0603734J	61	ISLAND SUN SUPPORT	1,584	1,584	1,584		1,584
0603790D	62	NATO RESEARCH AND DEVELOPMENT	45,642	25,642	40,642	(22,142)	23,500
0603851D	63	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	14,939	14,939	26,939	12,000	26,939
0603861C	64	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEM/VAL	576,327	576,327	576,327		576,327
0603862C	65	THEATER MISSILE DEFENSE GROUND BASED RADAR (GBR-T) - DEM/VAL	-	-	-		-
0603863C	66	HAWK UPGRADES THEATER MISSILE DEFENSE ACQUISITION - DEM/VAL	23,188	23,188	23,188		23,188
0603864C	67	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - DEM/VAL	24,231	24,231	24,231		24,231
0603867C	68	NAVY LOWER TIER TMD ACQUISITION - DEM/VAL	-	-	-	185,000	185,000
0603868C	69	NAVY UPPER TIER TMD - DEM/VAL	30,442	200,442	200,442	170,000	200,442
0603869C	70	CORPS SURFACE-TO-AIR MISSILE - TMD - DEM/VAL	30,442	20,442	-	(10,000)	20,442
0603870C	71	BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISITION	49,061	29,061	-	(49,061)	-
0603871C	72	NATIONAL MISSILE DEFENSE - DEM/VAL	370,621	820,621	670,621	450,000	820,621
0603872C	73	OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES ACQUISITION	460,470	423,470	475,470	(22,000)	438,470
0603884BP	74	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL	32,461	36,861	32,461	1,600	34,061
0604225C	75	THEATER MISSILE DEFENSE ACQUISITION EMD PROGRAMS	-	-	-		-
0604705D	76	MOBILE OFFSHORE BASE ANALYSIS	-	-	-		-

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0201135J	77	CINC C2 INITIATIVES	-	-	-		-
0604160D	78	COUNTERPROLIFERATION SUPPORT - EMD	2,786	2,786	2,786		2,786
0604384BP	79	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	95,324	107,324	95,324	(3,707)	91,617
0604771D	80	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	62,068	62,068	62,068		62,068
0604861C	81	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	-	50,000	-		-
0604864C	82	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - EMD	14,301	14,301	14,301		14,301
0604865C	83	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	247,921	247,921	352,421	104,500	352,421
0604866C	84	ERINT/PATRIOT PAC-3 RISK REDUCTION - TMD - EMD	19,485	19,485	19,485		19,485
0604867C	85	NAVY LOWER TIER TMD ACQUISITION - EMD	237,473	282,473	282,473	(140,000)	97,473
0604889K	86	COUNTERDRUG ENGINEERING AND MANUFACTURING DEVELOPMENT PROJECTS	-	-	-		-
0603710D	87	CLASSIFIED PROGRAM - C3I	2,510	2,510	2,510		2,510
0603712S	88	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	16,800	16,800	16,800	(4,500)	12,300
0605104D	89	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	39,302	24,302	34,302	(15,000)	24,302
0605110D	90	TECHNICAL SUPPORT TO USD(A)--CRITICAL TECHNOLOGY	2,651	2,651	2,651		2,651
0605114E	91	BLACK LIGHT	4,745	4,745	4,745		4,745
0605117D	92	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	46,338	46,338	46,338		46,338
0605129D	93	TECHNICAL ASSISTANCE	4,927	-	-	(4,927)	-
0605160D	94	COUNTERPROLIFERATION SUPPORT	6,468	6,468	6,468		6,468
0605218C	95	BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT AND SUPPORT	185,542	165,542	155,542	(30,000)	155,542
0605384BP	96	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	4,936	4,936	4,936		4,936
0605502D	97	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605790D	98	SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,574	1,574	-		1,574
0605798S	99	DEFENSE SUPPORT ACTIVITIES	14,752	14,752	14,752		14,752
0605801S	100	DEFENSE TECHNICAL INFORMATION CENTER	42,989	42,989	42,989		42,989
0605898E	101	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	32,643	32,643	32,643		32,643
0305154D	102	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	10,000	-	30,000		10,000
0305889D	103	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0708011S	104	INDUSTRIAL PREPAREDNESS	-	17,007	-	7,007	7,007
0201135J	105	CINC C2 INITIATIVES	200	200	200		200
0208045K	106	C3 INTEROPERABILITY (JOINT TACTICAL C3 AGENCY)	25,338	25,338	25,338		25,338
0302016K	109	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	2,153	2,153	2,153		2,153
0302019K	110	JOINT/DEFENSE INFORMATION SYSTEMS ENGINEERING AND INTEGRATION	5,138	5,138	5,138		5,138
0303126K	111	LONG-HAUL COMMUNICATIONS (DCS)	20,538	20,538	20,538		20,538
0303127K	112	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	4,062	4,062	4,062		4,062
0303131K	113	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	2,269	2,269	2,269		2,269
0303140D	114	INFORMATION SYSTEMS SECURITY PROGRAM	23,884	23,884	23,884	(6,470)	17,414
0303153K	116	JOINT SPECTRUM CENTER	4,859	4,859	4,859		4,859
0303154J	117	WWMCCS ADP MODERNIZATION	-	-	-		-
0305139B	122	DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION SYSTEM IMPR	80,131	98,131	80,131	(5,386)	74,745

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0305141D	123	JOINT REMOTELY PILOTED VEHICLES PROGRAM	-	-	-		-
0305154D	124	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	515,148	646,748	528,148	115,800	630,948
0305154I	126	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	-	-	-		-
0305157I	127	LAND REMOTE SENSING SATELLITE SYSTEM	-	-	-		-
0305159B	128	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	-	-	-		-
0305159I	130	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	59,183	59,183	59,183		59,183
0305190D	131	C3I INTELLIGENCE PROGRAMS	7,907	7,907	7,907		7,907
1160401BB	136	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,090	4,090	4,090		4,090
1160402BB	137	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,288	14,788	13,288	1,500	14,788
1160404BB	138	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	101,602	107,102	109,895	8,293	109,895
	138a	ATV	-	-	-		-
1160405BB	139	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	2,901	2,901	2,901		2,901
1160407BB	140	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,891	1,891	1,891		1,891
1160408BB	141	SOF OPERATIONAL ENHANCEMENTS	16,534	16,534	16,534		16,534
		NON-LETHAL WEAPONS TECHNOLOGIES		-	37,200	37,200	37,200
XXXXXXXXXX	999	Classified Programs	1,194,090	1,237,401	1,224,890	31,511	1,225,601
		READINESS FOR PROCUREMENT TECH ASST(Transfer to O&M)		-	(12,000)		
		Total Defense Wide	8,802,881	9,280,058	9,271,220	616,630	9,419,511
ACCOUNT		**DIRECTOR OF TEST & EVAL DEFENSE**					
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	119,714	119,714	109,714	(5,000)	114,714
0605130D	2	FOREIGN COMPARATIVE TESTING	34,062	14,062	34,062	(1,609)	32,453
0605131D	3	LIVE FIRE TESTING	-	-	-		-
0605804D	4	DEVELOPMENT TEST AND EVALUATION	105,565	105,565	95,565	(1,650)	103,915
			259,341	239,341	239,341	(8,259)	251,082
ACCOUNT		**DIRECTOR OF OPERATIONAL TEST & EVALUATION**					
0605118D	1	OPERATIONAL TEST AND EVALUATION	12,183	12,183	12,183		12,183
0605131D	2	LIVE FIRE TESTING	10,404	10,404	10,404		10,404
			22,587	22,587	22,587		22,587

University research initiative

The budget request included $236.2 million in PE 61103D.

The House bill would authorize an additional $20.0 million above the requested amount for the continuation of the Defense Experimental Program to Stimulate Competitive Research (DEPSCoR).

The Senate amendment would apply a general reduction of $15.0 million to the requested amount and would add $10.0 million for the acceleration of research activities at universities affecting combat readiness. The Senate amendment would also authorize $10.0 million within the authorized amount for the continuation of the DODDS Director's fund for Science, Mathematics, and Engineering.

The conferees agree to an authorization of $231.2 million in PE 61103D, of which $20.0 million shall be for the continuation of the DEPSCoR program and $10.0 million for the continuation of the DODDS Director's fund for Science, Mathematics and Engineering. The conferees also agree to authorize an additional $10.0 million for the Combat Readiness Research program described on page 169 of the Senate report (104–112) and direct that an institution awarded a contract, grant or agreement under the program be required to contribute at least three times the amount provided by the Federal government to execute the program.

Chemical-biological defense program

The budget request contained $383.5 million for the Department of Defense chemical-biological defense program, including $243.0 million for research, development, test and evaluation and $140.5 million for procurement of chemical and biological defense non-medical and medical systems.

The House bill would authorize a $57.1 million increase to the budget request for the following chemical-biological defense research and development programs: $4.6 million for PE 61384BP; $23.5 million for PE 62384BP; $12.6 million for PE 63384BP; $4.4 million for PE 63884BP; and $12.0 million for PE 64384BP. The House bill would also authorize a total of an additional $50.0 million in operations and maintenance funding for chemical defense training and chemical medical defense training in the Army, Navy, Marine Corps, and Air Force.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase to the budget request in the following program elements: $4.6 million for PE 61384BP; $7.8 million for PE 62384BP; $10.0 million for PE 63384BP; and $1.6 million for PE 63884BP. The increased authorizations would augment and accelerate research and development in medical and non-medical chemical and biological defense. Prior to obligation or expenditure of funds authorized above the budget request, the conferees direct the Department to report on the projected use of these funds.

The conferees also agree to a $50.0 million increase in the military services operations and maintenance accounts for chemical defense training and chemical medical defense training. The conferees direct the Department to provide a report to Congress on the use of this increased funding in the Department's chemical defense training and chemical medical defense training. Additionally, the Department is directed to notify Congress 15 days in advance of obligation or expenditure of funds, and to provide a justification for the use of such funds in connection with the procurement of chemical-biological defense equipment.

Computing systems and communications technology

The budget request included $403.9 million for computing systems and communications technology in PE 62301E.

The House bill would reduce the budget request by $25.0 million. The House bill would authorize an additional $11.0 million for accelerated development of improved nuclear detection and forensic analysis capabilities.

The Senate amendment would authorize an additional $3.0 million for software reuse activities and $30.0 million in procurement for the global broadcast service.

The conferees agree to authorize $396.3 million in PE 62301E, to include: $11.0 million for nuclear monitoring and detection; $8.0 million for global broadcast service; $7.5 million for software reuse; and a general reduction of $29.6 million.

Global broadcast service

The budget request contained no funds for global broadcast service (GBS).

The Senate amendment would authorize $30.0 million in weapons procurement, Navy, for a GBS pilot program. The Senate report (S. Rept. 104–112) endorsed insertion of this technology into the military communications master plan and the Navy's proposal to use the ultra-high frequency follow-on (UFO) satellite system as a host for an interim GBS capability.

Neither the House bill nor the House report (H. Rept. 104–131) addressed the subject.

The Senate recedes on the $30.0 million authorization in weapons procurement, Navy. The conferees, however, agree to authorize $8.0 million for fiscal year 1996 in PE 62301E to support this effort.

The conferees endorse the Senate language regarding the insertion of DBS/GBS technology into the communications master plan. The conferees, however, do not believe that the Department of Defense (DOD) has adequately evaluated all alternatives and associated issues. The conferees support proceeding swiftly with this program, but require additional information before endorsing any particular technical approach or acquisition strategy.

The conferees are aware of the time-sensitivity surrounding the Navy's proposal to use UFO satellites 8, 9, and 10 as host platforms, and that a protracted period of study and review may preclude this option (insofar as it is dependent on use of satellite 8, which is currently scheduled to be launched no later than December 1997). The conferees are also aware that the Deputy Under Secretary of Defense for Space has tentatively endorsed the UFO approach as an interim bridge to an objective GBS system.

Nonetheless, the conferees remain concerned that no detailed analysis of options and requirements has been presented to Congress. Not wanting to prematurely endorse any particular GBS option nor preclude any promising alternative, the conferees direct the Under Secretary of Defense for Acquisition and Technology to submit a report to the congressional defense committees that addresses the following issues regarding the development and deployment of interim and objective GBS capabilities: (1) the military requirement to be satisfied; (2) the cost, schedule, technical risk, and operational effectiveness of all hosted and free-flyer options; (3) the issues involved with the use of competitive procedures or other than competitive procedures; and (4) the role of GBS capabilities in the DOD's future military satellite communications architecture and the Department's strategy for acquiring and integrating such capabilities.

The conferees encourage early involvement by the Commanders-in-Chief (CINCs) to ensure that GBS capabilities support a broad range of joint missions in the CINCs' areas of responsibility. The conferees also believe that the Under Secretary for Acquisition and Technology should conduct a broad survey of the capabilities and views of industry prior to selecting a particular technical approach or acquisition strategy.

Once the congressional defense committees have received the report described above, the conferees would consider a reprogramming request to satisfy any outstanding fiscal year 1996 funding requirements. The conferees' approval of such a request would depend largely on the content of the report submitted, the offsets identified, and the degree to which the chosen GBS acquisition strategy is funded in the Secretary of Defense's fiscal year 1997 budget request and Future Years Defense Program.

Materials and electronics technology

The budget request included $226.1 million for material and electronics technology.

The House bill would authorize an additional $3.0 million for chemical vapor deposition (CVD) and $2.0 million for chemical vapor composite (CVC) deposition. The bill would also provide an additional $5.0 million for higher transition temperature superconducting (HTS) materials, $7.5 million for seamless high off-chip connectivity (SHOCC) and $10.0 million for non-woven aramide fiber packaging.

The Senate amendment would authorize an additional $8.0 million for CVD and $8.0 million for HTS.

The conferees agree to authorize $242.0 million in PE 62712E, an increase of $16.0 million. This increase provides $4.0 million each for CVC deposition and CVD diamond material development and $8.0 million for HTS. The HTS authorization shall include HTS wire applications and precision band pass filters and high ''Q'' antennae for military communication systems that operator in signal rich environments.

Counterterror technical support

The budget request included $12.0 million for the counterterror technical support program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.0 million to the budget request for the continued development of pulsed fast neutron analysis (PFNA) cargo inspection technology.

The House recedes.

Joint Department of Defense/Department of Energy munitions technology development

The budget request included $16.8 million for the joint Department of Defense and Department of Energy munitions program.

The House bill would authorize $31.8 million for the program, a $15.0 million increase to the budget request for environmentally compliant demilitarization and disposal of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors, and explosives.

The Senate amendment would authorize the budget request.

The conferees agree to a $5.0 million increase to the budget request for joint DOD/DOE munitions technology development (PE 63225D). In addition, the conferees agree to provide $15.0 million for explosives demilitarization technology (PE 63104D), discussed elsewhere in the report.

Experimental evaluation of major innovative technologies (EEMIT)

The budget request included $618.0 million for Experimental Evaluation of Major Innovative Technologies (EEMIT).

The House bill would authorize an additional $55.8 million for several programs, to include: global grid communications ($5.0 million); safety and survivability ($2.0 million); synthetic theater of war ($6.8 million); cruise missile defense ($35.0 million); and antisubmarine warfare (ASW) ($7.0 million).

The Senate amendment would authorize an increase of $18.0 million for several programs, to include: cruise missile defense

($10.0 million); thermophotovoltaics ($5.0 million); and funding for a large millimeter wave telescope ($3.0 million). The Senate would also authorize a general reduction of $10.0 million to the EEMIT program element.

The conferees agree to authorize $613.7 million in PE 63226E, the highest level of appropriation, and specifically identify the following programs for authorization: cruise missile defense ($10.0 million); large millimeter wave telescope ($3.0 million); safety and survivability ($2.0 million); ASW ($5.0 million); deep ocean relocation ($2.5 million); and Crown Royal ($5.0 million).

Safety and survivability

The House bill would authorize an additional $2.0 million in PE 65864N and an additional $2.0 million in PE 63226E for safety and survivability enhancements.

The Senate amendment contained no additional authorization for these purposes.

The conferees direct that of the funds authorized in PE 64864N and PE 63226E, $2.0 million each shall be used for safety and survivability enhancements, as specified in the House report (H. Rept. 104–131).

Shallow water anti-submarine warfare

The budget request included $16.5 million in PE 63226E for development and demonstration of advanced technologies for shallow water anti-submarine warfare operations.

The House bill would authorize an additional $7.0 million to begin an assessment by ARPA and the Navy of the use of newly developed and maturing multi-static acoustic, electromagnetic and electro-optic sensor technologies integrated into existing aircraft, ship, and submarine platforms in a combined system of sensors to provide the joint amphibious operational commander an integrated picture of the littoral maritime environment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize an additional $5.0 million to the budget request to continue the development and demonstration of advanced technologies for shallow water anti-submarine warfare.

Synthetic theater of war

The budget request included $79.1 million in PE 63226E for the Advanced Distributed Simulation program.

The House bill would authorize an additional $6.8 million to maintain the program and schedule for the 1997 Synthetic Theater of War (STOW–97) advanced concept technology demonstration.

The Senate amendment would authorize the budget request.

The House recedes. The conferees are impressed by the results of the STOW–95 demonstration and the potential to meet the warfighting commanders' requirements for development and integration of improved simulation technologies for training and mission rehearsal. The conferees recognize that the STOW program could prove to be the foundation for the future Joint Simulations System for all the military services. The conferees strongly encourage the Secretary of Defense to maintain funding levels necessary to sustain the objectives and schedule of the STOW–97 advanced concept technology demonstration.

Tactical technology

The budget request included $113.2 million for this tactical technology program.

The House bill would authorize an additional $7.0 million for the tactical landing system project and an additional $7.0 million for a high resolution, mobile multiple object tracking system project.

The Senate amendment would authorize an additional $6.5 million for the tactical landing system project.

The conferees agree to authorize an additional $6.5 million in PE 63226E for completion of the tactical landing system project and an additional $7.0 million in PE 63226E for a high resolution, mobile multiple object tracking system.

Advanced submarine technology development

The budget request included $7.5 million in PE 63569E for the Advanced Research Projects Agency's (ARPA's) advanced submarine technology program.

The House bill would authorize an additional $23.0 million in PE 63569E. This increase would permit ARPA to pursue innovative technologies that could improve the capability of Navy submarines to operate in littoral regions, develop and demonstrate new concepts for structural acoustics and management of submarine signatures, and enhance the multi-mission capabilities of Navy submarines.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $30.5 million in PE 63569E, an increase of $23.0 million. Of the $23.0 million, $7.0 million shall only be available to continue transfer of technology to the Navy for active control of machinery platforms demonstrated in ARPA's Project M.

Rapid acquisition of manufactured parts

The House bill would authorize an increase of $12.0 million above the requested amount of $21.5 million in PE 63712N for the continuation of the rapid acquisition of manufactured parts (RAMP) program.

The Senate amendment would authorize an increase of $12.0 million above the requested amount of $6.5 million in PE 63736D for the RAMP program.

The House recedes.

Advanced lithography program

The budget request included $39.0 million in PE 63739E for advanced lithography programs.

The House bill would authorize an additional $25.0 million in PE 63739E for advanced lithography programs.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $6.0 million, an additional $21.0 million, in PE 63739E, for advanced lithography programs.

Advanced electronics technologies

The budget request included $420.0 million for advanced electronics technologies in PE 63739E.

The House bill would authorize an additional $25.0 million for advanced lithography and a reduction of $23.6 million in project MT–07.

The Senate amendment reduced the budget request by a cumulative $50.0 million for three separate programs.

The conferees agree to a funding level of $409.0 million, which includes an additional $21.0 million for advanced lithography, $7.5 million for seamless high off-chip connectivity, and full funding for project MT–08. The conferees consider the work of the Center for Advanced Technologies to be worthy of continuation. The conferees note that the Department of Defense may, at its discretion, use funds authorized in PE 61101E to continue the program at the requested level.

Joint robotics program

The budget request included $17.4 million for the joint robotics program.

The House bill would authorize an additional $10.0 million for the mobile detection assessment response system (MDARS).

The Senate amendment contained no similar provision.

The conferees agree to an increased funding authorization of $5.0 million for MDARS in PE 63709D.

Advanced sensor applications program

The budget request included $17.4 million in PE 63714D for the advanced sensor applications program.

The House bill would authorize an increase of $10.0 million to the budget request, including $5.0 million for continued development of a research prototype laser radar anti-submarine warfare (LIDAR ASW) system concept, which is being investigated by the Office of the Secretary of Defense advanced sensor applications program (OSD ASAP), and $5.0 million for continued development of the Navy ATD–111 LIDAR ASW system. The House bill would encourage comparative testing of the two systems as a basis for establishing the requirement for a follow-on system.

The Senate amendment would authorize an additional $10.0 million for upgrade test and evaluation of the ATD–111 system, and would direct the Secretary of the Navy to prepare a plan for acquisition and deployment of the ATD–111.

The conferees have agreed to provide $10.0 million in PE 63528N for the Navy ATD–111 non-acoustic anti-submarine warfare program, as discussed elsewhere in this statement of managers. The conferees strongly support the comparative evaluation of the LIDAR ASW alternatives, and direct the Department of the Navy and the OSD ASAP to develop jointly a plan for testing these two alternative approaches to LIDAR ASW. The conferees expect that funds to complete the evaluation will be included in the fiscal year 1997 defense budget request.

Industrial preparedness (manufacturing technology) programs

The budget request included $17.8 million for the Army, $41.2 million for the Navy, $53.3 million for the Air Force, and $7.0 million for the Defense Agencies to fund the manufacturing technology (MANTECH) programs within these agencies.

The House bill would include an additional $10.0 million for the Army, an additional $10.0 million for the Navy, and approve the requested amount for the Air Force and the Defense. The House bill would also transfer funding from advanced development (6.3) program elements to industrial preparedness (7.8) program elements.

The Senate amendment would authorize all the manufacturing technology programs at the requested amounts and would transfer the funding from the program elements in the budget request.

The conferees agree to authorize funding for manufacturing technology programs, as follows:

	Millions
Army (PE 78045A)	$26.8
Navy (PE 78011N)	88.0
Air Force (PE 78011F)	60.9
Def. Ag. (PE 78011S)	7.0

Integrated bridge system for MK V special operations craft

The budget request included $13.3 million in PE 1160402BB for special operations advanced technology development.

The House bill would authorize an additional $1.5 million for development of a prototype maritime integrated bridge system for the MK V special operations craft to demonstrate the potential for advanced display and control technologies to enhance mission performance.

The Senate amendment would authorize the budget request.

The Senate recedes.

Quiet Knight advanced concept and technology demonstration

The budget request included $101.6 million in PE 116040BB for Special Operations tactical systems development, to include $3.5

million allocated by the U.S. Special Operations Command to continue the Quiet Knight advanced avionics technology demonstration.

The House bill would authorize the budget request. The House report (H. Rept. 104–131) expressed strong support for a Phase I (component development and demonstration) of an advanced concept technology demonstration of Quiet Knight for both fixed and rotary wing aircraft, and the continuation to a Phase II full scale demonstration and flight test of the integrated Quiet Knight capability. The House report also expressed the expectation that funding requirements for completion of the Phase II demonstration would be included in the fiscal year 1997 budget request.

The Senate amendment would authorize the budget request.

The conferees support completion of the Quiet Knight technology demonstration, and encourage the Department of Defense to validate the requirements for advanced low probability of intercept/low probability of detection avionics for special operations aircraft.

Advanced SEAL delivery system

The budget request included $24.6 million in PE 1160404BB to complete fabrication and integration of the first Advanced SEAL Delivery System (ASDS) and begin system level testing.

The House bill would authorize an additional $4.0 million to complete evaluation of the ASDS employed on the SSN–688 class submarine.

The Senate amendment contained a similar provision.

The conferees are pleased with the joint efforts of the U.S. Special Operations Command and the Navy in the development of ASDS. The conferees agree to increase the budget request by $4.0 million to complete evaluation of the ASDS.

Rigid hull inflatable boat

The budget request contained $11.7 million for procurement of special warfare equipment, including $10.1 million for procurement of the Naval Special Warfare 10 meter Rigid Hull Inflatable Boat (RHIB).

The House bill would authorize the budget request.

The Senate amendment noted that the U.S. Special Operations Command had reported that the 10 meter RHIB, on which initial developmental effort had been focused, performed unsatisfactorily during operational testing. As a result, a new strategy was adopted for development of a RHIB to meet Special Operations Forces' requirements. The Senate amendment would authorize an increase of $4.3 million in PE 1160404BB to support this developmental effort and would direct a corresponding reduction in the procurement account for special warfare equipment to offset the increase.

The House recedes. The conferees understand that the $4.3 million increase in PE 1160404BB for this purpose will support the competitive procurement of three to four prototype RHIBs for developmental testing and early operational assessment. The remaining $5.8 million authorized for procurement of special warfare RHIBs will be used to procure approximately 30 interim 24-foot RHIBs to alleviate deficiencies caused by the estimated three-year delay in initial operation capability for the new RHIBs.

Ballistic missile defense funding and programmatic guidance

The budget request contained $2,912.9 million for the Ballistic Missile Defense Organization (BMDO), including $2,442.2 million for Research, Development, Test, and Evaluation (RDT&E), $453.7 million for Procurement, and $17.0 million for Military Construction.

The House bill would authorize an additional $628.0 million for BMDO.

The Senate amendment would authorize an additional $490.5 million for BMDO.

The conferees agree to authorize a total of $3,516.9 million for BMDO, an increase of $603.9 million for BMDO, an increase of $603.9 million above the budget request. The conferees set forth funding allocations and programmatic guidance below.

BMDO FUNDING ALLOCATION

[In thousands of dollars]

Program	Budget Request	House Change	Senate Change	Conference Change	Conference Outcome
Support Tech	93,308				93,308
Support Tech	79,387		+70,000	+50,000	129,387
THAAD Dem/Val	576,327				576,327
Hawk	23,188				23,188
BM/C3 Dem/Val	24,231				24,231
Navy LT Dem/Val				+185,000	185,000
Navy UT Dem/Val	30,442	+170,000	+170,000	+170,000	200,442
Corps SAM	30,442	−10,000	+4,558	−10,000	20,442
BPI	49,061	−20,000	−49,061	−49,061	
NMD	370,621	+450,000	+300,000	+450,000	820,621
Other TMD	460,470	−37,000	+15,000	−22,000	438,470
THAAD EMD		+50,000			
BM/C3 EMD	14,301				14,301
PAC-3 EMD	247,921		+104,500	+104,500	352,421
PAC-3 EMD/RR	19,485				19,485
Navy LT EMD	237,473	+45,000	+45,000	−140,000	97,473
Management	185,542	−20,000	−30,000	−30,000	155,542
Patriot Proc	399,463		−104,500	−104,500	294,963
Navy LT Proc	16,897				16,897
Hawk Proc	5,106				5,106
BM/C3 Proc	32,242				32,242
BMDO Milcon	17,009				17,009

Theater High Altitude Area Defense (THAAD)—The conferees agree to authorize the budget request of $576.3 million in PE 63861C for THAAD Demonstration/Validation (Dem/Val).

The conferees endorse the language in the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) regarding the THAAD User Operational Evaluation System (UOES) option, and the need to ensure a smooth and timely transition from the Dem/Val phase to the Engineering and Manufacturing Development (EMD) phase. The conferees direct the Secretary of Defense to restructure the THAAD program so as to achieve a First Unit Equipped (FUE) by fiscal year 2000. The conferees believe that this objective can be facilitated by making only minor modifications to the UOES design and beginning Low-Rate Initial Production as soon as the EMD missiles have been adequately tested. Subsequent performance improvements to the initial system configuration should be incorporated through block upgrades, as appropriate and necessary. The conferees note that this approach would reduce overall THAAD development costs while significantly accelerating fielding of an operational system. Therefore, the conferees urge the Secretary of Defense to release the THAAD engineering and manufacturing development (EMD) request for proposal. Finally, the conferees direct the Secretary of Defense to promptly initiate development of all battle management software for the THADD system, including that necessary to receive cuing information from external sensors.

Navy Upper Tier—The budget request included $30.4 million in PE 63868C for the Navy Upper Tier program.

The conferees agree to authorize an increase of $170.0 million for a total Navy Upper Tier authorization of $200.4 million. The conferees direct the Secretary of Defense to include the Navy Upper Tier program in the core theater missile defense (TMD) program and to structure the Navy Upper Tier development and acquisition program so as to achieve an initial operational capability (IOC) not later than fiscal year 2001, with a UOES capability not later than fiscal year 1999. The conferees look forward to receiving the results of the various studies that are assessing Navy Upper Tier technical issues and deployment options. The conferees agree to require the Director of BMDO to provide a status report to the congressional defense committees, not later than March 1, 1996, that summarizes the findings and recommendations (as available) of these analyses. The Director of BMDO should include in such report an assessment of options for reducing risk and enhancing competition in the Navy Upper Tier program, including the option of establishing a competitive development and flight test program between the Lightweight Exoatomospheric Projectile (LEAP) and THAAD kill vehicles.

The conferees believe that competition within the Navy Upper Tier program is desirable, but do not support the notion of competition between the Navy Upper Tier and THAAD programs. The conferees are convinced that the United States can and should develop and deploy both sea-based and land-based upper tier programs. Although there may be an opportunity to reduce the number of TMD programs being developed by the Department of Defense, the conferees strongly oppose the notion of a competition and down-select between the THAAD and Navy Upper Tier systems. The conferees view these as critical and complementary systems.

Patriot—The budget request included $247.9 in PE 64865C for PAC–3 EMD, $19.5 million in PE 64866C for PAC–3 risk reduction, and $399.5 million for Patriot procurement.

The conferees agree to authorize the overall amount requested for the Patriot program and related activities. Within this overall authorization, the conferees agree to transfer $104.5 million from Patriot procurement to PAC–3 EMD, a total authorization of $352.4 million in PE 64865C.

Navy Lower Tier—The budget request included $237.5 million in PE 64867C for Navy Lower Tier EMD and $16.9 million for Navy Lower Tier procurement.

The conferees agree to authorize an increase of $45.0 million for Navy Lower Tier Dem/Val and to transfer $140.0 million from Navy Lower Tier EMD to Navy Lower Tier Dem/Val, a total of $185.0 million in PE 63867C.

Corps SAM—The budget request included $30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.

The conferees agree to authorize $20.4 million for Corps SAM, a reduction of $10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC–3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than $15.0 million may be obligated until such report has been submitted to the congressional defense committees.

Boost-Phase Intercept—The budget request included $49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BPI) program.

The House bill would authorize $29.1 million for the kinetic BPI program.

The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize $15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).

The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to $15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV-BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to $30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV BPI program.

Other TMD—The budget request contained $460.5 million in PE 63872C for OTMD programs, projects, and activities.

The House bill would authorize $423.5 million for OTMD.

The Senate amendment would authorize $475.5 million, including the $15.0 million for the UAV-BPI program cited above.

The conferees agree to authorize $438.5 million for OTMD. Of this amount, the conferees authorize the use of up to $15.0 million to explore a UAV–BPI program and up to $30.0 million to continue the AIT advanced kill vehicle program.

National Missile Defense—The budget request contained $370.6 million in PE 63871C for National Missile Defense (NMD).

The House bill would authorize $820.6 million for NMD.

The Senate amendment would authorize $670.6 million for NMD.

The conferees agree to authorize $820.6 million for NMD. The conferees provide detailed programmatic guidance on NMD elsewhere in this Statement of Managers.

Support Technologies—The budget request contained $93.3 million in PE 62173C and $79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.

The House bill would authorize the budget request for BMD Support Technologies.

The Senate amendment would authorize an increase of $70.0 million in PE 63173C for the Space-Based Laser (SBL) program.

The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of $50.0 million, for a total authorization of $129.4 million in PE 63173C. The conferees believe that it is critical for the United States to continue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.

The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees.

BMDO is required to set aside 2.15 percent of extramural research, development, test, and evaluation authorized and appropriated (RDT&E) funds for Small Business Innovative Research (SBIR) efforts. Since the conferees recommend a level of funding for BMD programs exceeding the budget request, and programmed funding for SBIR represents a level below the mandated percentage, the Director of BMDO is authorized to transfer such funds as necessary from BMD program elements into PE 62173C to achieve the required percentage for SBIR.

BMDO Management—The budget request contained $185.5 million in PE 65218C for BMD Management.

The House bill would authorize $165.5 million for BMDO Management.

The Senate amendment would authorize $155.5 million for BMDO Management.

The conferees agree to authorize $155.5 million for BMDO Management. The conferees recognize that BMDO must maintain the integrity of its oversight of the overall BMD program. The conferees are concerned, however, that BMD management infrastructure may be unnecessarily duplicated in one or more of the services. Therefore, the conferees direct that BMDO identify any such duplication and take actions to eliminate it. The conferees request that the Director of BMDO consult with the Senate Committee on Armed Services and the House Committee on National Security regarding the Director's findings and proposed actions. The conferees further direct that BMDO show no increase in fiscal year 1997, after adjustments for inflation and any change in mission, over the level appropriated for management in fiscal year 1996.

Cruise missile defense funding

The House bill would authorize an increase of $76.0 million above the budget request for cruise missile defense programs, projects, and activities.

The Senate amendment would authorize an increase of $145.0 million above the budget request for a similar group of programs, projects, and activities.

The conferees agree to authorize an increase of $85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

ITEMS OF SPECIAL INTEREST

Anti-submarine warfare program

The conferees share the concerns raised in the House report (H. Rept. 104–131), and in the classified annex to that report, regarding the apparent decline in priority of the Navy's anti-submarine warfare (ASW) program. The conferees agree that there is a need for an assessment of the nation's overall ASW program. The conferees' concerns are addressed further in the classified annex to this Statement of Managers.

The conferees direct the Secretary of Defense to assess the current and projected United States ASW capability in light of the continuing development of quieter nuclear submarines, the proliferation of very capable diesel submarines, the sale of sophisticated, submarine launched weapons, and the declining trend in budget resources associated with ASW programs. This assessment should identify both short-term and long-term improvements that are needed to cope with the evolving submarine threat in both littoral and open ocean areas. The results of this assessment and the plan for the United States ASW program shall be reported to the congressional defense committees by July 1, 1996.

Geosat follow-on program

The House report (H. Rept. 104–131) addressed the issue of converging the Navy's Geosat Follow-On (GFO) altimetry program with the National Aeronautics and Space Administration's TOPEX/Poseidon Follow-On (TPFO) altimetry program.

The Senate report (S. Rept. 104–112) did not address the issue.

The conferees share the concerns raised in the House report. The conferees are dismayed that the report to Congress on altimetry convergence was submitted more than three months later than an already extended deadline. The conferees are also troubled that the report recommends proceeding with the TPFO option, despite the fact that this approach would cost more, not involve U.S. construction and control of the satellite, and not provide the same level of data security. The TPFO option would require the Navy to spend an additional $5.2 million, for which it has not budgeted, to add global positioning system (GPS) and direct downlink capabilities critical for satisfying Navy requirements. The conferees direct that no funds authorized for the Department of Defense be obligated or expended during fiscal year 1996 for activities associated with adding GPS and direct downlink capabilities to TPFO.

High performance computing modernization program

In addition to supporting efforts to reduce the RDT&E infrastructure, the conferees continue to support investment in high performance computing (HPC) resources for use in the developmental test and evaluation (DT&E) community and recognize the need for a transition to HPC-based resources, integrated DT&E, and operational test and evaluation (OT&E). The conferees direct the Secretary of Defense to prepare a long-term plan for modernization of HPC resources at test and evaluation centers, and for the integration of HPC-based models, advanced data bases, and other decision support resources into the RDT&E infrastructure. In preparing the plan, the Secretary should rely on the collaborative input from the Director of Defense Research and Engineering, the Director of Test Systems Engineering and Evaluation, and the Director of Operational Test and Evaluation. The plan shall address budgeting options that provide for a realistic program and propose financing methods that can insure that needed infrastructure investments are made in a timely manner. The conferees direct the Secretary to submit the proposed plan with the Department of Defense budget recommendations to the congressional defense committees, no later than March 31, 1996.

Low-low frequency acoustics

The conferees share the understanding expressed in the House report (H. Rept. 104–131) that of the funds authorized and appropriated in fiscal year 1994 and 1995 for the low-low frequency acoustics (LLFA) technology program approximately $30.0 million remain available and are sufficient to continue the program through fiscal year 1996. The conferees further understand that the fiscal year 1996 program will focus on operational concepts for the LLFA, technical performance, command and control, environmental considerations, and the transition of the LLFA technology to existing fleet platforms. The conferees agree with the House that based on the emerging results of the fiscal year 1996 program consideration of additional funding for LLFA technology program, should be deferred until the fiscal year 1997 budget request.

Machine tool controller

The conferees are aware of a recent cooperative research and development agreement, entered into by the Department of Energy, two national laboratories, and a private sector consortium, to develop and test an open-architecture machine tool controller. The conferees encourage the Secretary of Defense to develop a plan to ensure a thorough evaluation of the technology and its application to the specific needs of defense contractors.

National security space policy, management, and oversight

The House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) each contained reporting requirements concerning policy, management, and oversight of U.S. national security space programs. In lieu of the reporting requirements contained in those reports, the conferees direct the Secretary of Defense to submit a report to the Congress, not later than April 15, 1996, that addresses in detail the following matters:

(1) *The results of the Administration's reviews of U.S. national and military space policies*—The conferees direct that copies of any updated policy directives (including unclassified and classified forms) that result from the reviews be included as attachments to the Secretary's report. The conferees view the Administration's decision to initiate such reviews as appropriate in light of changes in the international security environment, and expect the reviews will be completed in time to permit Departmental witnesses to discuss the results in hearings on the President's fiscal year 1997 budget request.

(2) *The activities of the Joint Department of Defense Intelligence Community Space Management Board (JSMB)*—The report shall include a copy of the charter for the Board and a description of its planned functions, operations, and staffing. The report shall address the responsibilities for the development of an integrated national security space architecture and the integrated acquisition of national security space systems. In addition, the report shall describe the Board's plans for reviewing military and intelligence satellite communications architectures and systems. The conferees endorse the establishment of the JSMB, noting that improved integration of military and intelligence satellite architectures and systems can result in significant cost-savings and efficiencies in the acquisition and operation of those systems.

(3) *The status of and plans for completing a national security space master plan to guide investments in military and intelligence space architectures and systems for the coming decade*—The conferees note with concern that the Department failed in a similar, but more narrowly focused, undertaking when, in the Statement of Managers to accompany the National Defense Authorization Act for Fiscal Year 1993 the National Defense Authorization Act for Fiscal Year 1993 (H. Rept. 102–966), the conferees directed the Department to develop ''a comprehensive acquisition strategy for developing, field, and operating DOD space programs.'' Nonetheless, the conferees applaud the decision of the Deputy Under Secretary of Defense for Space to begin drafting such a master plan, and request that the report include an estimated completion date for the plan.

(4) *The Department's plans for ensuring that, even as oversight of national security space acquisition and planning is centralized, each of the military services is able to influence decisions regarding space architectures and systems*—The conferees direct that the report include: (a) an assessment of progress to date in centralizing DOD space management; (b) the organizational structure that will be achieved upon completion of the planned consolidation, and an estimated completion date for such consolidation; (c) a description of how the DOD plans to protect service-unique interests and other equities in the new centralized organization; (d) the anticipated reductions in personnel and infrastructure that will result from such consolidation; and (e) the degree to which effectiveness and efficiency will be enhanced by the new structure and associated procedures.

The conferees are aware that the Department has established a Space Architect Office as part of the space management reorganization. Given that this is a new function and organization, budget planning was not completed prior to submittal of the amended fiscal year 1996 budget request. Therefore, the conferees agree to authorize the use of up to $10.0 million in Air Force research, development, test, and evaluation funds to operate the Space Architect Office in fiscal year 1996.

Shortstop

The conferees stress the need to move forward without delay on the Shortstop countermeasure system, and encourage the Secretary of the Army to maintain funding for the currently planned program leading to procurement.

Softwar operations

The conferees direct the Air Force's Phillips Laboratory Combat Space Operations Program Office to examine the use of commercially developed Information Warfare Systems that use television enhanced situational awareness for ''softwar'' operations. The Secretary of the Air Force shall report to the congressional defense committees by January 1, 1996 on the results of the Phillips Laboratory examination and the possibility to fund a technology demonstration in ''softwar'' operations. The conferees direct the Secretary to pursue this technology if the examination results in a favorable recommendation.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Modifications to strategic environmental research and development program (sec. 203)

The House bill contained a provision (sec. 203) that would make certain modifications to chapter 172 of title 10, United States Code, which governs the Strategic Environmental Research and Development Program.

Senate amendment contained no similar provision.

The Senate recedes with an amendment that would streamline and simplify program activities, facilitate program management, and promote cost effectiveness. The existing annual reporting requirement would continue until fiscal year 1997, at which point an abbreviated annual reporting requirement would become effective. The Senate amendment would ensure that the level of participation by the Secretary of Energy would not be subject to change. The conferees agree that there is a continuing need for Department of Energy participation in the program, and the retention of some reporting requirements.

Defense dual-use technology initiative (sec. 204)

The House bill would deny the entire funding request of $500.0 million for the Defense Reinvestment Program (PE 63570E).

The Senate amendment would rename the program the Defense Dual-Use Technology Initiative and reduce the requested authorization for the program by $262.0 million.

The conferees agree to change the name of the program and to authorize $195.0 million for the program. The conferees have included a provision that would limit the availability of the funds authorized in PE 63570E only for the purpose of continuation or completion of

projects initiated before October 1, 1995. The conferees have also included language that would require the Secretary of Defense, prior to obligation of funds, to provide the congressional defense committees with notice regarding the projects to be funded with $145.0 million of the amount authorized for the program. The conferees have also required that, for the remaining $50.0 million of the total amount authorized, the Secretary should certify, prior to obligation of funds, that the projects that would be carried out using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

Space launch modernization (sec. 211)

The House bill contained a provision (sec. 211) that would authorize #100.0 million for a competitive reusable rocket technology program, and $7.5 million for evaluation of prototype hardware of low-cost expendable launch vehicles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $50.0 million for a competitive reusable rocket technology programs, provided that the National Aeronautics and Space Administration allocates at least an equal amount for its reusable space launch program.

Tactical manned reconnaissance (sec. 212)

The House bill contained a provision (sec. 213) that would prohibit the Air Force from conducting any research and development on tactical manned reconnaissance systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report explaining the Air Force's planned uses of funds for the tactical manned reconnaissance mission.

Joint advanced strike technology (JAST) program (sec. 213)

The budget request included three requests for research and development funding for the joint advanced strike technology (JAST) program: $149.3 million for the Navy, 151.2 million for the Air Force, and $30.7 million for the Advanced Research Projects Agency.

The House bill contained a provision (sec. 216) that would reduce the request for JAST by $51.0 million, evenly divided between the Navy and the Air Force, and limit to 75 percent the obligation of fiscal year 1996 appropriations until the Secretary of Defense provides a report to the congressional defense committees. The provision would require that the Secretary's report specify the numbers and capabilities of JAST-derivative aircraft and related weapons systems necessary to support two major regional contingencies.

The Senate amendment would approve the JAST request. The Senate amendment also contained a provision (sec. 211) that would require the Navy to evaluate a variant of the F-117 stealth fighter to fulfill Navy requirements within the JAST program. The Senate amendment would add $175.0 million to the Navy program for this propose, with $25.0 million to provide initial engineering analysis and specific risk reduction efforts, and $150.0 million to develop a flying prototype. Authorization of a flying prototype would be contingent on approval by the Secretary of the Navy's approval of results of initial analytical efforts.

The Senate report (S. Rept. 104-112) questioned whether the program could fulfill the needs of the three services, and directed the Department to include two separate approaches in the JAST program to reduce program risk. The Senate amendment directed the Secretary of the Navy to:

(1) ensure that the JAST program leads to competitive demonstration involving tests of full scale, full thrust aircraft by competitors to provide test data for evaluation by the services; and

(2) evaluate at least two propulsion concepts from competing engine companies as part of those demonstrations.

Subsequent to passage of the Senate amendment and the House bill, the Department redefined the JAST program. Although additional resources will be necessary, from fiscal year 1997 onward, to execute this new program, these changes have led to fiscal year 1996 deferral of $131.0 million.

The conferees share the concerns expressed in the Senate report (S. Rept. 104-112) regarding the lack of engine competition and the size of flying prototypes. The conferees direct the Under Secretary of Defense (Acquisition & Technology) (USD (A&T)) to ensure that: (1) the Department's JAST program plan provides for adequate engine competition in the program; and (2) the scale of the proposed demonstrator aircraft is consistent with both adequately demonstrating JAST concepts and lowering the risk of entering engineering and manufacturing development (EMD). The conferees direct the Secretary of Defense to include in the report required by section 213(d) the Department's plan for competitive engine programs and demonstrator aircraft.

The conferees recommend authorization of funds reflecting these changes, and agree to a provision (sec. 213) that would:

(1) require that the Secretary of Defense provide a report to the congressional defense committees specifying the:

(a) the numbers and capabilities of JAST-derivative aircraft and related weapons systems required to support two major regional contingencies; and

(b) the department's plan for competitive engine programs and demonstrator aircraft;

(2) limit obligations for the JAST program to no more than 75 per cent of fiscal year 1996 appropriations, until the Secretary of Defense provides this report;

(3) authorize up to $25.0 million from Navy Research, Development, Test and Evaluation to conduct a six month program definition phase for the A/F-117X to determine whether such an aircraft could affordably meet the Navy's next generation aircraft strike requirements;

(a) if the USD (A&T) determines that a six month definition phase is warranted, he shall provide a report on the results of the concept definition phase to the congressional defense committees, not later than May 1, 1996;

(b) if the USD (A&T) determines otherwise and certifies that an A/F-117X aircraft is not needed to meet the Navy requirements and is not a cost effective approach to meeting Navy needs, the provision would allow the Department to use the $25.0 million for other JAST activities.

(4) authorize $7.0 million for competitive engine concepts.

Continous wave, superconducting radio frequency, free electron laser (sec. 214)

The House bill contained a provision (sec. 217) that would authorize $9.0 million in PE 62111N for the establishment of a continuous wave, superconducting radio frequency, free electron laser program within the Office of the Secretary of the Navy.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 215)

The Senate amendment contained a provision (sec. 212) that would transfer primary responsibility for developing and testing naval mine countermeasures from the Director, Defense Research and Engineering to the Under Secretary of Defense for Acquisition and Technology. It would provide for the exercise of this responsibility during fiscal years 1997 through 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would establish fiscal years 1996 through 1999 as the period for exercise of the responsibility.

The conferees note that section 216(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) provides that the Secretary of Defense may waive this assignment of responsibility if he annually certifies the adequacy of:

(1) the mine countermeasures master plan prepared by the Department of the Navy; and

(2) the budget resources provided for implementation of the plan.

Space-Based Infrared System (sec. 216)

The Senate amendment contained a provision (sec. 214) that would accelerate development and deployment of the Space and Missile Tracking System (SMTS), formerly known as Brilliant Eyes, and that would require the Secretary of the Air Force to obtain the concurrence of the Director of the Ballistic Missile Defense Organization (BMDO) before implementing any decision that would impact the SMTS program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a program baseline for the overall Space-Based Infrared System (SBIRS) program. The baseline would include the following:

(1) overall program structure, including: (A) program cost and an estimate of the funds required in each fiscal year in which development and acquisition activities are planned, (B) a comprehensive schedule with program milestones and exit criteria, and (C) optimized performance parameters for each segment of the integrated system;

(2) a development schedule for SMTS structured to achieve the first launch of a Block I satellite in fiscal year 2002, and initial operational capability (IOC) of the system in fiscal year 2003;

(3) full integration of SMTS into the overall SBIRS architecture; and

(4) establishment of the performance parameters of all space segment components so as to optimize the performance of the integrated system while minimizing unnecessary redundancy and cost.

The provision adopted by the conferees would require the Secretary of Defense to provide a report to the congressional defense committees on the SBIRS program baseline not later than 60 days after the enactment of this Act.

The conference provision would also establish the following program elements for the SBIRS program:

(1) Space Segment High;

(2) Space Segment Low (SMTS); and

(3) Ground Segment.

The conference provision requires the SBIRS baseline to include an SMTS IOC by fiscal year 2003 to support national and theater missile defenses. The conferees understand that the Air Force has defined this IOC as consisting of 12–18 satellites. The conferees urge the Air Force to make every effort to achieve an 18 satellite IOC by fiscal year 2003.

In accelerating the SMTS program, it is not the conferees' intent to reduce the priority and importance of the SBIRS High components. The conferees endorse the schedule that the Air Force has established for the

SBIRS High components. The SBIRS program should feature complementary and mutually supportive elements that do not include excessive technical and functional redundancy.

Although SMTS can, over time, become a multi-functional sensor system capable of fulfilling missions such as technical intelligence and battlespace characterization, the conferees direct the Air Force to ensure that the SMTS Flight Demonstration System (FDS) and Block I system be designed primarily to satisfy the missile defense mission. Missions not related to theater and/or national ballistic missile defense should not be allowed to add significant cost, weight or delay to the SMTS FDS or Block I system. This scaled-down approach will ameliorate the technical challenges associated with an accelerated schedule while contributing to overall affordability.

To support this schedule and missile defense focus, the conferees direct the Secretary of Defense to commence SMTS pre-engineering and manufacturing development (EMD) activities in fiscal year 1996 and to ensure that the FDS and Block I satellites are equipped with long-wave infrared sensors. The conferees endorse the design characteristics specified in the Senate report (S. Rept. 104–112) regarding the objective SMTS system. The conferees have authorized sufficient funds in fiscal year 1996 to commence these activities and to prepare the way for a fiscal year 1998 FDS launch.

Over time, as the Air Force gains operational experience with the High and Low Block I systems, it is likely that SMTS will be able to assume a much larger share of the SBIRS requirements burden. In the meantime, the conferees urge the Secretary of Defense to initiate technical and cost trade studies among the SBIRS space systems and include any preliminary findings and recommendations in the SBIRS baseline report.

The budget request for SBIRS included $130.7 million for demonstration/validation (Dem/Val), $152.2 million for EMD, and $19.9 million for procurement. Of the funds requested for Dem/Val, $114.8 million was for SMTS. The conferees agree on the following authorizations:

(1) $265.7 million in PE 63441F for SBIRS Dem/Val, of which $249.8 million is for SMTS; and

(2) $162.2 million in PE 64441F for SBIRS EMD, of which $9.4 million is for the Miniature Sensor Technology Integration (MSTI) program.

The conferees are aware of a recent proposal to increase competition and reduce risk in the SMTS program through a low-cost flight experiment. The conferees direct the Air Force and BMDO to carefully assess the merits of this concept and to include their joint findings and recommendations in the SBIRS baseline report. * * *

Defense Nuclear Agency programs (sec. 217)

The budget request contained $219.0 million for research and development at the Defense Nuclear Agency (DNA).

The Senate amendment contained a provision (sec. 216) that would authorize $242.0 million for fiscal year 1996 for research and development programs (PE 62715H), a $23.0 million increase to the budget request. The increase would provide: $3.0 million for the establishment of a tunnel characterization/neutralization program; $6.0 million for the establishment of a long-term radiation tolerant microelectronics program and require the Secretary to report to Congress on the program and future year funding; $4.0 million for the exlectro-thermal gun program; and transfer the Air Force thermionics program and any unobligated funds to the DNA and provide $10.0 million to accelerate that program.

The House report (H. Rept. 104–131) would provide a $4.0 million increase to the budget request for the electro-thermal gun technology.

The conferees agree to a provision that would authorize $241.7 million, a $22.7 million increase above the budget request, for DNA research and development programs (PE 0602715H). Of that amount, $3.0 million shall be available for a tunnel characterization/neutralization program, $4.0 million shall be available for the electro-thermal gun technology program, $6.0 million shall be available for the establishment of a long-term radiation tolerant microelectronics program and development of long pulse, high power microwave technology; and $4.0 million shall be available for the counterterror explosives research program. Additionally, the Secretary is directed to provide a report to Congress, 120 days after enactment of this Act, on the conduct of the long-term radiation tolerant microelectronics program and future years funding for this program. The remainder of the increase should be used to supplement the tunnel characterization/neutralization program and the long-term radiation tolerant microelectronics program, as appropriate.

TUNNEL CHARACTERIZATION/NEUTRALIZATION PROGRAM

The conferees understand that the Department of Defense has allocated $10.0 million of funds requested in the budget for the counterproliferation support program for a tunnel characterization/neutralization program. Although the DNA tunnel characterization/neutralization target tests and program would be executed independently of the Department's counterproliferation efforts, the conferees expect close coordination between the two programs to ensure that common concerns are addressed. The acceleration), the conferees authorize the use of up to $40.0 million of the funds authorized for SMTS in fiscal year 1996 to begin a low-cost flight experiment.

The conferees congratulate the Air Force and BMDO for reaching agreement on the acquisition management relationship for execution of the SMTS program. In light of the Memorandum of Agreement between the Air Force Acquisition Executive and the Director of BMDO, the Senate recedes on its language dealing with management oversight of the SMTS program. As with all aspects of the SMTS program, however, the conferees will continue to monitor management oversight with great interest. If the present management structure does not fulfill the expectations of the conferees, or lead to implementation of the guidance provided above, the conferees will reconsider transferring SMTS back to BMDO.

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THERMIONICS

The conferees direct the transfer of the thermionics conversion technology from the Air Force Weapons program (PE 62601F), together with all unobligated funds authorized and appropriated in prior years, totalling around $12.0 million, to the Defense Nuclear Agency program (PE 62715H).

Counterproliferation support program (sec. 218)

The budget request contained $108.2 million for the defense counterproliferation support program.

The Senate amendment contained a provision (sec. 217) that would authorize $144.5 million for the program, a $36.3 million increase to the budget request. Of the funds authorized in this section, $6.3 million would be available to the Special Operations Command (SOCOM) for purposes of broadening SOCOM's counterproliferation activities and $30.0 million would be available for the continuation of the Army tactical antisatellite technologies (ASAT) program (PE 63392A) for a user operation evaluation system (UOES) contingency capability. The provision would authorize the Department of Defense to transfer up to $50.0 million from fiscal year 1996 defense research and development accounts for counterproliferation support activities.

The House bill would authorize the budget request for the counterproliferation support program and include $11.0 million for the development of improved nuclear detection and forensics analysis by the Advanced Projects Research Agency (ARPA).

The conferees agree to a provision that would authorize $138.2 million for the counterproliferation support program, of which $30.0 million shall be available for the continuation of the Army tactical antisatellite technologies program. Of the funds authorized in fiscal year 1996, the conferees recommend that $1.5 million be available for the exploration of the ''deep digger'' concept for hard target characterization, and that $5.0 million be available for the high frequency active auroral research program (HAARP).

The conferees acknowledge concerns raised in the Senate report (S. Rept. 104–112) regarding the need for the Department to continue the aggressive pursuit of discriminate detection and attack capabilities of deep underground structures. The Department should continue to develop the capability to detect and defend against biological agents through the use of technologies, available through universities and non-profit industries, that have been developed for biological detection, emergency preparedness and response. The Department should also continue to develop a capability to counter technological gains by proliferant countries that could gain access to a broad mix of commercial-off-the-shelf space technologies which could provide these countries with significant space capabilities or access to space-derived data and could negatively impact a spectrum of multi-service and joint warfighting capabilities.

TACTICAL ANTISATELLITE TECHNOLOGY

The conferees direct the Secretary of Defense to include sufficient resources in fiscal year 1997, and throughout the future year defense plan (FYDP), for the following: a user operation evaluation system (UOES) contingency capability to produce 10 kill vehicles with the appropriate boosters by fiscal year 1999; a review to determine the appropriate management structure and military service responsibility; report on the current status of antisatellite development worldwide and the degree to which United States antisatellite development efforts may contribute to similar development among other nations and their impact on U.S. operational capabilities; and to report the Department's recommendations to Congress in the fiscal year 1997 budget request. To avoid significant or lengthy delays in developing a needed capability, the conferees direct the Department to leverage, or build upon the current Army tactical antisatellite technology program. The conferees note that authorization of funds for continued development of the tactical antisatellite system does not constitute a decision to deploy the system.

MISSION PLANNING AND ANALYSIS

The conferees recommend that $2.5 million from Air Force operation and maintenance (O&M) be made available for Strategic Air Command (STRATCOM) mission planning and analysis. The STRATCOM program provides support to the regional commanders-in-chief (CINCs) in advance planning for counterproliferation contingencies. This program aids commanders in identifying and

characterizing current and emerging proliferation threats. In instances in which proliferation activities challenge the interests of the United States and its military forces and operations, STRATCOM mission planning and analysis capabilities allow defense planners to: identify a variety of potential military targets; assess the effectiveness, consequences and costs of military options; and develop alternative contingency plans that would maximize mission effectiveness, and minimize the risks, costs, and collateral effects.

IMPROVED NUCLEAR DETECTION AND FORENSIC ANALYSIS CAPABILITIES

Due to an increase in international terrorism and attempts by criminal elements to acquire weapons-grade nuclear material, the conferees recommend $11.0 million to accelerate the development of improved nuclear detection and forensic analysis capabilities in PE 62301E, project ST23. The conferees direct the ARPA to closely coordinate its efforts in this area with the counterproliferation support program manager in the Department of Defense and the interagency group on counterproliferation.

Nonlethal Weapons Program (sec. 219)

The Senate bill contained a provision (sec. 218) that would establish a new, consolidated program for non-lethal systems and technology. The program would be managed by the Office of Strategic and Tactical Systems of the Under Secretary of Defense for Acquisition and Technology. The provision would create a new program element within the defense budget for this program, and transfer funds from PE 603570D, PE 603750D, PE 603702E, and PE 603226E into this new program element.

The House bill contained no similar provision.

The House recedes with an amendment that would express congressional recognition of the U.S. armed forces increasing role in operations other than war, recognition of support for the use of nonlethal weapons and systems across the spectrum of conflict, and concern that development of these technologies is being spread across the budgets of the military services and defense agencies. The conferees direct the Department of Defense to submit a report to Congress by February 15, 1996 and direct the Secretary of Defense to assign responsibility for the nonlethal weapons program to an existing office within the Office of the Secretary of Defense or designate an executive agent from the military services, to establish centralized responsibility for development and fielding of nonlethal weapons technology. The conferees authorize $37.2 million in a new defense program element for nonlethal weapons programs and nonlethal technologies programs.

The conferees believe that centralized responsibility for the nonlethal weapons program will ensure effective program management and expeditious development, acquisition, and fielding of nonlethal weapons and systems. The conferees further understand that both the Department of the Army and the Marine Corps are the primary users of these technologies and recommend the designation of either military service as the executive agent for this important program. Further, the conferees understand that the Department of the Army and the Marine Corps have closely coordinated their efforts in this area and expect this coordination to continue to ensure centralized management and improved budgetary focus for the nonlethal weapons program. The provision would also require the Department of report to Congress by February 15, 1996 on the designation of the executive agent for oversight of the program, the acquisition plan, the time frame for fielding systems, current and anticipated military requirements, and the Department of Defense policy regarding the nonlethal weapons program.

Federally-Funded Research and Development Centers (sec. 220)

The House bill contained a provision (sec. 257) that would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally-Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to $1.15 billion and reduce funding for FFRDCs and University-Affiliated Research Centers (UARC) by $90.1 million.

The Senate amendment contained a provision (sec. 219) that would require an undistributed reduction in FFRDC funding of $90.0 million, below the ceiling for fiscal year 1995, and would establish a statutory ceiling for FFRDCs of $1.2 billion in fiscal year 1996.

The Senate recedes with an amendment. The conferees agree to reduce the funding for FFRDCs and UARCs by $90.0 million in fiscal year 1996 and direct that not more than $9.0 million of this reduction be applied to funding for UARCs. The conferees have included language that would require the Secretary of Defense to manage the UARCs at the fiscal year 1995 level. The conferees direct the Secretary of Defense to ensure adequate funding in fiscal year 1996 for those FFRDCs that engage in studies and analysis for the Office of the Secretary of Defense and the services. The conferees also direct the Secretary to examine the possibility of increasing the use of the Software Engineering Institute in support of command, control, communications, computing, and intelligence programs managed by the Office of the Secretary of Defense.

Joint seismic program and global seismic network (sec. 221)

The Senate amendment contained a provision (sec. 224) that would authorize $9.5 million of unobligated fiscal year 1995 funds in Air Force research and development for the joint seismic program (JSP) and the global seismic network (GSN) to provide more robust monitoring research and expanded seismic monitoring of potential nuclear tests.

The House bill contained no similar provision.

The conferees agree to a provision that would authorize $9.5 million in fiscal year 1996 for the joint seismic and global seismic network programs. The conferees understand that no future year funds would be required for this program. Further, the conferees direct the Department of Defense Comptroller to release the funds in a timely manner so that the programs can be completed.

Hydra–70 rocket product improvement program (sec. 222)

The Senate amendment contained a provision (sec. 113) that would prohibit the obligation of funds to procure Hydra–70 rockets until the Secretary of the Army submitted certifications regarding: identification of causes and technical corrections of Hydra–70 rocket failures; comparative cost of correcting all Hydra–70 rockets versus the non-recurring costs of acquiring improved rockets; review and qualification of commercial, nondevelopmental systems to replace Hydra–70 rockets; the availability of training rockets to meet Army requirements; and the attainment of competition in future procurements of training rockets.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to authorize up to $10.0 million for full qualification and operational platform certification of a Hydra–70 rocket with a 2.75-inch rocket motor with composite propellant, for use on the AH–64D Apache helicopter.

Limitation on obligation of funds until receipt of electronic combat consolidation master plan (sec. 223)

The conferees agree to a provision that limits the obligation of appropriations for PE 65896A, PE 65864N, PE 65807F, and PE 65804D until 14 days after the Department of Defense submits to the congressional defense committees its master plan for the consolidation of electronic combat test and evaluation assets.

The House report (H. Rept. 103–499) directed the Secretary of Defense to develop a master plan for future consolidation of all DOD electronic combat test and evaluation assets. Further, the House report directed that no fiscal year 1995 or prior year funds be used to transfer or consolidate electronic combat test and evaluation assets until 30 days after the submission of the master plan to the congressional defense committees. To date, the master plan has not been provided to the congressional defense committees and funds continue to be obligated for purposes that contravene the House report language.

Obligation of certain funds delayed until receipt of report on science and technology rescissions (sec. 224)

The conferees agree to a provision that limits the obligation of appropriations for Department of Defense research, development, test and evaluation until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of rescissions for science and technology required by the Emergency Supplemental Appropriations and Rescissions to Preserve and Enhance Military Readiness of the Department of Defense for Fiscal Year 1995 (Public Law 104–6).

Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation (sec. 225)

The conferees agree to a provision that limits to 50 percent the obligation of appropriations in section 201(4) until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of the following reductions in research, development, test, and evaluation required by the Department of Defense Appropriations Act of 1996: (1) general reductions; (2) reductions to reflect savings from revised economic assumptions; (3) reductions to reflect the funding ceiling for federally funded research and development centers; and (4) reductions for savings through improved management of contractor automatic data processing cost charged through indirect rates on Department of Defense acquisition contracts.

Advanced field artillery system (Crusader) (sec. 226)

The House bill contained a provision (sec. 255) that would impose spending authority limitations on the Secretary of the Army, unless certain technical performance criteria are achieved in the Crusader program. The provision would permit the Secretary to significantly alter the Crusader acquisition plan for the cannon propellant, if it is required to achieve the objectives of the Advanced Field Artillery System, provided notification is given to the defense committees of the Senate and House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate funding for the liquid propellant portion of the Crusader program in the event that the Secretary fails to provide a report to the congressional defense

committees by August 1, 1996, documenting that significant progress has been made in the liquid propellant and regenerative liquid propellant gun, in accordance with the acquisition program baseline objectives.

Demilitarization of conventional munitions, rockets, and explosives (sec. 227)

The House bill contained a provision (sec. 263) that would authorize $15.0 million for the establishment of an integrated program for the development and demonstration of environmentally compliant technologies for the demilitarization of conventional munitions, explosives, and rocket motors, and indicated specific technologies that should be considered in the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete reference to specific technologies that should be considered in the program. The amendment reflects a conference agreement to authorize $15.0 million in PE 63104D for the Conventional Munitions, Rockets, and Explosives Demilitarization account.

The conferees are concerned about requirements for disposal by the military services and defense agencies of growing numbers of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors and explosives. As environmental constraints increasingly restrict the traditional disposal methods of open burning or open detonation, development and demonstration of environmentally compliant technologies for this purpose become even more urgent.

The conferees believe that a centralized conventional munitions and explosives disposal program should be established for this purpose within the Department of Defense (DOD) under a single program element, and that consideration should be given to the model of the Large Rocket Motor Demilitarization program, centrally managed by the Army as executive agent, with the requirements of the military services integrated through the Joint Ordnance Commanders' Group. In such a program, the conferees encourage the consideration of a range of competitively selected potential resource recovery and alternative demilitarization technologies, including (but not limited to) cryogenic washout, supercritical water oxidation, molten metal pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt oxidation, incineration, critical fluid extraction and ingredient recovery, and underground contained burning.

The conferees direct the Secretary of Defense to submit a report of the DOD plan for the establishment of such a program to the congressional defense committees by March 31, 1996.

Defense airborne reconnaissance program (sec. 228)

The budget request included $525.2 million for research and development for the Defense airborne reconnaissance program (DARP).

The House bill would add a total of $121.6 million to the requested amount. The Senate amendment would increase the request by $33.0 million. Details of the adjustments in the House bill and the Senate amendment, as well as the final conference agreement, are displayed in the table below:

	Budget request	House bill	Senate amendment	Conference agreement
Total	$525.2	+$121.6	+$33.0	+$114.8
UAV programs:				
Joint tactical maneuver		−36.8		−10.0
Hunter				
Navy variant (VTOL)				+12.5
Tier II		+25.9		+25.3
Tier II+		+60.0		
Tier III		+35.0		+18.0
U–2 upgrade programs:				
SYERS		+14.0		+14.0
Defensive systems			+13.0	+10.0
SIGINT			+20.0	+20.0
PGMs		−10		
Other programs:				
CIGGS		+16.0		+11.0
Common data link		+0.5		
EO framing sensors		+5.0		+7.0
MSAG		+12.0		+8.0

MANNED AND UNMANNED RECONNAISSANCE SYSTEMS

The conferees remain optimistic about the future contributions of unmanned aerial vehicle (UAV) systems to the Department of Defense's (DOD) reconnaissance missions. However, the conferees remain unwilling to sacrifice proven manned systems in the near-term for the promise of unproven future systems. Further, the conferees believe five major UAV programs are overly redundant. The conferees are aware of the Department's intent to reduce the number of UAVs to satisfy the tactical, theater, and strategic missions. The conferees agree that it is important for the Department to satisfy these three distinct missions.

Further, the conferees believe the Department's endurance UAV programs must be viewed in the larger context of the broad area search/wide area surveillance missions. The conferees are concerned that the current and projected array of sensors (including Tier II+ and Tier III− UAVs, SR–71, U–2, and national systems) are not simply ''complementary'', but are ''duplicative''. The conferees will, therefore, remain extremely interested in the Department's future directions with respect to high altitude endurance UAV efforts.

MANEUVER UAV

The budget request included $36.8 million for the maneuver UAV.

The House will would deny any authorization for the maneuver UAV because the Department had failed to provide either a joint operational requirements document (JORD) or a cost and operational effectiveness analysis (COEA) in a timely manner.

The Senate amendment would approve the budget request.

The conferees agree to authorize $26.8 million for the maneuver UAV. The conferees are disappointed that the Department took so long to complete the JORD and the COEA. The conferees hope that the results of the ongoing review of the various UAV programs will be provided to the congressional defense and intelligence committees in a more timely fashion.

JOINT TACTICAL UAV

The conferees remain particularly concerned about the Department's inability to develop and pursue a cohesive joint tactical UAV (JT–UAV) master plan for longer than a four month period. The conferees direct the Department not to use appropriated fiscal year 1996 funds to procure production Hunter UAV systems or additional low rate initial production units beyond those already ordered. The conferees intend that this prohibition remain in effect until the Department provides the congressional defense and intelligence committees with the results of its UAV program review. Accordingly, if the Department's review results in the cancellation of one or more of the currently planned UAV programs, the conferees direct the Department to seek reprogramming actions to use those funds to satisfy other CINC near-term reconnaissance support requirements. Any funds made available as a result of Department decisions on UAVs will remain within the DARP account. Of any resources made available from UAV restructuring, the conferees direct that the Department use them to fully fund the U–2 sensor upgrades described later in this section. Any additional excess resources over those used for U–2 sensor upgrades may be used for the naval variant (VTOL). Further, the conferees specifically deny authorization of any fiscal year 1996 funds for marinization of the Hunter UAV.

NAVAL VARIANT UAV

The conferees agree that development and evaluation of a joint tactical UAV (JT–UAV) short or vertical take-off and landing (STOL/VTOL) variant for naval applications should be continued and structured on existing successful efforts. The conferees agree to authorize an additional $12.5 million to support continued development and evaluation of VTOL JT–UAV variants, as detailed in the Senate report (S. Rept. 104–112). The conferees intend that the Department limit its air vehicle evaluation to items that are low risk, currently available off-the-shelf, and have the demonstrated potential to meet joint tactical UAV interoperability and performance requirements.

MEDIUM ALTITUDE ENDURANCE UAV (PREDATOR)

The House bill would authorize an additional $25.9 million for the Tier II medium altitude endurance UAV (Predator).

The Senate amendment included a provision (sec. 131) that would deny funds for the Tier II system.

The Senate recedes.

The conferees agree to authorize an additional $25.3 million for another Predator system (air vehicles and ground station) and replacement air vehicles. The conferees are encouraged by the successes of the Predator advanced concept technology program, and particularly by the theater commanders' praise for its contributions in the Bosnia area. The conferees strongly support continuation of this ACTD, and encourage the Department to take the necessary steps to make a full production decision. The conferees believe this vehicle could satisfy multiple operational roles, including the theater and maritime roles. The conferees encourage the Department to develop plans for a maritime use of this vehicle. Such planning should include conducting an operational demonstration at sea. Finally, the conferees agree to authorize all prior year allocated funds.

HIGH ALTITUDE ENDURANCE UAVS

The House bill would authorize an additional $60.0 million for the Tier II+ and $35.0 million for the Tier III–.

The Senate amendment would authorize the budget request for both programs.

The House recedes on Tier II+. The Senate recedes on the Tier III–. The conferees agree to authorize an additional $18.0 million for Tier III–.

As with the JT–UAV, the conferees expect the Department to make acquisition decisions on this issue based on operational requirements. However, the conferees emphasize that the Department needs a more capable, low observable vehicle. The conferees agree that the Department should use the additional $18.0 million for Tier III– to buy the third air vehicle in fiscal year 1996, instead of fiscal year 1997. The conferees direct the Department to provide the congressional defense and intelligence committees with a report on the operational user needs for such a vehicle. If the current estimate of the Tier III– system capabilities fall short of those needs, the Department should outline its technical proposals to improve this vehicle, in response to those user requirements.

U–2 SENSOR UPGRADES

The House bill would authorize an additional $14.0 million to upgrade all Senior Year electro-optical reconnaissance sensors (SYERS) to the newest configuration, upgrade existing ground stations, and improve geolocational accuracy through various product improvements.

The Senate amendment would authorize an additional $20.0 million to initiate the remote airborne SIGINT system upgrade program.

The Senate report (S. Rept. 104–112) contained a technical error in the table for Research, Development, Test, and Evaluation (RDT&E), Defense-Wide, that shows an increase in the DARP PE 35154D, line 102, rather than in line 124. This error was facilitated by the Department's budget exhibit for RDT&E programs (R–1) in which both of these budget lines are associated with the same program element. The conferees encourage the Defense Airborne Reconaissance Office (DARO) to carry a single R–1 line for an individual program element in the future.

The conferees view with concern the DARO's lack of emphasis on manned reconnaissance upgrades, and include a provision that requires the Director of the DARO to expeditiously carry out those upgrades. The conferees agree to authorize $34.0 million to meet U–2 sensor upgrade requirements, and direct the Secretary of Defense to provide a report on the Department's plans to obligate funds for U–2 upgrades prior to February 1, 1996.

U–2 DEFENSIVE SYSTEMS

The conferees agree to authorize $10.0 million to upgrade U–2 defensive systems for the purposes specified in the Senate Report (S. Rept. 104–112).

COMMON IMAGERY GROUND/SURFACE SYSTEM (CIGSS)

The budget request included $161.8 million for the CIGSS effort.

The House bill would authorize an additional $16.0 million. This increase would be used to mitigate a near-term funding shortfall for DARO's ''migration'' of the various imagery ground stations to a common architecture.

The Senate amendment would approve the budget request.

The conferees agree to authorize an additional $11.0 million for this effort.

INTELLIGENCE DISSEMINATION

The budget request included funds for numerous intelligence dissemination systems and data links.

The House bill would restrict the use of funds pending the Department's development of a coherent, long-term intelligence dissemination architecture and a plan for development of a joint tactical transceiver (JTT).

The Senate amendment would authorize the requested amounts.

The House recedes.

The conferees are pleased with the Department's response to the House bill provision. The conferees believe that the Department is moving in the right direction to ensure service interoperability and to reduce the number of unique tactical intelligence transceivers. Additionally, the conferees are aware that the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence is monitoring efforts to develop advanced software reprogrammable radios. The conferees strongly encourage continued involvement in this technology development, as it appears to have great potential for future application in the JTT program. The conferees will continue to monitor the progress of the Department's approach.

ELECTRO-OPTICAL FRAMING SENSOR DEVELOPMENT

The House would authorize an additional $5.0 million to continue development and evaluation of airborne electro-optic framing senor and multi-spectral framing technologies with on-chip forward motion compensation. These improved capabilities could be used to support precision targeting.

The Senate amendment included no similar adjustment.

The conferees agree to authorize $7.0 million for this purpose.

The conferees are pleased with the results of the four million picture element (four mega-pixel) framing demonstration. The conferees encourage the Department to program funding to accelerate the four mega-pixel and the 25 mega-pixel sensor initiatives.

MULTI-FUNCTION SELF-ALIGNED GATE TECHNOLOGY

The conferees agree to authorize $8.0 million for multi-function self-aligned gate (MSAG) technology for the purposes specified in the House report (H. Rept. 104–131).

JOINT AIRBORNE SIGINT ARCHITECTURE

The budget request included $88.8 million for the joint airborne signals intelligence (SIGINT) architecture (JASA) program.

The House bill would restrict obligation of fiscal year 1996 funds for JASA to no more than 25 percent of available funds until the Department submits an analysis and report that includes a comparison of future years defense programs (FYDP) and life cycle costs for development and fielding of the joint airborne SIGINT system (JASS), and that address a more conventional, evolutionary, product-improvement approach.

The Senate amendment would authorize the requested amount.

The House recedes on the funding restrictions.

Despite their support for the evolving concept and development of JASA, the conferees remain concerned about several issues:

(1) the Department's ability to sustain current operational systems;

(2) elimination of the potential for airborne SIGINT modernization gaps prior to fielding JASA components;

(3) the projected costs of the JASS program; and

(4) the risk that current approaches may sacrifice near and mid-term operational requirements for promised long-term common solutions.

The conferees believe that there is a need to continue interim, affordable, incremental upgrades, and to provide quick reaction capability improvements to meet emerging requirements, while continuing the JASA architectural approach. The conferees encourage competitive evolutionary solutions to satisfy existing and projected SIGINT requirements, and urge the earliest delivery of architecturally compliant components for evolving current and future systems. The conferees expect future budget requests for the DARO to include funding for these efforts. The conferees direct the DARO Director to certify to the congressional defense and intelligence committees that the individual SIGINT systems will be upgraded to incorporate these interim needs, as identified by the operational users.

The conferees direct the Department to provide an interim report by March 1, 1996, with a completed report by August 1, 1996, that includes:

(1) an independent cost and operational effectiveness analysis that compares the FYDP and life-cycle costs of the JASS program to an evolutionary product improvement approach, based on equivalent system performance;

(2) an evaluation of cost, technical and schedule risks, as well as a comparison of technical requirements and JASS performance; and

(3) the Department's assessment of its ability to predict both the future threat and technology environments necessary to determine whether a single approach is viable and in the nation's best interests.

Finally, to ensure that there are no airborne SIGINT capability gaps during the transition to JASA, DARO is directed to determine and implement necessary quick-reaction improvements to existing airborne systems. The conferees intend that the Department pursue a balanced approach to JASA development that allows the services to program funds for such evolutionary upgrades, provided there is compliance with an overall migration to the JASA architecture.

Subtitle C—Ballistic Missile Defense Act of 1995

Ballistic missile defense policy (secs. 231–253)

The House bill contained eight provisions (secs. 231–238) that collectively would be called the ''Ballistic Missile Defense Act of 1995''. The House bill contained four additional provisions (secs. 241–244) that would also deal with matters related to ballistic missile defense (BMD).

The Senate amendment contained eleven provisions (secs. 231–241) that collectively would be called the ''Missile Defense Act of 1995''. The Senate amendment contained two additional provisions (secs. 227 and 243) that would also deal with matters related to BMD.

The conference agreement combines the House and the Senate BMD provisions into two subtitles as described below.

Short title (sec. 231)

The House bill contained a provision (sec. 231) that would entitle this group of provisions the ''Ballistic Missile Defense Act of 1995.''

The Senate amendment contained a provision (sec. 231) that would use a different title—''Missile Defense Act of 1995''—reflecting the fact that the Senate version included a provision dealing with cruise missile defense.

The Senate recedes.

Findings (sec. 232)

The Senate amendment contained a provision (sec. 232) that would establish a series of congressional findings as the rationale for developing and deploying theater and national ballistic missile defenses.

The House bill contained a provision (sec. 242) that would make several similar findings.

The House recedes with an amendment merging the House and Senate findings.

Ballistic Missile Defense Policy (sec. 233)

The House bill contained a provision (sec. 232) that would establish a United States policy to: (1) deploy at the earliest practical date highly effective theater missile defenses; and (2) deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

The Senate amendment contained a similar provision (sec. 233) that would establish a United States policy to: (1) deploy as soon as possible affordable and operationally effective theater missile defenses; (2) develop for deployment a multiple-site national missile defense system (that can be augmented to a layered defense over time) while initiating negotiations to amend the Anti-Ballistic Missile (ABM) Treaty; (3) ensure congressional review prior to a decision to deploy the NMD system; (4) improve existing cruise

missile defense systems and deploy as soon as practical defenses against advanced cruise missiles; (5) pursue a focused research and development program to provide follow-on ballistic missile defense options; (6) employ streamlined acquisitions procedures in developing and deploying missile defenses; (7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and (8) carry out the policies, programs, and requirements of the Missile Defense Act through processes specified within, or consistent with, the ABM Treaty.

The House recedes with an amendment to establish a United States policy to: (1) deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the armed forces of the United States and to complement and support the missile defense capabilities of the forces of coalition partners and allies of the United States; (2) deploy a National Missile Defense system that is affordable and operationally effective against limited, accidental, or unauthorized attacks on the territory of the United States and can be augmented over time as the threat changes to provide a layered defense; (3) initiate negotiations with the Russian Federation as necessary to provide for deployment of the NMD system required by this Act; (4) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty; (5) ensure congressional review, before deployment of an NMD system, of the affordability and operational effectiveness of such a system, the threat to be countered by such a system, and ABM Treaty considerations with respect to such a system; and (6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis of strategic stability.

Theater Missile Defense Architecture (sec. 234)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems. The House bill contained another provision (sec. 236) that would establish a ballistic missile defense program accountability report.

The Senate amendment contained a provision (sec. 234) that would provide detailed policy guidance related to theater missile defense. The provision would establish a core theater missile defense program (the Theater High Altitude Area Defense system, the Navy Upper Tier system, the Patriot PAC–3 system, and the Navy Lower Tier system) with programmatic milestones for each core system, require that the systems in the core program be interoperable and mutually supporting, establish guidelines for creating new core systems, and require the Secretary of Defense to provide the congressional defense committees a TMD Architecture report along with the fiscal year 1997 budget submission.

The House recedes with an amendment to integrate elements of the House's ballistic missile defense program accountability provision into a revised TMD reporting requirement, and to make technical and clarifying changes. Included is a requirement that the Secretary of Defense report on the following matters to the Senate Committee on Armed Services and the House Committee on National Security whenever the Secretary issues an ABM Treaty compliance certification for any TMD system: (1) the compliance policy applied in preparing such a certification; (2) how the policy applied differs from the policy stated in section 237(b)(1) of this Act (the so-called ''demonstrated standard''); and (3) how the application of that compliance policy (rather than the ''demonstrated standard'') will affect the cost, schedule, and performance of the TMD system being considered.

National missile defense architecture (sec. 235)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop for deployment at the earliest practical date a national missile defense system consisting of: (1) up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary; (2) fixed, ground-based radars; (3) space based sensors, including those sensor systems that are capable of cuing ground-based interceptors and providing initial targeting vectors; and (4) battle management, command, control, and communications.

The Senate amendment contained a provision (sec. 235) that would direct the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an affordable and operationally effective NMD system (consisting of ground-based interceptors capable of being deployed at multiple sites, ground-based radars, space-based sensors, and battle management, command, control, and communications) to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability by the end of 2003; (2) develop an interim operational capability plan that would give the United States the ability to field a limited NMD system by the end of 1999; (3) prescribe and use streamlined acquisition procedures; (4) employ additional cost saving measures; and (5) report on his plan for NMD deployment and an analysis of options for supplementing the initial NMD architecture to improve cost and operational effectiveness. The Senate amendment also contained a provision (sec. 235(d)(2)) that would prohibit the use of Minuteman boosters in any NMD architecture.

The House recedes with an amendment requiring the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an NMD system which shall achieve an IOC by the end of 2003 and which shall include ground-based interceptors capable of being deployed at multiple-sites, ground-based radars, space-based sensors, and BM/C3; (2) begin preparatory and planning actions and take other actions necessary to achieve an IOC by the end of 2003; and (3) submit a report on NMD to the congressional defense committees.

The Senate recedes on its provision prohibiting the use of Minuteman boosters in any NMD architecture. The conferees support the development of a new optimized booster for the NMD mission. The conferees direct BMDO to consult with the Senate Committee on Armed Services and the House Committee on National Security prior to developing or implementing any plans to expend significant funds on any activities associated with the use of Minuteman boosters for NMD-related purposes.

Policy regarding the ABM Treaty (sec. 236)

The Senate amendment contained a provision (sec. 237) that would clarify that the policies, programs, and requirements of the ''Missile Defense Act of 1995'' (subtitle C of title II of the Senate amendment) can be accomplished through processes specified in the ABM Treaty, and that would express the Sense of Congress that the Senate should review the continuing value and validity of the ABM Treaty.

The House bill contained a provision (sec. 242(c)(2)) that would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty.

The Senate recedes with an amendment urging the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow: (1) deployment of multiple ground-based ABM sites; (2) the unrestricted exploitation of sensors; and (3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

Prohibition on use of funds to implement an international agreement concerning theater missile defense systems (sec. 237)

The House bill contained a provision (sec. 235) that would establish a theater missile defense demarcation standard (the so-called ''demonstrated standard'' based on the range and speed of the target) and would prohibit the obligation or expenditure of funds appropriated for the Department of Defense to implement or employ any other standard.

The Senate amendment contained a related provision (sec. 238) that would: (1) express the sense of Congress that the ''demonstrated standard'' is the appropriate standard for defining a TMD demarcation; and (2) prohibit the use of funds appropriated for the Department of Defense in fiscal year 1996 to implement an international agreement that is inconsistent with this standard, unless such agreement receives Senate advice and consent to ratification, or is specifically approved in a subsequent Act.

The House recedes with a clarifying amendment.

Ballistic missile defense cooperation with allies (sec. 238)

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the Alliance; and (3) seek agreement with U.S. allies and selected other states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

ABM Treaty Defined (sec. 239)

The House bill contained a provision (sec. 237) that would define the ABM Treaty.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Repeal of Missile Defense Act of 1991 (sec. 240)

The House bill contained a provision, (sec. 238) that would repeal the Missile Defense Act of 1991.

The Senate amendment contained a similar provision (sec. 241(1)).

The senate recedes.

Subtitle D—Other Ballistic Missile Defense Provisions

Ballistic Missile Defense Program Elements (sec. 251)

The Senate amendment contained a provision (sec. 239) that would establish seven program elements for the Ballistic Missile Defense Organization's budget.

The House bill contained no similar provision.

The House recedes with an amendment creating eight program elements.

Testing of theater missile defense interceptors (sec. 252)

The house bill contained a provision (sec. 243) that would amend subsection (a) of section 237 of Public Law 103–160, pertaining to the testing of theater missile defense interceptors.

The Senate amendment contained a similar provision (sec. 227) that also would relate to the testing of theater missile defense interceptors.

The Senate recedes.

Repeal of missile defense provisions (sec. 253)

The Senate amendment contained a provision (sec. 241) that would repeal ten outdated BMD-related provisions of law.

The House bill contained a similar provision (sec. 244) that would repeal six outdated BMD-related provisions of law.

The House recedes with an amendment. The Conferees agree to repeal nine outdated BMD-related provisions of law.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Precision guided munitions (sec. 261)

The Senate amendment contained a provision (sec. 215) that would require the Secretary of Defense, not later than February 1, 1996, to submit a report that contains an analysis of the full range of precision guided munitions (PGM) in production, and in research, development, test and evaluation. The analysis would address the following:

(1) The types of precision guided munitions needed to destroy various service target classes;

(2) The feasibility of joint development programs to meet the needs of various Services; and

(3) The economy and effectiveness of continued acquisition of ''interim'' PGMs.

The House bill contained no legislative provision on PGMs, but directed the Secretary to conduct a similar analysis in its report (H. Rept. 104–131) accompanying the bill.

The conferees agree to the Senate provision, with an amendment that would extend the reporting deadline to April 15, 1996.

Review of C4I by National Research Council (sec. 262)

The House bill contained a provision (sec. 256) that would direct the Secretary of Defense to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a review of Department of Defense programs for command, control, communications, computers, and intelligence. The study would be conducted over a two-year period and $900.0 thousand would be available for the cost of the study.

The Senate amendment contained no similar provision.

The Senate recedes.

Analysis of consolidation of basic research accounts of military departments (sec. 263)

The House bill contained a provision (sec. 252) that would direct the Secretary of Defense to fund the equivalent of a cost and operational effectiveness study of the consolidation of the indivdiual services' basic research accounts to determine potential infrastructure savings.

The Senate amendment contained no similar provision.

The Senate recedes.

Change in the annual reporting period, from calendar to fiscal year, on certain contracts with colleges and universities. (sec. 264)

The House bill contained a provision (sec. 253) that would amend section 2361 of title 10, United States Code, to change the annual reporting period from the preceding ''calendar'' year to each preceding ''fiscal'' year on the use of competitive procedures for awards of research and development contracts, and the award of construction contracts to colleges and universities.

The Senate amendment contained no similar provision.

The Senate recedes.

Aeronautical research and test capabilities assessment (sec. 265)

The House bill contained a provision (sec. 260) that would require the Secretary of Defense to assess aeronautical research and test facilities and capabilities of the United States, and to provide a report to the congressional defense committees detailing the findings and recommendations of the assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle F—Other Matters

Advanced lithography program (sec. 271)

The House bill contained a provision (sec. 214) that would amend section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The provision would permit the Director of the Advanced Research Projects Agency (ARPA) to consider Semiconductor Industry Association and Semiconductor Technology Council recommendations as advisory and would allow ARPA to establish priorities and funding levels for the program, consistent with the best interests of national security. The provision would also add a goal that the program ensure that the use of lithographic processes, being developed by American-owned manufacturers in the United States, would lead to superior performance electronics systems for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the term ''American-owned manufacturer'' to mean that it would be consistent with the definition of ''United States-owned company'' and ''United States incorporated company'' in section 278 (n) of title 15, United States Code.

Enhanced fiber optic guided missile system (sec. 272)

The House bill contained a provision (sec. 215) that would require the Secretary of the Army to certify whether there is a requirement for the enhanced fiber optic guided missile (EFOG–M) system, and whether there is a cost and effectiveness analysis supporting such requirement. The provision would also limit funding for the EFOG–M program if the test of operational missiles and associated fire units are not delivered on time and within current cost estimates.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the certification of the Secretary of the Army regarding a requirement and a cost and effectiveness analysis to support the requirement for the EFOG–M system to be provided following completion of the Advanced Concept Technology Demonstration (ACTD), instead of before the ACTD, as proposed by the House.

States eligible for assistance under Defense Experimental Program to Stimulate Competitive Research (DEPSCoR) (sec. 273)

The Senate amendment contained a provision (sec. 220) that would modify the graduation criteria for states participating in the Department of Defense EPSCoR program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for the use of a three year average to determine, on a state-by-state basis, whether a state institution of higher learning receives 60 percent of the average amounts for research and engineering obligated by the Department of Defense.

Cruise missile defense initiative (sec. 274)

The Senate amendment contained a provision (sec. 236) that would establish a cruise missile defense initiative. The provision would require the Secretary of Defense to strengthen and coordinate the cruise missile defense programs of the Department of Defense, and provide Congress with a report describing the Secretary's plans for implementing this provision.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

University research initiative support program (sec. 275)

The House bill contained a provision (sec. 254) that would amend Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). The provision would change the university research initiative support program from a mandatory program to a voluntary program and provide for improved review procedures.

The Senate amendment contained no similar provision.

The Senate recedes.

Revisions of manufacturing of science and technology program (sec. 276)

The House bill contained a provision that would eliminate the technology-based focus for the manufacturing of science and technology program, and provide new emphasis on near-term cost reduction applications. The provision would also require a larger non-federal government cost share for 25 percent of the program appropriation, and eliminate cost share for academic institutions.

The Senate amendment contained a provision (sec. 222) that would amend section 2525 of title 10, United States Code, in two ways. The provision clarified the role of the Joint Directors of Laboratories in establishing the Manufacturing Science and Technology Program. The provision included a requirement that manufacturing equipment producers be more directly involved in projects funded under this program.

The conferees agree to an amendment that would combine the House and Senate provisions.

The conferees support the transfer of the MANTECH program from advanced development to a Research, Development, Test & Evaluation (RDT&E) production support account to ensure direct impact of manufacturing technology on reduction of production and repair costs for todays systems. However, the conferees direct that a balance be maintained between near-term manufacturing solutions for weapons systems and the long range manufacturing design needs, such as implementing Integrated Products and Process Development (IPPD) in future systems.

The conferees would include the House provision to set aside 25 percent of the funding for the manufacturing technology program for entering into contracts and cooperative agreements, on a cost-share basis, in which the ration of funding provided by non-federal and federal participants is 2 to 1. The conferees have included a provision that would allow the Under Secretary of Defense for Acquisition and Technology to waive the requirement after July 15 of each fiscal year. The conferees direct that contracts and cooperative agreements awarded to meet this requirement be on a project-by-project basis. The conferees direct that the Department

maximize the number of contracts and cooperative agreements, to the extent practicable.

The conferees expect the Department of Defense and the services to request an aggressive fiscal year 1997 MANTECH budget that reflects program needs. As a goal, the Department should consider funding this program at approximately one percent of the services' RDT&E budgets. The conferees also believe that the Secretary of Defense should place the highest priority on addressing the management and budget process issues that have adversely affected the MANTECH program.

Five-year plan for consolidation of defense laboratories and test and evaluation centers (sec. 277)

The House bill contained a provision (sec. 259) that would require the Secretary of Defense to prepare a five year strategic plan to consolidate and restructure the Department's research and development laboratories and test and evaluation centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include additional study parameters and to adjust the limitation on funding obligations; from 40 percent to 75 percent for the central test and evaluation investment development program pending submission of the report to Congress.

Limitation on T–38 avionics upgrade program (sec. 278)

The House bill contained a provision (sec. 261) that would allow the Department of the Air Force to consider foreign companies for the award of the contract for the T–38 aircraft avionics upgrade program only if such companies are headquartered in countries that allow equal access to United States companies for such contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Global Positioning System (sec. 279)

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to suspend use of the selective availability feature of the Global Positioning System (GPS) by May 1, 1996, unless the Secretary develops a plan for dealing with the challenges associated with GPS jamming and denial.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Army support for the National Science Center for Communications and Engineering (sec. 280)

The Senate amendment contained a provision (sec. 1085) that would modify the authority of the Army to provide support to the National Science Center outreach program.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Maneuver variant unmanned aerial vehicle

The House bill contained a provision (sec. 212) that would prohibit the obligation of funds appropriated or otherwise made available pursuant to authorizations in fiscal year 1996 for the Maneuver Variant Unmanned Aerial Vehicle.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense follow-on technology research and development

The House bill contained a provision (sec. 234) that would provide guidance on follow-on technology development for theater and national ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense funding

The House bill contained a provision (sec. 241) that would authorize $3.070 billion in Defensewide research, development, test, and evaluation (RDT&E) funds for ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes. The conferees discuss funding for ballistic missile defense programs elsewhere in this Statement of Managers.

Allocation of funds for medical counter-measures against biowarfare threats

The House bill contained a provision (sec. 251) that would amend section 2370a of title 10, United States Code, to permit the obligation or expenditure of up to 50 percent of funds authorized for the medical component of the Department of Defense Biological Defense Research program for product development, or for research, development, test, or evaluation of medical countermeasures related to mid-term or far-term validated biowarfare threat agents.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note with concern that the recent progress in bio-technology could potentially lead to the development of new biological warfare agents and capabilities among potential adversaries of the United States. The conferees direct that the Department report to the congressional defense committees by March 1, 1996 on the national security threats posed by such potential developments of new agents through advances in bio-technology and genetic engineering. The report should also include recommendations related to reducing the impact of progress in these areas, examine the utility of increased emphasis on research and development of medical countermeasures related to mid-term or far-term biowarfare threat agents; and identify other measures that could reduce the threat of these technological advances and reduce the threat of biological agent and weapons proliferation.

Cross reference to congressional defense policy concerning national technology and industrial base, reinvestment, and conversion in operation of defense research and development programs

The House bill contained a provision (sec. 262) that would cross-reference sections 2358(a)(2)(B) and 2371(a) with section 2501 of title 10, United States Code, to encourage the use of dual-use technology programs in defense research and technology programs.

The Senate amendment contained no similar provision.

The House recedes.

Fiber optic acoustic sensor system

The budget request included $21.3 million in PE 63504N for the advanced submarine combat systems development program.

The House bill contained a provision (sec. 264) that would authorize $28.2 million for the advanced submarine combat systems development program in fiscal year 1996, including $6.9 million for research and development for a fiber optic acoustic sensor system and common optical towed array. The provision also reduced funding for the advanced submarine systems development program (PE 63561N) by $6.9 million.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to the authorization of an additional $6.9 million above the budget request in PE 63504N for advanced development of fiber optic acoustic sensor systems, including the development of common optical towed arrays.

Joint targeting support system testbed

The budget request included $141.4 million in PE 24229N for the Tomahawk missile and the Tomahawk mission planning center programs.

The House bill contained a provision (sec. 265) that would reallocate project funding within PE 24229N. The provision would increase funding for Tomahawk theater mission planning by $10.0 million in order to establish a joint targeting support system testbed and would reduce funding for Tomahawk missile development by $10.0 million, as an offset.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to an additional authorization of $4.0 million in PE 24229N to initiate development of a joint targeting support system testbed (JTSST) for demonstration of potential joint targeting operations. The conferees understand that an initial study would investigate the relative roles of the existing systems installed in the Tomahawk mission planning center and other mission planning systems that are being developed by the individual military services. It is recognized that these systems are projected to have embedded precision weapons planning capabilities.

The conferees expect that the results of the initial JTSST study and follow-on demonstrations will contribute to the definition of long-term objectives, guidelines, and schedule milestones for convergence of the Navy/Marine Corps tactical aircraft mission planning systems and the Air Force mission support system, and should lead to the development of a joint mission planning system architecture for the military services.

The conferees direct the Secretary of Defense to report to the congressional defense committees as soon as possible, but no later than the submission of the fiscal year 1998 budget request. This report shall describe the Secretary's plan for implementing the recommendations that result from the study.

Battlefield Integration Center

The Senate amendment contained a provision (sec. 201(4)(C)) that would authorize the use of up to $25.0 million in Defensewide research, development, test, and evaluation (RDT&E) funds made available for Other Theater Missile Defense activities for the Army's Battlefield Integration Center (BIC).

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize an increase of $21.0 million in PE 63308A for the BIC.

Marine Corps shore fire support

The Senate amendment contained a provision (sec. 213) that would not allow more than fifty percent of the funds appropriated in fiscal year 1996 for the Tomahawk Baseline Improvement Program to be obligated until the Secretary of the Navy certifies that a program has been established and fully funded. That program would lead to a live fire test of an Army Extended Range Multiple Launch Rocket from an Army launcher on a Navy ship before October 1, 1997.

The House bill contained no similar provision.

The Senate recedes. Further guidance relative to the consideration of the Army Extended Range Multiple Launch Rocket System in the Navy Surface Fire Support program is contained elsewhere in the Statement of Managers.

Depressed altitude guided gun round (DAGGR)

The budget request contained no funds for the depressed altitude guided gun round (DAGGR).

The Senate amendment contained a provision (sec. 225) that would authorize $5.0 million for continued development of the DAGGR system.

The House bill contained no similar provision.

The Senate recedes. DAGGR technology has indicated potential capability which might be used to counter threats such as 122-millimeter rockets and cruise missiles. The conferees encourage the Secretary of the Army to include this program in the fiscal year 1997 budget request, and, if warranted, consider a reprogramming request to provide funding for DAGGR in fiscal year 1996.

Army echelon above corps communication

The budget request included $5.9 million for Army echelon above corps communications.

The House bill would authorize the budget request.

The Senate amendment included a provision (sec. 226) that would provide an increase of $40.0 million to procure additional communications equipment for the Army's echelons above corps.

The Senate recedes.

The conferees agree to authorize the increase of 40.0 million for the procurement of additional communications equipment for the Army's echelons above corps.

Sense of the Senate on the Director of Operational Test and Evaluation

The Senate amendment contained a provision (sec. 242) that would express a sense of the Senate that would discourage any attempt to diminish or eliminate the Office of the Director of Operational Test and Evaluation or its functions.

The House bill contained no similar provision.

The Senate recedes.

Ballistic missile defense technology center

The Senate amendment contained a provision (sec. 243) that would establish a ballistic missile defense technology center within the Space and Strategic Defense Command of the Army.

The House bill contained no similar provision.

The Senate recedes.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 1996 contained an authorization of $91,634.4 million for Operation and Maintenance in the Department of Defense and $1,852.9 for Working Capital Fund Accounts in fiscal year 1996. The House bill would authorize $94,420.2 million for Operation and Maintenance and $2,452.9 for Working Capital Fund Accounts. The Senate amendment would authorize $91,408.8 million for Operation and Maintenance and $1,962.9 for Working Capital Fund Accounts. The conferees recommended an authorization of $92,616.4 million for Operation and Maintenance and $1,902.9 for Working Capital Fund Accounts for fiscal year 1996. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

FUNDING EXPLANATIONS

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE III					
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	561.959	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525
Defense Health Program,PROC	-	-	-	-	-
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226
Office of the Inspector General, Proc					
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200
Drug Interdiction and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-
Humanitarian Assistance	79.790	-	60.000	(79.790)	-
Disposal and Lease of DOD Real Property	-	-	-		-
DOD 50th Anniversary of World War II Commemoration	-	-	-		-
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000
National Science Center, Army	-	-	-	-	-
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, ARMY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	LAND FORCES	9,069,646	300,000	9,369,646	25,000	9,094,646	191,270	9,260,916
10	COMBAT UNITS	1,882,069		1,882,069		1,882,069		1,882,069
20	TACTICAL SUPPORT	1,165,970		1,165,970		1,165,970		1,165,970
30	THEATER DEFENSE FORCES	178,670		178,670		178,670		178,670
40	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,271,154		1,271,154		1,271,154		1,271,154
50	FORCE COMMUNICATIONS	73,584		73,584		73,584		73,584
60	DEPOT MAINTENANCE	861,426	100,000	961,426		861,426	89,270	950,696
70	JCS EXERCISES	54,467		54,467		54,467		54,467
80	BASE SUPPORT	3,582,306	200,000	3,782,306	25,000	3,607,306	100,000	3,684,306
	NTC INTERIM AIRHEAD						2,000	
85	REPROGRAMMING/CREDITS	0		0		0		0
	LAND OPERATIONS SUPPORT	251,301	0	251,301	0	251,301	0	251,301
90	COMBAT DEVELOPMENTS	214,364		214,364		214,364		214,364
100	UNIFIED COMMANDS	36,937		36,937		36,937		36,937
105	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	9,320,947	300,000	9,620,947	25,000	9,345,947	191,270	9,512,217
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	696,760	0	696,760	29,500	726,260	60,000	756,760
110	POMCUS	86,830		86,830		86,830		86,830
120	STRATEGIC MOBILIZATION	393,923		393,923		393,923		393,923
130	WAR RESERVE ACTIVITIES	72,166		72,166		101,666	60,000	132,166
	SWA AWR ACCELERATION	0		0	29,500			
140	INDUSTRIAL PREPAREDNESS	143,841		143,841		143,841		143,841
145	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	696,760	0	696,760	29,500	726,260	60,000	756,760
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ACCESSION TRAINING	314,798	0	314,798	0	314,798	0	314,798
150	OFFICER ACQUISITION	58,328		58,328		58,328		58,328
160	RECRUIT TRAINING	11,228		11,228		11,228		11,228
170	ONE STATION UNIT TRAINING	17,008		17,008		17,008		17,008
180	RESERVE OFFICER TRAINING CORPS (ROTC)	109,789		109,789		109,789		109,789
190	BASE SUPPORT (ACADEMY ONLY)	118,445		118,445		118,445		118,445
195	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILL/ ADVANCE TRAINING	2,060,143	20,000	2,080,143	45,000	2,105,143	75,000	2,135,143
200	SPECIALIZED SKILL TRAINING	236,760		236,760		236,760		281,760
	CHEMICAL DEFENSE TRAINING	0	10,000	10,000		0	10,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	10,000	10,000		0	10,000	
	TNET						4,000	
	SIMULATION ENHANCEMENTS						21,000	
210	FLIGHT TRAINING	218,514		218,514		218,514		218,514
220	PROFESSIONAL DEVELOPMENT EDUCATION	68,981		68,981		68,981		68,981
230	TRAINING SUPPORT	375,528		375,528		375,528		375,528
240	BASE SUPPORT (OTHER TRAINING)	1,160,360		1,160,360	45,000	1,205,360	30,000	1,190,360
245	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING/OTHER TRAINING	691,154	0	691,154	4,000	695,154	5,000	696,154
250	RECRUITING AND ADVERTISING	211,375		211,375	4,000	215,375	5,000	216,375
260	EXAMINING	64,333		64,333		64,333		64,333
270	OFF-DUTY AND VOLUNTARY EDUCATION	103,812		103,812		103,812		103,812
280	CIVILIAN EDUCATION AND TRAINING	81,108		81,108		81,108		81,108
290	JUNIOR ROTC	74,506		74,506		74,506		74,506
300	BASE SUPPORT (RECRUITING LEASES)	156,020		156,020		156,020		156,020
305	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	3,066,095	20,000	3,086,095	49,000	3,115,095	80,000	3,146,095
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SECURITY PROGRAMS (ARMS CONTROL)	362,333	12,000	374,333	(6,000)	356,333	(6,000)	356,333
310	SECURITY PROGRAMS (ARMS CONTROL)	362,333		362,333	(6,000)	356,333	(6,000)	356,333
	CLASSIFIED PROGRAMS	0	12,000	12,000				
	LOGISTICS OPERATIONS	1,630,274	0	1,630,274	0	1,630,274	3,750	1,634,024

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
320	SERVICEWIDE TRANSPORTATION	542,910		542,910		542,910		542,910
330	CENTRAL SUPPLY ACTIVITIES	487,281		487,281		487,281		491,031
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(12,000)	
	DEPOT MAINTENANCE LOGISTICS TAIL						15,750	
340	LOGISTIC SUPPORT ACTIVITIES	299,230		299,230		299,230		299,230
350	AMMUNITION MANAGEMENT	300,853		300,853		300,853		300,853
355	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE SUPPORT	2,826,103	10,000	2,836,103	0	2,826,103	7,000	2,833,103
360	ADMINISTRATION	275,238		275,238		275,238		275,238
	WASTE WATER TREATMENT PLANNING							
370	SERVICEWIDE COMMUNICATIONS	686,446		686,446		686,446		686,446
380	MANPOWER MANAGEMENT	124,676		124,676		124,676		124,676
390	OTHER PERSONNEL SUPPORT	175,832		175,832		175,832		182,832
	PERSONNEL MANAGEMENT EFFICIENCIES						(3,000)	
	NEW PARENT SUPPORT	0	10,000	10,000		0	10,000	
400	OTHER SERVICE SUPPORT	568,225		568,225		568,225		568,225
	CONSERVATION AND ECOSYSTEM MANAGEMENT							
410	ARMY CLAIMS ACTIVITIES	173,290		173,290		173,290		173,290
420	REAL ESTATE MANAGEMENT	86,930		86,930		86,930		86,930
430	BASE SUPPORT	735,466		735,466		735,466		735,466
	PENTAGON RENOVATION TRANSFER							
432	ENVIRONMENTAL RESTORATION	0		0		0		0
435	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SUPPORT OF OTHER NATIONS	282,224	0	282,224	0	282,224	0	282,224
440	INTERNATIONAL MILITARY HEADQUARTERS	252,778		252,778		252,778		252,778
450	MISC SUPPORT OF OTHER NATIONS	29,446		29,446		29,446		29,446
455	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	5,100,934	22,000	5,122,934	(6,000)	5,094,934	4,750	5,105,684
	UNDISTRIBUTED		813,200	813,200	(217,800)	(217,800)	225,939	225,939
	CIVILIAN PAY				(233,000)	(116,000)	(116,000)	(116,000)
	HISTORICAL BLACK COLLEGES FELLOWSHIPS				(300)	(300)		
	REAL PROPERTY MAINTENANCE		350,000	350,000	110,000	167,000	235,000	235,000
	CLASSIFIED PROGRAMS				500	500	4,789	4,789
	FOREIGN CURRENCY FLUCATION		329,000				59,300	59,300

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	MILITARY/CIVILAIN CONVERSION		130,000				19,350	19,350
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	UNDISTRIBUTED (DSATS)		0	0	(15,000)	(15,000)		
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(67,000)	(67,000)	(67,000)	(67,000)
	EXCHANGE TRANSPORT MANAGEMENT		35,000	35,000			35,000	35,000
	MWR PORTABILITY		25,000	25,000			0	0
	AAFESS DOWNSIZING COMPENSATION		70,000	70,000			70,000	70,000
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	ADVANCE BILLING RELIEF		62,000	62,000			0	0
	MILITARY END STRENGTH		54,400	54,400			54,400	54,400
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(12,500)	(12,500)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(26,200)	(26,200)			(26,200)	(26,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	AAFES 2nd DESTIONATION TRANSPORTATION		(17,500)	(17,500)			(17,500)	(17,500)
	FAMILY HOUSING SURVEY & DEFICIT REDUCTION PROGRAM						3,500	3,500
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						87,300	87,300
	SUPPLY MANAGEMENT REFORMS						(8,500)	(8,500)
	TOTAL, OPERATION AND MAINTENANCE, ARMY	18,184,736	1,155,200	19,339,936	(120,300)	18,064,436	561,959	18,746,695
	OPERATION AND MAINTENANCE, NAVY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	4,266,628	125,000	4,391,628	10,000	4,276,628	132,295	4,398,923
10	MISSION AND OTHER FLIGHT OPERATIONS	1,788,301		1,788,301		1,788,301		1,796,301
	P-3 FORCE STRUCTURE						8,000	
20	FLEET AIR TRAINING	627,871		627,871		627,871		642,166
	PACIFIC MISSILE RANGE FACILITY						14,295	
30	INTERMEDIATE MAINTENANCE	68,070		68,070		68,070		68,070
40	AIR OPERATIONS AND SAFETY SUPPORT	59,060		59,060		59,060		59,060
50	AIRCRAFT DEPOT MAINTENANCE	489,443	75,000	564,443		489,443	70,000	559,443

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
60	AIRCRAFT DEPOT OPERATIONS SUPPORT	28,232		28,232		28,232		28,232
70	BASE SUPPORT	1,205,651	50,000	1,255,651	10,000	1,215,651	40,000	1,245,651
75	REPROGRAMMING/CREDITS	0		0		0		0
	SHIP OPERATIONS	6,879,010	175,000	7,054,010	25,400	6,904,410	190,400	7,069,410
80	MISSION AND OTHER SHIP OPERATIONS	1,885,234		1,885,234	400	1,885,634	400	1,885,634
90	SHIP OPERATIONAL SUPPORT AND TRAINING	462,396		462,396		462,396		462,396
100	INTERMEDIATE MAINTENANCE	401,812		401,812		401,812		401,812
110	SHIP DEPOT MAINTENANCE	2,261,190	125,000	2,386,190		2,261,190	150,000	2,411,190
120	SHIP DEPOT OPERATIONS SUPPORT	758,320		758,320		758,320		758,320
130	BASE SUPPORT	1,110,058	50,000	1,160,058	25,000	1,135,058	40,000	1,150,058
135	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT OPERATIONS/SUPPORT	1,581,800	0	1,581,800	11,900	1,593,700	11,900	1,593,700
140	COMBAT COMMUNICATIONS	198,415		198,415		198,415		198,415
150	ELECTRONIC WARFARE	7,396		7,396		7,396		7,396
160	SPACE SYSTEMS AND SURVEILLANCE	153,881		153,881		153,881		153,881
170	WARFARE TACTICS	138,256		138,256		138,256		138,256
180	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	198,719		198,719		198,719		198,719
190	COMBAT SUPPORT FORCES	339,888		339,888		336,788		336,788
	NIMITZ CENTER			0	(3,100)		(3,100)	
200	EQUIPMENT MAINTENANCE	145,820		145,820		145,820		145,820
210	DEPOT OPERATIONS SUPPORT	1,127		1,127		1,127		1,127
220	BASE SUPPORT	398,298		398,298	15,000	413,298	15,000	413,298
225	REPROGRAMMING/CREDITS	0		0		0		0
	WEAPONS SUPPORT	2,119,219	10,000	2,129,219	0	2,119,219	(80,000)	2,039,219
230	CRUISE MISSILE	96,656		96,656		96,656		96,656
240	FLEET BALLISTIC MISSILE	788,463		788,463		788,463		788,463
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	25,945		25,945		25,945		35,945
	INSTALLATION SUPPORT AN/UYQ-70						10,000	
260	WEAPONS MAINTENANCE	401,879		411,879		401,879		411,879
	NAVY ORDNANCE		10,000				10,000	
270	BASE SUPPORT	111,176		111,176		111,176		111,176
275	REPROGRAMMING/CREDITS	0		0		0		0
276	DBOF SUPPORT	695,100		695,100		695,100	(100,000)	595,100
277	BRAC IV PROJECTED SAVINGS	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 1:	14,846,657	310,000	15,156,657	47,300	14,893,957	254,595	15,101,252
	BUDGET ACTIVITY 2: MOBILIZATION							
	READY RESERVE AND PREPOSITIONING FORCES	511,034	0	511,034	0	511,034	0	511,034
280	SHIP PREPOSITIONING AND SURGE	511,034		511,034		511,034		511,034
285	REPROGRAMMING/CREDITS	0		0		0		0
	ACTIVATIONS/INACTIVATIONS	479,601	0	479,601	0	479,601	0	479,601
290	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,215		7,215		7,215		7,215
300	SHIP ACTIVATIONS/INACTIVATIONS	472,386		472,386		472,386		472,386
305	REPROGRAMMING/CREDITS	0		0		0		0
	MOBILIZATION PREPAREDNESS	39,593	0	39,593	0	39,593	0	39,593
310	FLEET HOSPITAL PROGRAM	16,162		16,162		16,162		16,162
320	INDUSTRIAL READINESS	1,917		1,917		1,917		1,917
330	COAST GUARD SUPPORT	21,514		21,514		21,514		21,514
335	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	1,030,228	0	1,030,228	0	1,030,228	0	1,030,228
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	249,069	0	249,069	0	249,069	0	249,069
340	OFFICER ACQUISITION	66,755		66,755		66,755		66,755
350	RECRUIT TRAINING	4,667		4,667		4,667		4,667
360	RESERVE OFFICERS TRAINING CORPS (ROTC)	64,836		64,836		64,836		64,836
370	BASE SUPPORT	112,811		112,811		112,811		112,811
375	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,087,406	10,000	1,097,406	0	1,087,406	10,000	1,097,406
380	SPECIALIZED SKILL TRAINING	212,121		212,121		212,121		222,121
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
390	FLIGHT TRAINING	273,004		273,004		273,004		273,004
400	PROFESSIONAL DEVELOPMENT EDUCATION	61,214		61,214		61,214		61,214
410	TRAINING SUPPORT	125,237		125,237		125,237		125,237
420	BASE SUPPORT	415,830		415,830		415,830		415,830

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
425	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING, AND OTHER TRAINING AND EDUCATION	225,217	0	225,217	0	225,217	5,000	230,217
430	RECRUITING AND ADVERTISING	122,820		122,820		122,820	5,000	127,820
440	OFF-DUTY AND VOLUNTARY EDUCATION	54,970		54,970		54,970		54,970
450	CIVILIAN EDUCATION AND TRAINING	22,223		22,223		22,223		22,223
460	JUNIOR ROTC	24,382		24,382		24,382		24,382
470	BASE SUPPORT	822		822		822		822
475	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,561,692	10,000	1,571,692	0	1,561,692	15,000	1,576,692
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	1,758,993	5,600	1,764,593	27,000	1,785,993	32,000	1,790,993
480	ADMINISTRATION	605,287		605,287		605,287		605,287
490	EXTERNAL RELATIONS	21,684		21,684		21,684		21,684
500	CIVILIAN MANPOWER AND PERSON MANAGEMENT	63,166		63,166		63,166		61,166
	PERSONNEL MANAGEMENT EFFICIENCIES						(2,000)	
510	MILITARY MANPOWER AND PERSON MANAGEMENT	139,864		139,864		139,864		139,864
520	OTHER PERSONNEL SUPPORT	395,629		401,229		395,629		402,629
	NEW PARENT SUPPORT		5,600			0	7,000	
530	SERVICEWIDE COMMUNICATIONS	261,463		261,463		261,463		288,463
	CHALLENGE ATHENA	0			27,000	27,000	27,000	
540	BASE SUPPORT	271,900		271,900		271,900		271,900
542	MEDICAL ACTIVITIES (DRUG TESTING LABS)	0		0		0		0
545	REPROGRAMMING/CREDITS	0		0		0		0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	1,453,266	0	1,453,266	0	1,453,266	(13,500)	1,439,766
550	SERVICEWIDE TRANSPORTATION	147,132		147,132		147,132		147,132
560	PLANNING, ENGINEERING AND DESIGN	249,620		249,620		249,620		249,620
570	ACQUISITION AND PROGRAM MANAGEMENT	426,404		426,404		426,404		412,904
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(17,000)	
	REVERSE OSMOSIS DESALINATIORS						3,500	
580	AIR SYSTEMS SUPPORT	302,011		302,011		302,011		302,011
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,022		60,022		60,022		60,022
600	COMBAT/WEAPONS SYSTEMS	41,632		41,632		41,632		41,632

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,111		68,111		68,111		68,111
620	BASE SUPPORT	158,334		158,334		158,334		158,334
625	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	567,479	5,500	572,979	(7,000)	560,479	(2,000)	565,479
630	SECURITY PROGRAMS (ARMS CONTROL)	556,805		562,305	(7,000)	549,805	(2,000)	554,805
	CLASSIFIED PROGRAMS	0	5,500			0		
640	BASE SUPPORT	10,674		10,674		10,674		10,674
	SUPPORT OF OTHER NATIONS	7,395	0	7,395	0	7,395	0	7,395
650	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,395		7,395		7,395		7,395
	TOTAL, BUDGET ACTIVITY 4:	3,787,133	11,100	3,798,233	20,000	3,807,133	16,500	3,803,633
	UNDISTRIBUTED		120,700	120,700	53,900	53,900	(18,650)	(18,650)
	REAL PROPERTY MAINTENANCE		150,000	150,000	110,000	110,000	155,000	155,000
	CLASSIFIED PROGRAMS				(10,100)	(10,100)	2,350	2,350
	PENATGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	ALLEGANNY BALLASTICS LAB				2,000	2,000		
	UNDISTRIBUTED(ALLEGANNY BALLASTICS LAB)				(2,000)	(2,000)		
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(33,000)	(33,000)	(17,000)	(17,000)
	FOREIGN CURRENCY FLUCTUATION		77,000	77,000			5,000	5,000
	MILITARY/CIVILIAN CONVERSIONS		60,000	60,000			9,000	9,000
	MWR PORTABILITY		10,000	10,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	PRINTING EFFICIENCIES		(4,000)	(4,000)			(4,000)	(4,000)
	INSPECTOR GENERAL CONSOLIDATION		(20,000)	(20,000)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(7,200)	(7,200)			(7,200)	(7,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)			(100,000)	(100,000)
	NEXCOM 2nd DESTINATION TRANSPORTATION		(7,500)	(7,500)			(7,500)	(7,500)
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	NSIPS						2,500	2,500
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						75,300	75,300
	TOMAHAWK MISSILE RECERTIFICATION						(9,000)	(9,000)
	SUPPLY MANAGEMENT REFORMS						(37,000)	(37,000)

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, OPERATION AND MAINTENANCE, NAVY	21,225,710	451,800	21,677,510	121,200	21,346,910	267,445	21,493,155
	OPERATION AND MAINTENANCE, MARINE CORPS							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	EXPEDITIONARY FORCES	1,544,019	105,000	1,649,019	94,000	1,638,019	130,000	1,674,019
10	OPERATIONAL FORCES	334,133		334,133		334,133		344,133
	OPERATING TEMPO						10,000	
20	FIELD LOGISTICS	158,299		158,299		158,299		158,299
30	DEPOT MAINTENANCE	148,574	55,000	203,574	54,000	202,574	54,000	202,574
40	BASE SUPPORT	903,013	25,000	953,013	30,000	933,013	25,000	969,013
	PERSONNEL SUPPORT EQUIPMENT	0	25,000			0	25,000	
	EXTENDED COLD WEATHER CLOTHING/INITIAL ISSUE EQUIP	0		0	10,000	10,000	16,000	
45	REPROGRAMMING/CREDITS	0		0		0		0
	USMC PREPOSITIONING	85,435	0	85,435	(4,000)	81,435	(2,100)	83,335
50	MARITIME PREPOSITIONING	77,416		77,416		77,416		77,416
60	NORWAY PREPOSITIONING	8,019		8,019	(4,000)	4,019	(2,100)	5,919
65	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,629,454	105,000	1,734,454	90,000	1,719,454	127,900	1,757,354
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	74,165	4,000	78,165	0	74,165	5,000	79,165
70	RECRUIT TRAINING	7,343		7,343		7,343		7,343
80	OFFICER ACQUISITION	268		268		268		268
90	BASE SUPPORT	66,554		70,554		66,554		71,554
	NEW PARENT SUPPORT	0	4,000			0	5,000	
95	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	175,769	10,000	185,769	0	175,769	10,000	185,769
100	SPECIALIZED SKILLS TRAINING	25,057		35,057		25,057		35,057
	CHEMICAL DEFENSE TRAINING	0	5,000			0	5,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000			0	5,000	
110	FLIGHT TRAINING	165		165		165		165
120	PROFESSIONAL DEVELOPMENT EDUCATION	5,792		5,792		5,792		5,792
130	TRAINING SUPPORT	74,964		74,964		74,964		74,964
140	BASE SUPPORT	69,791		69,791		69,791		69,791
145	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING AND OTHER TRAINING EDUCATION	93,176	6,800	99,976	5,000	98,176	4,000	97,176
150	RECRUITING AND ADVERTISING	61,037	6,800	67,837	5,000	66,037	4,000	65,037
160	OFF-DUTY AND VOLUNTARY EDUCATION	11,055		11,055		11,055		11,055
170	JUNIOR ROTC	7,588		7,588		7,588		7,588
180	BASE SUPPORT	13,496		13,496		13,496		13,496
185	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	343,110	20,800	363,910	5,000	348,110	19,000	362,110
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	297,158	0	297,158	0	297,158	0	297,158
190	LOGISTICS SUPPORT	95,596		95,596		95,596		95,596
200	SPECIAL SUPPORT	131,023		131,023		131,023		131,023
210	SERVICEWIDE TRANSPORTATION	31,931		31,931		31,931		31,931
220	ADMINISTRATION	28,523		28,523		28,523		28,523
230	BASE SUPPORT	10,085		10,085		10,085		10,085
235	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	297,158	0	297,158	0	297,158	0	297,158
	UNDISTRIBUTED		208,100	208,100	41,000	41,000	105,200	105,200
	REAL PROPERTY MAINTENANCE		100,000	100,000	40,000	40,000	100,000	100,000
	CLASSIFIED PROGRAMS				1,000	1,000	0	0
	FOREIGN CURRENCY FLUCTUATION		35,000	35,000			1,000	1,000
	MILITARY/CIVILIAN CONVERSIONS		20,000	20,000			10,000	10,000
	MWR PORTABILITY		2,000	2,000			0	0
	ADVANCED BILLING RELIEF		37,400	37,400			0	0
	MILITARY END STRENGTH		6,800	6,800			6,800	6,800
	TRANSPORTATION IMPROVEMENTS		(3,100)	(3,100)			(3,100)	(3,100)
	ADMINISTRTATIVE TRAVEL SAVINGS						(9,500)	(9,500)

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	INCLEMENT WEATHER GEAR		10,000	10,000			0	0
	TOTAL, O&M, MARINE CORPS	2,269,722	333,900	2,603,622	136,000	2,405,722	252,100	2,521,822
	OPERATION AND MAINTENANCE, AIR FORCE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	7,260,977	100,000	7,360,977	25,000	7,285,977	70,200	7,331,177
10	PRIMARY COMBAT FORCES	2,684,913		2,684,913		2,684,913		2,720,113
	EXCESS FUNDED CARRYOVER						(27,000)	
	MISSION READINESS TRAINING						25,200	
	PRECISION WEAPONS						1,000	
	SPARES FUNDING						36,000	
20	PRIMARY COMBAT WEAPONS	409,701		409,701		409,701	(20,000)	389,701
30	COMBAT ENHANCEMENT FORCES	257,139		257,139		257,139		257,139
40	AIR OPERATIONS TRAINING	647,570		647,570		647,570		655,470
	CARIBEAN BASIN RADARS						3,000	
	SIMULATION ENHANCEMENTS						4,900	
50	COMBAT COMMUNICATIONS	854,442		854,442		854,442	(7,900)	846,542
60	BASE SUPPORT	2,407,212	100,000	2,507,212	25,000	2,432,212	55,000	2,462,212
65	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT RELATED OPERATIONS	1,509,701	0	1,509,701	0	1,509,701	4,000	1,513,701
70	GLOBAL C3I AND EARLY WARNING	826,526		826,526		826,526		830,526
	RIVET JOINT						4,000	
80	NAVIGATION/WEATHER SUPPORT	128,374		128,374		128,374		128,374
90	OTHER COMBAT OPS SUPPORT PROGRAMS	210,481		210,481		210,481		210,481
100	JCS EXERCISES	41,793		41,793		41,793		41,793
110	MANAGEMENT/OPERATIONAL HEADQUARTERS	111,914		111,914		111,914		111,914
120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	190,613		190,613		190,613		190,613
				0				
	SPACE OPERATIONS	1,245,644	0	1,245,644	0	1,245,644	0	1,245,644
130	LAUNCH FACILITIES	254,590		254,590		254,590		254,590
140	LAUNGH VEHICLES	117,482		117,482		117,482		117,482
150	SPACE CONTROL SYSTEMS	341,862		341,862		341,862		341,862
160	SATELLITE SYSTEMS	49,132		49,132		49,132		49,132

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
170	OTHER SPACE OPERATIONS	79,989		79,989		79,989		79,989
180	BASE SUPPORT	402,589		402,589		402,589		402,589
	TOTAL, BUDGET ACTIVITY 1:	10,016,322	100,000	10,116,322	25,000	10,041,322	74,200	10,090,522
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
190	AIRLIFT OPERATIONS	1,544,785		1,544,785		1,544,785		1,533,785
	KC-135s						2,000	
	EXCESS FUNDING CARRYOVER						(13,000)	
200	AIRLIFT OPERATIONS C3I	10,961		10,961		10,961		10,961
210	MOBILIZATION PREPAREDNESS	160,110		160,110		160,110		160,110
220	PAYMENTS TO TRANSPORTATION BUSINESS AREA	293,027		293,027		293,027	(20,000)	273,027
230	BASE SUPPORT	514,490		514,490		514,490		514,490
	TOTAL, BUDGET ACTIVITY 2:	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	183,970	0	183,970	0	183,970	0	183,970
240	OFFICER ACQUISITION	49,197		49,197		49,197		49,197
250	RECRUIT TRAINING	3,881		3,881		3,881		3,881
260	RESERVE OFFICER TRAINING CORPS (ROTC)	39,226		39,226		39,226		39,226
270	BASE SUPPORT (ACADEMIES ONLY)	91,666		91,666		91,666		91,666
275	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,230,608	10,000	1,240,608	0	1,230,608	0	1,230,608
280	SPECIALIZED SKILL TRAINING	204,465		204,465		204,465		214,465
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
290	FLIGHT TRAINING	336,956		336,956		336,956		326,956
	UNDERGRADUATE PILOT TRAINING						(10,000)	
300	PROFESSIONAL DEVELOPMENT EDUCATION	78,688		78,688		78,688		78,688
310	TRAINING SUPPORT	65,048		65,048		65,048		65,048
320	BASE SUPPORT (OTHER TRAINING)	545,451		545,451		545,451		545,451
325	REPROGRAMMING/CREDITS	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	RECRUITING, AND OTHER TRAINING AND EDUCATION	226,182	16,700	242,882	5,000	231,182	9,000	235,182
330	RECRUITING AND ADVERTISING	44,827	6,000	50,827	5,000	49,827	5,000	49,827
340	EXAMINING	3,122		3,122		3,122		3,122
350	OFF DUTY AND VOLUNTARY EDUCATION	75,537		75,537		75,537		79,537
	TUITION ASSISTANCE	0	10,700	10,700		0	4,000	
360	CIVILIAN EDUCATION AND TRAINING	77,304		77,304		77,304		77,304
370	JUNIOR ROTC	25,392		25,392		25,392		25,392
375	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,640,760	26,700	1,667,460	5,000	1,645,760	9,000	1,649,760
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	LOGISTICS OPERATIONS	2,280,043	97,680	2,377,723	0	2,280,043	(36,020)	2,244,023
380	LOGISTICS OPERATIONS	790,324	85,000	875,324		790,324		754,304
	ACQUISITION WORKFORCE SAVINGS	0		0		0	(40,000)	
	B-1 MAINTENANCE	0	3,980	3,980		0	3,980	
390	TECHNICAL SUPPORT ACTIVITIES	365,535		365,535		365,535		365,535
400	SERVICEWIDE TRANSPORTATION	234,836		234,836		234,836		234,836
410	BASE SUPPORT	889,348		898,048		889,348	(9,200)	889,348
	TICARRS	0	8,700				8,700	
	CAMS/REMIS						500	
415	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE ACTIVITIES	1,335,859	3,600	1,339,459	0	1,335,859	(500)	1,335,359
420	ADMINISTRATION	118,319		118,319		118,319		112,819
	ADMINISTRATIVE EFFICIENCIES						(8,000)	
	STRATCOM						2,500	
430	SERVICEWIDE COMMUNICATIONS	318,240		318,240		318,240		318,240
440	PERSONNEL PROGRAMS	84,766		84,766		84,766	(3,000)	81,766
450	RESCUE AND RECOVERY SERVICES	40,426		40,426		40,426	4,400	44,826
460	SUBSISTENCE-IN-KIND	48,429		48,429		48,429		48,429
470	ARMS CONTROL	34,645		34,645		34,645		34,645
480	OTHER SERVICEWIDE ACTIVITIES	396,155		396,155		396,155		396,155
490	OTHER PERSONNEL SUPPORT	32,080		32,080		32,080		32,080
500	CIVIL AIR PATROL CORPORATION	14,704		14,704		14,704		14,704

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
510	BASE SUPPORT	248,095		248,095		248,095		251,695
	NEW PARENT SUPPORT	0	3,600	3,600		0	3,600	
515	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	447,218	(18,515)	428,703	(8,000)	439,218	(2,000)	445,218
520	SECURITY PROGRAMS (ARMS CONTROL)	447,218		447,218	(8,000)	439,218	(2,000)	445,218
	CLASSIFIED PROGRAMS	0	(18,515)	(18,515)		0	0	0
	SUPPORT TO OTHER NATIONS	13,022	0	13,022	0	13,022	0	13,022
530	INTERNATIONAL SUPPORT	13,022		13,022		13,022		13,022
	TOTAL, BUDGET ACTIVITY 4:	4,076,142	82,765	4,158,907	(8,000)	4,068,142	(38,520)	4,037,622
	UNDISTRIBUTED		518,100	518,100	(48,500)	(48,500)	449,000	449,000
	REAL PROPERTY MAINTENANCE		320,000	320,000	15,000	15,000	205,000	205,000
	CLASSIFIED PROGRAMS				13,400	13,400	18,100	18,100
	REDUCTION(Civil Air Patrol)				(2,900)	(2,900)	0	0
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(61,000)	(61,000)	(72,000)	(72,000)
	FOREIGN CURRENCY FLUCTUATION		203,000	203,000			7,200	7,200
	MILITARY/CIVILIAN CONVERSIONS		90,000	90,000			13,500	13,500
	MWR PORTABILITY		13,000	13,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(11,000)	(11,000)				
	REDUCED AUDITS		(13,000)	(13,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(15,300)	(15,300)			(15,300)	(15,300)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						393,200	393,200
	SUPPLY MANAGEMENT REFORMS						(13,600)	(13,600)
	TOTAL, O&M, AIR FORCE	18,256,597	727,565	18,984,162	(26,500)	18,230,097	462,680	18,719,277

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, DEFENSE-WIDE							
	BUDGET ACTIVITY 1: OPERATING FORCES	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
10	JOINT CHIEFS OF STAFF	475,977		475,977		475,977		530,977
	MOBILITY ENHANCEMENTS		100,000	100,000			50,000	
	NORTHERN EDGE						5,000	
20	SPECIAL OPERATIONS COMMAND	1,018,476		1,018,476		1,018,476		1,027,976
	SEAL DELIVERY VEHICLE TEAM ONE						1,000	
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						8,500	
	TOTAL, BUDGET ACTIVITY 1:	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
	BUDGET ACTIVITY 2: MOBILIZATION	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
30	DEFENSE LOGISTICS AGENCY	26,000		26,000		26,000		26,000
35	OFFICE OF THE SECRETARY OF DEFENSE	0		0		0		0
40	WASHINGTON HQ SERVICES (DISASTER RELIEF)	45,438	0	45,438	(45,438)	0	(45,438)	0
	TOTAL, BUDGET ACTIVITY 2:	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		0					121,160
50	DEFENSE ACQUISITION UNIVERSITY	112,991		112,991	0	112,991	(11,500)	101,491
60	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	19,669		19,669	0	19,669		19,669
	TOTAL, BUDGET ACTIVITY 3:	132,660	0	132,660	0	132,660	(11,500)	121,160
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	8,599,036	(36,678)	8,517,020	(245,982)	8,353,054	(372,806)	8,226,230
70	AMERICAN FORCES INFORMATION SERVICE	90,892	0	90,892		90,892		90,892
80	CORPORATE INFORMATION MANAGEMENT	127,967		127,967		127,967		139,167
	JOINT ANALYTIC MODEL IMPROVEMENT PLAN	0		0	11,200	11,200	11,200	
90	CLASSIFIED AND INTELLIGENCE	3,350,037	452	3,350,489		3,350,037		3,350,037
100	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	45,631		45,631		45,631	(2,400)	43,231
110	DEFENSE CONTRACT AUDIT AGENCY	342,926		342,926		342,926		332,126
	ACQUISITION WORK FORCE SAVINGS					0	(10,800)	
120	DEFENSE INVESTIGATIVE SERVICE	201,582		201,582		201,582	(2,000)	199,582
130	DEFENSE LOGISTICS AGENCY	1,055,996		1,070,996	(3,000)	1,052,996		1,059,296
	HOMELESS INITIATIVE						(3,000)	
	ACQUISITION WORK FORCE SAVINGS						(10,700)	
	PROCUREMENT TECHNICAL ASSISTANCE PROGRAM	0	10,000		12,000	12,000	12,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	DEBT COLLECTION DEMONSTRATION	0	5,000			0	5,000	
140	DEFENSE LEGAL SERVICES AGENCY	6,540		6,540		6,540		6,540
150	DEFENSE MAPPING AGENCY	734,438		734,438		734,438		714,538
	MINOR EQUIPMENT						(13,800)	
	INTERNET ACCESS						(600)	
	PRODUCTIVITY IMPROVEMENTS						(4,500)	
	PERSONNEL REGIONALIZATION						(1,000)	
160	DEFENSE NUCLEAR AGENCY	96,105		96,105		96,105		96,105
170	DEFENSE POW/MIA OFFICE	13,486		13,486		13,486		13,486
180	FEDERAL ENERGY MANAGEMENT PROGRAM	234,682		234,682	(184,682)	50,000	(184,682)	50,000
190	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,292,684		1,292,684		1,292,684		1,281,129
	OVERHEAD						(10,000)	
	RELOCATION ASSITANCE						(2,055)	
	DoDDS MATHMATICS TEACHERS LEADERSHIP PROJECT						500	
200	DEFENSE SUPPORT ACTIVITIES	82,562		82,562		82,562		82,562
210	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,858		10,858		10,858		10,858
220	JOINT CHIEFS OF STAFF	97,873		97,873		97,873		97,873
230	OFFICE OF ECONOMIC ADJUSTMENT	59,078	1,500	60,578		59,078	1,500	60,578
240	OFFICE OF THE SECRETARY OF DEFENSE	349,291		297,161		349,291		213,422
	ACQUISITION WORK FORCE SAVIINGS						(400)	
	DFAS SAVINGS						(20,000)	
	ACQUISITION PROGRAM GROWTH						(4,200)	
	MANAGEMENT EFFICIENCIES						(24,669)	
	CONSULTING SERVICIES						(20,700)	
	STAFFING REDUCTIONS						(6,400)	
	NG YOUTH & CIVIL/MILITARY COOPERATION PROGRAMS	0	(68,830)		(69,500)	(69,500)	(69,500)	
	JOINT RECRUITING ADVERTISING PROGRAM	0	16,700			0	10,000	
245	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	0		0		0		0
250	ON SITE INSPECTION AGENCY (ARMS CONTROL)	97,987		97,987	(12,000)	85,987	(12,000)	85,987
260	WASHINGTON HEADQUARTERS SERVICES	308,421		263,083		308,421		298,821
	INVENTORY GROWTH						(9,600)	
	PENTAGON RENOVATION TRANSFER							
	DISASTER RELIEF		(45,338)					
	TOTAL, BUDGET ACTIVITY 4:	8,599,036	(80,516)	8,518,520	(245,982)	8,353,054	(372,806)	8,226,230
	BUDGET ACTIVITY 5: INTEREST							
270	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	0	0	0	0	0	0	0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 5:	0	0	0	0	0	0	0
	BUDGET ACTIVITY 6: CAPITAL LEASE							
280	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	69,195	(69,195)	0	0	69,195	(69,195)	0
	TOTAL, BUDGET ACTIVITY 6:	69,195	(69,195)	0	0	69,195	(69,195)	0
	UNDISTRIBUTED	0	364,800	364,800	(39,495)	(39,495)	(21,867)	(21,867)
	CLASSIFEID PROGRAMS				(18,500)	(18,500)	(9,867)	(9,867)
	TROOPS TO TEACHERS				42,000	42,000	0	0
	TROOPS TO COPS				10,000	10,000	0	0
	UNDISTRIBUTED (JROTC)				(12,295)	(12,295)		
	PENTAGON RENOVATION				(14,000)	(14,000)	(14,000)	(14,000)
	UNDISTRIBUTED REDUCTION (Air Force Reserve)				(10,000)	(10,000)		
	UNDISTRIBUTED (OHDACA)				(40,000)	(40,000)		
	MULTI-TECH AUTO READER CARD				8,000	8,000	8,000	8,000
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(57,700)	(57,700)	(45,000)	(45,000)
	TRAVEL				(72,000)	(72,000)	(33,500)	(33,500)
	ONGOING OPERATION (Not Budgeted)				125,000	125,000	5,300	5,300
	JOINT MARKET RESEARCH PROGRAM		2,000	2,000			2,000	2,000
	FAMILY ADVOCACY		30,000	30,000			30,000	30,000
	FOREIGN CURRENCY FLUCTUATION		56,000	56,000			6,400	6,400
	INNOVATIVE PROCESSES		350,000	350,000			0	0
	EDUCATIONAL IMPACT AID		58,000	58,000			35,000	35,000
	CONTRACTOR OUTSOURCING TRAINING		10,000	10,000			0	0
	DIGITAL IMAGING I.D.		2,000	2,000			0	0
	TRANSPORTATION IMPROVEMENTS		(18,200)	(18,200)			(18,200)	(18,200)
	INFORMATION TECHNOLOGY						12,000	12,000
	TOTAL, O&M, DEFENSE-WIDE	10,366,782	315,089	10,681,871	(330,915)	10,035,867	(456,306)	9,910,476
	OPERATION AND MAINTENANCE, ARMY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	958,790	44,000	1,002,790	0	958,790	44,000	1,002,790
10	BASE SUPPORT	284,036		284,036		284,036		284,036

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
20	DEPOT MAINTENANCE	57,377		57,377		57,377		57,377
30	RECRUITING AND RETENTION	43,963	4,000	47,963		43,963	4,000	47,963
40	TRAINING OPERATIONS	573,414	40,000	613,414		573,414	40,000	613,414
	TOTAL, BUDGET ACTIVITY 1:	958,790	44,000	1,002,790	0	958,790	44,000	1,002,790
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	109,801	0	109,801	0	109,801	0	109,801
50	INFORMATION MANAGEMENT	17,492		17,492		17,492		17,492
60	PUBLIC AFFAIRS	423		423		423		423
70	PERSONNEL ADMINISTRATION	61,941		61,941		61,941		61,941
80	STAFF MANAGEMENT	29,945		29,945		29,945		29,945
	TOTAL, BUDGET ACTIVITY 4:	109,801	0	109,801	0	109,801	0	109,801
	UNDISTRIBUTED		27,000	27,000	(6,000)	(6,000)	16,600	16,600
	CIVILIAN UNDEREXECUTION				(6,000)	(6,000)	(6,000)	(6,000)
	REAL PROPERTY MAINTENANCE		17,000	17,000			17,000	17,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		5,000	5,000			5,000	5,000
	MEDICAL/DENTAL COMPENSATION		5,000	5,000			5,000	5,000
	RESERVE COMPONENT AUTOMATION SYSTEM						(4,400)	(4,400)
	TOTAL, O&M, ARMY RESERVE	1,068,591	71,000	1,139,591	(6,000)	1,062,591	60,600	1,129,191
	OPERATION AND MAINTENANCE, NAVY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	RESERVE AIR OPERATIONS	491,949	0	491,949	14,800	506,749	19,800	511,749
10	MISSION AND OTHER FLIGHT OPERATIONS	291,673		291,673		291,673		306,473
	P-3 SQUADRON OPERATIONS	0		0	14,800	14,800	14,800	
20	INTERMEDIATE MAINTENANCE	17,813		17,813		17,813		17,813
30	AIR OPERATION AND SAFETY SUPPORT	1,915		1,915		1,915		1,915
40	AIRCRAFT DEPOT MAINTENANCE	49,338		49,338		49,338	5,000	54,338
50	AIRCRAFT DEPOT OPS SUPPORT	356		356		356		356
60	BASE SUPPORT	130,854		130,854		130,854		130,854

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	RESERVE SHIP OPERATIONS	157,940	0	157,940	0	157,940	0	157,940
70	MISSION AND OTHER SHIP OPERATIONS	60,895		60,895		60,895		60,895
80	SHIP OPERATIONAL SUPPORT AND TRAINING	658		658		658		658
90	INTERMEDIATE MAINTENANCE	23,990		23,990		23,990		23,990
100	SHIP DEPOT MAINTENANCE	70,930		70,930		70,930		70,930
110	SHIP DEPOT OPERATIONS SUPPORT	1,467		1,467		1,467		1,467
	RESERVE COMBAT OPERATIONS SUPPORT	78,434	0	78,434	0	78,434	0	78,434
120	COMBAT COMMUNICATIONS	817		817		817		817
130	COMBAT SUPPORT FORCES	25,207		25,207		25,207		25,207
140	BASE SUPPORT	52,410		52,410		52,410		52,410
	RESERVE WEAPONS SUPPORT	5,641	0	5,641	0	5,641	0	5,641
150	WEAPONS MAINTENANCE	5,641		5,641		5,641		5,641
	TOTAL, BUDGET ACTIVITY 1:	733,964	0	733,964	14,800	748,764	19,800	753,764
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	92,078	0	92,078	0	92,078	0	92,078
160	ADMINISTRATION AND SERVICEWIDE ACTIVITIES			0				0
170	ADMINISTRATION	8,029		8,029		0		8,029
180	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	3,222		3,222		8,029		3,222
190	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	31,209		31,209		3,222		31,209
200	OTHER PERSONNEL SUPPORT	21,247		21,247		31,209		21,247
210	SERVICEWIDE COMMUNICATIONS	25,723		25,723		21,247		25,723
220	BASE SUPPORT	2,648		2,648		25,723		2,648
	COMBAT/WEAPONS SYSTEMS					2,648		0
	TOTAL, BUDGET ACTIVITY 4:	92,078	0	92,078	0	92,078	0	92,078
	UNDISTRIBUTED	0	12,000	12,000	0	0	22,500	22,500
	REAL PROPERTY MAINTENANCE		12,000	12,000			20,000	20,000
	NSIPS						2,500	2,500
	TOTAL, O&M, NAVY RESERVE	826,042	12,000	838,042	14,800	840,842	42,300	868,342

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION FORCES	55,235	0	55,235	0	55,235	6,300	61,535
10	TRAINING	13,617		13,617		13,617	900	14,517
20	OPERATING FORCES	21,237		21,237		21,237	4,400	25,637
30	BASE SUPPORT	18,059		18,059		18,059		18,059
40	DEPOT MAINTENANCE	2,322		2,322		2,322	1,000	3,322
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	55,235	0	55,235	0	55,235	6,300	61,535
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	35,048	0	35,048	0	35,048	2,200	37,248
50	RECRUITING AND ADVERTISING	7,609		7,609		7,609		7,609
60	SPECIAL SUPPORT	9,064		9,064		9,064		9,064
70	SERVICEWIDE TRANSPORTATION	5,381		5,381		5,381		5,381
80	ADMINISTRATION	6,274		6,274		6,274		6,274
90	BASE SUPPORT	6,720		6,720		6,720	2,200	8,920
	TOTAL, BUDGET ACTIVITY 4:	35,048	0	35,048	0	35,048	2,200	37,248
	UNDISTRIBUTED		1,500				1,500	1,500
	REAL PROPERTY MAINTENANCE	0	1,500	1,500	0	0	1,500	1,500
	OPERATIONAL SUPPORT AIRCRAFT							0
	TOTAL, O&M, MARINE CORPS RESERVE	90,283	1,500	91,783	0	90,283	10,000	100,283
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
10	AIRCRAFT OPERATIONS	1,103,593		1,103,593		1,103,593	11,840	1,115,433
20	MISSION SUPPORT OPERATIONS	35,073		35,073		35,073		35,073
30	BASE SUPPORT	282,248		282,248		282,248		282,248
33	DEPOT MAINTENANCE	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
35	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	65,033	0	65,033	0	65,033	0	65,033
40	ADMINISTRATION	33,107		33,107		33,107		33,107
50	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	17,746		17,746		17,746		17,746
60	RECRUITING AND ADVERTISING	7,743		7,743		7,743		7,743
70	OTHER PERSONNEL SUPPORT	6,063		6,063		6,063		6,063
80	AUDIOVISUAL	374		374		374		374
85	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	65,033	0	65,033	0	65,033	0	65,033
	UNDISTRIBUTED		21,500	21,500	(3,000)	(3,000)	18,500	18,500
	CIVILIAN UNDER EXECUTION				(3,000)	(3,000)	(3,000)	(3,000)
	REAL PROPERTY MAINTENANCE		13,500	13,500			13,500	13,500
	RESERVE MILITARY/CIVILIAN TECHICIAN RESTORATION		8,000	8,000			8,000	8,000
	TOTAL, O&M, AIR FORCE RESERVE	1,485,947	21,500	1,507,447	(3,000)	1,482,947	30,340	1,516,287
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
10	TRAINING OPERATIONS	1,720,134	60,000	1,780,134		1,720,134	40,000	1,760,134
20	RECRUITING AND RETENTION	20,110		20,110		20,110		20,110
30	MEDICAL SUPPORT	19,109		19,109		19,109		19,109
40	DEPOT MAINTENANCE	100,687		100,687		100,687		100,687
50	BASE SUPPORT	250,378		250,378		250,378	2,600	252,978
	TOTAL, BUDGET ACTIVITY 1:	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	193,690	0	193,690	0	193,690	(14,900)	178,790
60	INFORMATION MANAGEMENT	59,496		59,496		59,496	(14,900)	44,596
70	PUBLIC AFFAIRS	1,461		1,461		1,461		1,461
80	PERSONNEL ADMINISTRATION	89,665		89,665		89,665		89,665
90	STAFF MANAGEMENT	43,068		43,068		43,068		43,068
	TOTAL, BUDGET ACTIVITY 4:	193,690	0	193,690	0	193,690	(14,900)	178,790
	UNDISTRIBUTED		30,000	30,000	0	0	30,000	30,000
	REAL PROPERTY MAINTENANCE		21,000	21,000			21,000	21,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		9,000	9,000			9,000	9,000
	TOTAL, O&M, ARMY NATIONAL GUARD	2,304,108	90,000	2,394,108	0	2,304,108	57,700	2,361,808
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
10	AIRCRAFT OPERATIONS	1,977,786		1,977,786		1,977,786	28,900	2,006,686
	ANG PAA STRUCTURE				38,000	38,000		
20	MISSION SUPPORT OPERATIONS	346,687		346,687		346,687		346,687
30	BASE SUPPORT	361,224		361,224		361,224		361,224
40	DEPOT MAINTENANCE	18,410		18,410		18,410	1,500	19,910
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE ACTIVITIES	8,114	0	8,114	0	8,114	0	8,114
50	ADMINISTRATION	3,127		3,127		3,127		3,127
60	RECRUITING AND ADVERTISING	4,987		4,987		4,987		4,987
	TOTAL, BUDGET ACTIVITY 4:	8,114	0	8,114	0	8,114	0	8,114
	UNDISTRIBUTED		22,000	22,000	(16,000)	(16,000)	17,500	17,500

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	REAL PROPERTY MAINTENANCE		15,000	15,000			15,000	15,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		7,000	7,000			18,500	18,500
	CIVILIAN UNDER EXECUTION				(16,000)		(16,000)	(16,000)
	TOTAL, O&M, AIR NATIONAL GUARD	2,712,221	22,000	2,734,221	22,000	2,734,221	47,900	2,760,121
	MISCELLANEOUS	12,843,694	(415,790)	12,427,904	(32,890)	12,810,804	(354,790)	12,488,904
				0				
10	INSPECTOR GENERAL	138,226	39,000	177,226		138,226		138,226
10	RIFLE PRACTICE, ARMY	0		0		0		0
10	COURT OF MILITARY APPEALS	6,521		6,521		6,521		6,521
10	SUMMER OLYMPICS	15,000		15,000		15,000		15,000
10	SPECIAL OLYMPICS	0		0		0		0
10	ENVIRONMENTAL RESTORATION	1,622,200	(200,000)	1,422,200	(20,400)	1,601,800	(186,600)	1,422,200
	DEFENSE AND STATE MOU				(15,900)		(10,900)	
	RESTORATION ADVISORY BOARDS				(3,500)		(1,500)	
	ENVIRONMENTAL MANAGEMENT				(1,000)		(1,000)	
10	HUMANITARIAN ASSISTANCE	79,790	(79,790)	0	(19,790)	60,000	(79,790)	
10	DRUG INTERDICTION	680,432		680,432		680,432		680,432
10	INTERNATIONAL PEACEKEEPING	65,000	(65,000)	0	(65,000)	0	(65,000)	0
10	PAYMENT TO KAHO'OLAWE ISLAND	0		0		0		0
10	WORLD UNIVERSITY GAMES	0		0		0		0
10	WORLD CUP	0		0		0		0
10	DEFENSE HEALTH PROGRAM	9,865,525	11,000	9,876,525	78,300	9,943,825	11,000	9,876,525
10	DISASTER RELIEF	0				0		
	OVERSEAS HUMAN , DISASTER & CIVIC AID	0	50,000	50,000			50,000	50,000
10	FORMER SOVIET UNION THREAT REDUCTION	371,000	(171,000)	200,000	(6,000)	365,000	(71,000)	300,000
	TOTALS	91,634,433	2,785,764	94,420,197	(225,605)	91,408,828	981,928	92,616,361

PACER COIN

The budget request included $5.5 million in procurement and $19.5 million in operations and maintenance funding for the PACER COIN aircraft.

The House bill would deny all funding, effectively terminating this program.

The Senate amendment would authorize the Department's request.

The House recedes.

The conferees are aware of the conflicting positions of responsible officials within the Department of Defense. Although the regional Commander in Chief has made a recent statement of need for continuing the PACER COIN mission, the conferees understand that the National Guard Bureau has requested that the Air Force terminate the PACER COIN program. The conferees also understand that the Air Force intends to phase out the PACER COIN aircraft and mission in fiscal year 1998, and that the National Guard Bureau intends to shift the mission of the Reno Air National Guard C–130 unit to flying air drop missions. Finally, the conferees understand there is current direction which restricts the Reno Guard from beginning air drop training until the PACER COIN mission is terminated.

The conferees agree to authorize the budget request. Nevertheless, the conferees remain unconvinced that the PACER COIN program, within its current mission tasking, provides such unique intelligence collection as to justify continued spending of limited resources on this mission. However, the conferees agree that:

(1) terminating the PACER COIN program immediately this fiscal year would place unacceptable stresses on the personnel system;

(2) the Department has already obligated fiscal year 1996 funds for this mission; and

(3) the Air Force would need funds to terminate the program and provide proper aircraft/equipment disposition.

The conferees direct the Department to determine whether or not the PACER COIN aircraft could be used in a dual use role. The conferees believe that the analysis should answer several questions, including at least the following:

(1) Could the aircraft be used, without certain PACER COIN systems, in an air drop role?

(2) Could the aircraft be configured to simultaneously perform the PACER COIN mission and carry the SENIOR SCOUT tactical intelligence system?

(3) What alternatives are there for filling the. . . .

ITEMS OF SPECIAL INTEREST

DBOF transfers

The conferees reduced the civilian personnel funding request by $226.0 million. Of this amount, the conferees expect that $96.0 million will be realized from projected savings from Defense Business Operations Fund (DBOF) activities. The conferees direct that $96.0 million be transferred from the DBOF to the accounts from which the reductions are taken.

The conferees also reduced the operation and maintenance (O&M) accounts of the services by $180.0 million, in anticipation of savings from efficiencies in the management of Department of Defense inventories. The conferees direct that $180.0 million be transferred from the DBOF to the following O&M accounts: Army, $60.0 million; Navy, $60.0 million; Air Force, $60.0 million.

Restriction on devolving the Defense Environmental Restoration Account to the military services

In a memorandum dated May 3, 1995, the Deputy Secretary of Defense announced a proposal to devolve the Defense Environmental Restoration Account (DERA), a single transfer account administered by the Department of Defense, to four separate transfer accounts administered by the individual military services. The execution of the Deputy Secretary of Defense's proposal would require modification of the DERA statutory framework.

The conferees are concerned the devolution of DERA would impede congressional oversight of the management and use of funds authorized for and appropriated to the account. In relation to development, the conferees desire a thorough description of the means by which the Department of Defense would ensure consistent funding and accountability for environmental restoration activities. Moreover, the Department of Defense needs to identify the monetary savings and administrative efficiencies associated with DERA development. The Department of Defense also must specify funding and staffing reductions for the office of the Deputy Under Secretary of Defense for Environmental Security that would result from DERA devolution.

The conferees agree that, in the event that the Department of Defense intends to pursue legislation to authorize devolvement for fiscal year 1997, the Secretary of Defense must submit a report to Congress, no later than March 31, 1996. The report should provide full justification for DERA devolvement and address the matters outlined above. In the absence of the requested information this year, the conferees decline to authorize a change to the existing statutory scheme for DERA at this time.

National defense sealift fund

SUMMARY

The budget request included $974.2 million in the national defense sealift fund (NDSF) for the procurement of two new strategic sealift ships, operations and maintenance of the national defense reserve fleet (NDRF), acquisition and modification of additional ships for the ready reserve force (RRF) of the NDRF, and research and development of mid-term sealift ship technologies.

The House bill would authorize $974.2 million for the NDSF, the budget request.

The Senate amendment would authorize $1.08 billion for the NDSF, an increase of $110.0 million. This increase would be for the purpose of purchasing and converting one additional ship for enhancement of the Marine Corps' maritime prepositioning ship (MPS) program.

The conferees agree to authorize $1.02 billion for the NDSF, an increase of $50.0 million. Items of special interest are discussed in the following sections.

NATIONAL DEFENSE FEATURES

The House bill did not authorize the $70.0 million included in the NDSF budget request for the procurement and modification of additional roll-on/roll-off (RO/RO) ships for the RRF. Instead, it would authorize $70.0 million for the procurement and installation of national defense features (NDF) on commercial vehicle carriers built in and documented under the laws of the United States, as required by section 2218, title 10, United States Code.

The Senate amendment dealt with the $70.0 million included in the NDSF budget request for the procurement and modification of RRF RO/RO vessels as follows:

(1) $20.0 million to modify RO/RO vessels purchased in fiscal year 1995; and

(2) $50.0 million to procure and install defense features on commercial RO/RO vessels that would be built in United States shipyards.

The conferees agree that, of the amount authorized for the NDSF, $50.0 million shall be for the procurement and installation of NDF and $20.0 million shall be for modification of the RRF RO/RO vessels purchased in fiscal year 1995. The conferees also restrict the obligation of the $20.0 million authorized for the modification of RRF RO/RO vessels until 30 days after the Secretary of Defense has notified the congressional defense committees that a NDF program has been formally established and that at least $50.0 million has been made available to fund it.

MARITIME PREPOSITIONING SHIP ENHANCEMENT

The budget request of $974.2 million for the national defense sealift fund (NDSF) did not include funding for any enhancements to the Marine Corps' maritime prepositioning force.

In order to continue a program initiated last year, the Senate amendment would authorize $110.0 million above the NDSF budget request to purchase and convert an additional MPS ship.

The House bill would authorize the budget request. It did not address the issue of MPS enhancement.

The conferees would not authorize funds for MPS enhancement in the conference agreement. However, the conferees reaffirm their strong support for the MPS enhancement program. This program will enable the marine Corps to add additional tanks, and expeditionary airfield, additional Navy construction battalion equipment, a fleet hospital, and other supplies to each MPS squadron, to better sustain the marine Corps as an expeditionary force.

The conferees believe that there are substantial benefits inherent in an MPS enhancement program. Consequently, the conferees are troubled by the department's failure to include funding for a second MPS enhancement ship in the fiscal year 1996 budget request, and by the lack of progress in acquiring and converting the MPS enhancement ship authorized and appropriated in fiscal year 1995.

The conferees note, however, that the Navy appears to have made some recent progress in developing a well-defined program. In view of the above, the conferees strongly encourage the Secretary of Defense to accelerate the pace at which additional sealift capability is acquired (to include funding for a second MPS enhancement ship in fiscal year 1997). However, the conferees expect the Secretary to adhere to the prepositioning, surge, and RRF priorities established by the Mobility Requirements Study (MRS) and validated by the MRS Bottom Up Review Update.

Thje conferees also expect the Navy to aggressively pursue all possible procurement options, including multi-ship and commercial procurement, to achieve the cost savings associated with the acquisition, conversion, and delivery of MPS enhancement vessels. The Secretary of Defense is directed to report on the progress made in meeting this goal when he submits the fiscal year 1997 budget request.

ADVANCED SUBMARINE TECHNOLOGY RESEARCH

The conferees agree that, of the amount appropriated for fiscal year 1996 for the NDSF, $50.0 million shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

National Security Agency Oversight

The budget request included $5.0 million in operations and maintenance (O&M) funds and 82 new personnel billets for National Security Agency (NSA) oversight of tactical signals intelligence (SIGINT) system development.

The House bill would not authorize the $5.0 million O&M request.

The Senate amendment would authorize the budget request.

The conferees question the necessity for 82 persons to perform a function that could be significantly facilitated by automation and improved electronic connectivity, but recognize both the importance of the program and the commitment of the Deputy Secretary of Defense and the Director of NSA to this effort. Accordingly, the conferees agree to authorize the budget request, but direct that the 82 billets be transferred from the Consolidated Cryptological Program (CCP) to the Defense Cryptological Program (DCP), resulting in no net gain in United States SIGINT System activities. The conferees understand that this billet transfer may temporarily force NSA to exceed its personnel ceilings. The conferees agree to authorize NSA to remain above its personnel ceiling through fiscal year 1997 for this purpose, but expect that, as of September 30, 1997, NSA will meet its congressionally mandated 17.5 percent reduction target. The conferees also urge NSA to review the requirements for each of these billets for validity and consistency.

Department of Defense next generation weather radar-doppler

The Department of the Air Force operates 21 next generation weather radar-doppler (NEXRAD) weather radar equipment in CONUS that primarily function to protect military locations. Additionally, Department of Defense (DOD) radar provides supplementary data to the National Weather Service (NWS) and its national radar network.

DOD NEXRADs are maintained at operational standards that meet military requirements. Due to increasing NWS reliance on the DOD NEXRADS for primary and back-up coverage, efforts have been made to increase the reliability of the DOD radar to meet NWS operating standards.

The conferees direct the Secretary of the Air Force to report by March 31, 1996, on the measures needed to conform the operation of the NEXRADS to the NWS operating standards. The report should address any resource requirements, including personnel and funds.

Reengineering household goods moves

The conferees commend the Department of Defense for initiating efforts to incorporate efficient business practices in its household goods moving operations. The objective of these efforts should be to procure commercial services at the lowest possible cost while ensuring service members and their families receive the best possible service.

Current procurement practices are cumbersome and inefficient, resulting in clearly unacceptable costs for both DOD and the moving industry. It is not apparent that the time and expense associated with processing redundant paperwork and administering a government-unique system are necessary to ensure a level of service for DOD customers that meets the industry standard.

Further, current practices are structured in such a way that service members and their families are subjected to unnecessary administrative burdens. Claims procedures and the evaluation system are outdated and seemingly disconnected from the concept of quality control, and can be frustrating to customers. Because military relocations account for a substantial share of moving industry work, DOD should be able to implement simple, cost-effective procedures which simultaneously assure first class service for customers.

However, current DOD practices do not reflect best industry practices, such that the DOD operation should be reengineered, rather than simply reorganized. The conferees direct the Secretary of Defense to initiate a pilot program to reengineer household goods moves. The Secretary should direct the incorporation of commercial practices, and report on the program not later than February 15, 1996, prior to implementation of any element of the pilot program. The report should be accompanied by comments from the industry.

The Secretary may not implement any element of the pilot program that could adversely affect small businesses, including extension or application of Federal Acquisition Regulations into this matter, until 90 days after the submission of the report.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Armed Forces Retirement Home (sec. 303)

The House bill contained a provision (sec. 303) that would authorize an appropriation from the Armed Forces Retirement Home (AFRH) Trust Fund for operation of the AFRH in fiscal year 1996.

The Senate amendment contained a provision (sec. 303) that would authorize an identical appropriation from the trust fund, and authorize a new appropriation of $45.0 million to the trust fund. The recommendation for this new appropriation directly to the trust fund would address the problem of its potential insolvency due to unanticipated decreases in the long-established funding stream approved by Congress for operation of the AFRH.

The Senate recedes.

Congress established a funding program whereby the AFRH would be self-sustaining, and not dependent on public funds. The U.S. Soldiers' and Airmen's Home in Washington, DC, has operated successfully according to this program since its inception in 1851. The U.S. Naval Home (established in 1834 and located since 1976 in Gulfport, MS) had been funded differently, relying on public funds from 1935 until 1991, when both homes were incorporated into the AFRH (Armed Forces Retirement Home Act of 1991; P.L. 101–510). The Act brought both homes under the unified management of the Armed Forces Retirement Home Board and merged the trust funds of the two homes.

Subsequent to incorporation, the annual operating costs for both homes of the AFRH have been authorized by Congress, to be drawn (appropriated) from a single trust fund. Since the funding program provided that interest from the trust fund, fines and forfeitures, and a monthly assessment from the pay of active duty enlisted service members and warrant officers would maintain the solvency of the trust fund, no appropriation outside the fund was envisioned to be necessary.

However, Congress did not anticipate the magnitude of reductions in the armed forces prompted by the end of the Cold War. These reductions caused a decrease in the funding stream as the income derived from assessments decreased. The high quality of the force resulted in fewer disciplinary problems, which in turn resulted in less income from fines and forfeitures. This is significant because fines and forfeitures account for more than half the income.

The trust fund now has a negative cash flow because more money is required for operation of the AFRH than is available from income. The corpus of the trust fund is being depleted, and the conferees recognize the need to implement changes to prevent insolvency. The conferees believe it would be easier, preferable, and more advantageous to implement corrective measures in the next few years, rather than wait for the problem to become much more serious.

The conferees note that Congress addressed the funding problem in the National Defense Authorization Act for Fiscal Year 1995 by providing authority for an increase in the monthly assessment. The 1995 provision also established a schedule of increases for resident fees and required a comprehensive study by the Board on funding alternatives for the AFRH. However, the study will not be completed until December 1995, and the Department of Defense has declined to increase the assessment prior to completion of the study. The conferees note that an increase in the assessment, from 50 cents to one dollar per month, may not of itself resolve the cash flow problem. A combination of efficiencies and funding program changes may be appropriate.

The conferees strongly support the fine work of the Board, and agree to wait for the outcome of the study in order not to restrict the consideration of efficiencies. The conferees encourage the Secretary of Defense and the Board to continue their efforts to examine alternative methods of meeting the long-term financial requirements of the AFRH, while maintaining high quality service for the residents.

Transfer from National Defense Stockpile Transaction Fund (sec. 304)

The Senate amendment contained a provision (sec. 304) that would authorize the transfer of $150.0 million from the National Defense Stockpile Transition fund to the operation and maintenance accounts of the services.

The House bill contained no similar provision.

The House recedes.

Civil Air Patrol (sec. 305)

The Senate amendment contained a provision (sec. 305) that would reduce the level of Department of Defense support to the Civil Air Patrol (CAP) by $2.9 million from the budget request of $27.5 million.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

This reduction would realize savings by accelerating a CAP reorganization in which many of the functions performed by Air Force personnel in the past would then be performed by employees of the CAP. This reorganization, which was originally planned to be completed in fiscal year 1997, will not be completed during fiscal year 1996.

Subtitle B—Depot-Level Activities

Policy regarding performance of depot-level maintenance and repair for the Department of Defense (sec. 311)

The House bill contained a provision (sec. 395) that would amend current law to establish the importance to national security of maintaining a core depot-level maintenance and repair capability within Department of Defense (DOD) facilities. The provision would address core work determinations, interservicing, competition, and an exclusion from workload limitations for large individual maintenance projects. It would also repeal two limitations on the performance of depot-level work (10 U.S.C. 2466 and 2469), effective December 31, 1996.

The Senate amendment contained a provision (sec. 311) that would require the Secretary of Defense to develop a comprehensive policy on the performance of depot-level maintenance and repair, and submit a report on the policy to the congressional defense committees by March 31, 1996. The provision would condition the repeal of the two current limitations on congressional approval of the recommended policy.

The House recedes with an amendment that would clarify both the content of the policy and considerations to be made by the Secretary. The amendment would also affirm that it is the sense of Congress that DOD

must articulate core workload requirements as a necessary first step toward developing a policy.

The conferees believe that it would be extremely difficult for Congress to approve a policy that does not provide for the performance of core depot-level workload in public facilities.

Although the conferees do not wish to prescribe more than a broad outline of the areas to be addressed by the Secretary, the conferees believe it is useful to direct the Secretary to consider numerous matters in developing the policy, and to report on items of interest.

The conferees believe it is both preferable and entirely possible for DOD to develop an acceptable, comprehensive policy that will serve the best interests of national security. The conferees also believe that such a policy could achieve efficiencies, and result in resolving the constant debate over how to apportion work between the public and private sectors.

With respect to the exclusion for large individual maintenance projects contained in the House provision, the conferees note that certain projects may account for a large share of a military department's maintenance and repair budget. This is the case with respect to complex overhauls of naval vessels, particularly nuclear-powered aircraft carriers, whose overhaul and refueling can absorb a large percentage of the Navy's maintenance and repair budget in a given fiscal year. Amounts expended for such large projects could, if counted against the limitation prescribed under current law (10 U.S.C. 2466), affect the application of the formula for the apportionment of work between the public and private sectors.

The conferees note that the impact of large maintenance projects could have unintended consequences on the application of section 2466. Until the workload limitations are repealed, the conferees direct the Secretary of the Navy to monitor the assignment of large individual maintenance projects closely and continue to administer depot maintenance programs to avoid unintended imbalances in workload distribution insofar as practicable.

Management of depot employees (sec. 312)

The House bill contained a provision (sec. 332) that would prohibit the management of depot employees by endstrength constraints.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services (sec. 313)

The Senate amendment contained a provision (sec. 312) that would extend through fiscal year 1996 the authority provided by section 1425 of the National Defense Authorization Act of 1991, as amended, for naval shipyards and aviation depots of all the services to bid on defense-related production and services.

The House bill contained no similar provision.

The House recedes.

Modification of notification requirement regarding use of core logistics functions waiver (sec. 314)

The House bill contained a provision (sec. 374) that would modify section 2464(b) to title 10, United States Code, concerning notification to Congress regarding the effective date of the subject waiver.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Environmental Provisions

Revision of requirements for agreements for services under the defense environmental restoration program (sec. 321)

The Senate amendment contained a provision (sec. 321) that would amend section 2701(d) of title 10, United States Code, to ensure Department of Defense accountability for reimbursements provided to states or territories. The Senate amendment would limit the basis for state reimbursement. First, states or territories participating in agreements under the defense environmental restoration program would only receive reimbursement for providing technical and scientific services. Second, the provision would require the submission of a reprogramming request for amounts in excess of $5.0 million.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $10.0 million.

Addition of amounts creditable to the defense environmental remediation account (sec. 322)

The House bill contained a provision (sec. 322) that would provide for transfer account credit of amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et. seq.) or from other reimbursements to the Department of Defense for environmental restoration activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress on use of defense environmental restoration account (sec. 323)

The House bill contained a provision (sec. 326) that would express the sense of Congress that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a goal that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations. The amendment would also require the Department of Defense to submit a report to Congress by April 1, 1996. The report would specify issues related to attaining the 20 percent goal.

Revision of authorities relating to restoration advisory boards (sec. 324)

The Senate amendment contained a provision (sec. 323) that would amend section 2705 of title 10, United States Code, which authorizes establishment of restoration advisory boards (RABs) to assist the Department of Defense with environmental restoration activities at military installations. Section 2705 also provides a funding framework for local community members of RABs and existing technical review committees.

About 200 Restoration Advisory Boards have been established at operational and closing installations and formerly used defense sites. Under current law, the RAB funding sources for local community member participation and for technical assistance are the Defense Environmental Restoration Account (DERA) and the Base Realignment and Closure Account (BRAC). Section 2705(e)(3)(B) provides a $7.5 million limit on the use of DERA and BRAC funds to pay for RAB technical assistance and community participation in fiscal year 1995. Under section 2705(d)(3), routine administrative expenses for RABs may be paid out of funds available for the operation and maintenance of an installation, without any limit on the amount of funds that may be expended for that purpose.

The Senate amendment would amend section 2705 to limit funding sources to BRAC and DERA, not to exceed $4.0 million in fiscal year 1996. Funds would be made available only for routine administrative expenses and technical assistance. The installation commander could obtain technical assistance for a RAB to interpret scientific and engineering issues related to the environmental restoration activities at the installation where the RAB is functioning.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $6.0 million. As part of the amendment, the conferees have included language that would make funds unavailable after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations. Based on section 2705(d)(2) of title 10, United States Code, the conferees anticipate that the Department would already have made some progress in the promulgation of regulations.

Funding for private sector sources of technical assistance would be contingent on the following: (1) a demonstration that the existing technical resources of the Federal, state, and local agencies responsible for overseeing environmental restoration at an installation could not serve the objective for which technical assistance is requested; or (2) outside assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration at an installation; and (3) outside assistance is likely to contribute to community acceptance of environmental restoration activities at an installation.

The conferees intend that the funds authorized pursuant to this section would be the primary funding source for technical assistance and administrative expenses associated with RABs. The conferees strongly encourage the Secretary of Defense to ensure that funds authorized for RABs are expended in a manner that is consistent with obtaining technical assistance and with payment of administrative expenses, and is dispensed in accordance with the funding mechanism established in this section. The RAB program should not serve as a drain on the Superfund.

Discharge from vessels of the Armed Forces (sec. 325)

The Senate amendment contained a provision (sec. 322) that would address incidental discharges from vessels of the armed forces through the development of uniform national discharge standards. The Federal Water pollution Control Act, 33 U.S.C. 1251 et seq., and implementing regulations currently exempt incidental vessel discharges from permitting requirements. Incidental discharges remain subject to varying state regulation. The lack of uniformity has presented operational problems for the Navy.

The Senate amendment is modeled after section 312 of the Federal Water Pollution Control Act, 33 U.S.C. 1322, which establishes uniform national discharge standards for sewage discharges from all vessels. The standards provision would extend this model to regulate non-sewage incidental discharges from vessels of the armed forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Operation of commissary system (sec. 331)

The House bill contained a provision (sec. 341) that would revise the operation of the commissary store system, allow contracts with other agencies, and revise payments to vendor agents.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the revision of payments to vendor agents.

The conferees are concerned about the high cost of the Defense Finance and Accounting Service procedures to process the 1.5 million annual commissary invoices. The conferees believe that innovative practices need to be pursued to reduce this burden. The administrative costs consume funding that could otherwise be used to improve patron services or reduce costs.

The conferees direct the Secretary of Defense to conduct a review of innovative practices to reduce this cost. Included in this review should be an examination of the relationship between the current distribution and invoicing practices. The Secretary of Defense should report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the recommended actions, if any, to reduce these costs and how any savings will be used.

Additionally, the conferees note that the Defense Commissary Information System and the Point-of-Sale Modernization programs are essentially off-the-shelf commercial grocery systems designed to improve patron service and increase efficiency of commissary operations. As such, the conferees believe the Secretary of Defense should get these systems on line and operating with the minimum of review required to ensure interface with other government data systems and compliance with legislation and regulations essential to protect the interests of the government.

Limited release of commissary store sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency (sec. 332)

The House bill contained a provision (sec. 343) that would amend the procedures for the release of commissary stores sales information.

The Senate amendment contained no similar provision.

The Senate recedes.

Economical distribution of distilled spirits by nonappropriated fund instrumentalities (sec. 333)

The House bill contained a provision (sec. 344) that would amend the procedures for the determination of the most economical distribution of distilled spirits.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Transportation by commissaries and exchanges to overseas locations (sec. 334)

The House bill contained a provision (sec. 345) that would allow officials responsible for the operation of commissaries and military exchanges the authority to negotiate directly with private carriers for the most cost-effective transportation of supplies by sea, without relying on the Military Sealift Command or the Military Traffic Management Command.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations (sec. 335)

The House bill contained a provision (sec. 346) that would require the Secretary of Defense to conduct a demonstration program at six military installations under which funds appropriated for the support of morale, welfare, and recreation programs at the installations are combined with nonappropriated funds available for these programs and treated as nonappropriated funds.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would extend the test to two years.

Operation of combined exchange and commissary stores (sec. 336)

The House bill contained a provision (sec. 347) that would permit the continued operation of the base exchange mart at Fort Worth Naval Air Station, Texas, and would allow for the expansion of the Base Exchange Mart Program.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees approve this expansion with the understanding that they do not intend that exchange marts replace viable commissaries. When a commissary is identified for closure, the exchange system will be permitted to conduct a market survey to determine the viability of an exchange mart in the closing commissary facility. The conferees do not expect that an exchange mart would be in direct competition with a commissary operating in close proximity to a proposed exchange mart.

The conferees expect that exchange marts will operate in a manner in which nonappropriated funds are not required to sustain their operation. The conferees expect that every effort will be made to operate the exchange marts in a manner which requires only a minimal amount of appropriated fund support.

Deferred payment programs of military exchanges (sec. 337)

The House bill contained a provision (sec. 348) that would require the Secretary of Defense to establish a uniform exchange credit program that could use commercial banking institutions to fund and operate the deferred payment programs of the Army and Air Force Exchange Service and the Navy Exchange Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision by ensuring that any proposal be competitively awarded and that prior to entering into any commercial program the Secretary determine that it is in the best interests of the exchange systems.

Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe (sec. 338)

The House bill contained a provision (sec. 349) that would require that the Secretary of Defense transfer not more than $70 million to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of military personnel in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

In order to avoid disruption of operations associated with currency fluctuations and, in recognition of the unique direct appropriation nature of commissaries as an entity of the Defense Business Operations Fund, the conferees direct that the military exchanges, other nonappropriated fund instrumentalities, and commissaries be permitted to be included in the Department of Defense foreign currency fluctuation fund.

Associated with the drawdown in Europe was an initiative to transfer operations of the Stars and Stripes Bookstores to the military exchanges. This transfer has a residual impact upon certain employees. The conferees direct that the Army and Air Force Exchange Service accept responsibility for resolving the issue of employment, severance, and back pay for the 15 local national employees formerly employed by the Stars and Stripes. The conferees expect that the Army and Air Force Exchange Service can, in conjunction with the Army and Air Force headquarters in Europe, resolve the current job action concerning these 15 local national employees using funds provided in this section.

Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores (sec. 339)

The House bill contained a provision (sec. 350) that would require the Secretary of Defense to conduct a study and submit a report to Congress regarding the manner in which greater efficiencies can be achieved in the operation of military exchanges, commissary stores, and other morale, welfare, and recreation activities.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree with the findings and scope of the study called for in the House report (H. Rept 104–131). The conferees believe that the Department of Defense should seek opportunities to reduce labor costs in resale activities and to reduce excessive overhead. Additionally, the conferees agree that significant economies and revenue potential can be realized in the area of management and oversight of overseas slot machine operations. The conferees direct the Secretary of Defense consider and, if appropriate, submit a plan to have one service serve as the executive agent for the consolidated management and operation of this function.

Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities (sec. 340)

The House bill contained a provision (sec. 351) that would extend, to December 31, 1996, the deadline for the conversion of all Navy ships' stores to operate as nonappropriated fund activities.

The Senate amendment contained a provision (sec. 373) that would repeal section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) requiring the Navy to convert ships' stores operations to a Navy Exchange System agency.

The House recedes with an amendment that would require the Inspector General of the Department of Defense to complete a review of the Navy Audit Agency report regarding the conversion of the Ships Stores pursuant to section 374 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

Disposition of excess morale, welfare, and recreation (MWR) funds (sec. 341)

The Senate amendment contained a provision (sec. 371) that would amend section 373 of the National Defense Authorization Act for Fiscal Year 1995 to permit the Marine Corps to retain the MWR funds transferred from Marine Corps installations.

The House bill contained no similar provision.

The House recedes.

Clarification of entitlement to use of morale, welfare, and recreation facilities by members of Reserve components and dependents (sec. 342)

The Senate amendment contained a provision (sec. 633) that would amend section 1065

of title 10, United States Code, to give members of the retired reserve who would be eligible for retired pay but for the fact that they are under 60 years of age the same priority of use of morale, welfare, and recreation facilities of the military services as members who retired after active duty careers.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Performance of Functions by Private-Sector Sources

Competitive procurement of printing and duplication services (sec. 351)

The House bill contained a provision (sec. 359) that would direct the Defense Printing Service to procure at least 70 percent of printing and duplication work competitively.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would exempt classified printing and duplication work from this calculation.

Direct vendor delivery system for consumable inventory items of Department of Defense (sec. 352)

The House bill contained a provision (sec. 360) that would require the Department of Defense (DOD) to arrange for delivery of consumable inventory items directly from vendors to military installations in the United States. Complete implementation of this system would be required by September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require DOD to use direct vendor delivery of consumable inventory items whenever practicable.

Payroll, finance, and accounting functions of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 362) that would require the Secretary of Defense to submit a plan to Congress for the privatization of the payroll functions for civilian employees of the Department of Defense and to implement the plan not later than October 1, 1996.

The House bill contained a provision (sec. 368) that would require the Secretary of Defense to conduct a pilot program to test and evaluate the cost savings and efficiencies of private operation of accounting and payroll functions of nonappropriated fund instrumentalities of the Department of Defense.

The Senate amendment contained a provision (sec. 352) that would require the department of Defense to conduct a review of the need for further expansion of Defense Finance and Accounting Service (DFAS) operating locations, and to report to the appropriate committees of the Congress prior to establishing any new DFAS operating locations.

The House recedes with an amendment that would combine and clarify the three provisions.

Demonstration program to identify overpayments made to vendors (sec. 354)

The House bill contained a provision (sec. 363) that would require the Secretary of Defense to conduct a demonstration program at the Defense Personnel Support Center, Philadelphia, Pennsylvania, to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program on private operation of defense dependents' schools (sec. 355)

The House bill contained a provision (sec. 364) that would allow the Secretary of Defense to conduct a pilot program to assess the feasibility of using private contractors to operate overseas dependents' schools and to report the results of the pilot program to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Program for improved travel process for the Department of Defense (sec. 356)

The House bill contained a provision (sec. 365) that would require the Secretary of Defense to conduct a pilot program including two prototype tests of commercial travel applications to improve management of the Department of Defense Travel System.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to conduct a two-year test at a minimum of three sites and a maximum of six sites, and to report to the Senate Committee on Armed Services and the House Committee on National Security at the conclusion of the first year.

The conferees do not intend this provision to be viewed as authority for the Secretary of Defense to circumvent the requirement for civilians to use adequate government quarters where they are available.

Increases reliance on private-sector sources for commercial products and services (sec. 357)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to endeavor to obtain products and services from the private sector. The provision would require the Secretary of Defense to describe functions that can be performed by the private sector and specify impediments to outsourcing.

The Senate amendment contained no provision (sec 386) that would require the Secretary to report on the use of private sector contractors to perform functions not essential to the warfighting mission of the Department of Defense

The Senate recedes with an amendment.

The conferees agree that DOD should make a maximum effort to rely upon the private sector for commercial functions whenever the same level of service can be obtained at a reduced cost to the government, and the national security does not require the activity to be retained in-house. The conferees note with approval the many steps the Department has already taken in this direction and encourage the Department to continue in its efforts. The conferees urge the Department to maintain close coordination with the Committee on Armed Services of the Senate and the Committee on National Security of the House regarding its efforts to downsize the federal government while placing greater reliance upon the private sector.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Quarterly readiness reports (sec. 361)

The House bill contained a provision (sec. 371) that would require the Secretary of Defense to report quarterly to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the military readiness of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations (sec. 362)

The House bill contained a provision (sec. 373) that would amend section 361 of the National Defense Authorization Act for Fiscal Year 1995 in order to provide more detailed guidance on the report required.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees are disappointed that the Department of Defense has not been sufficiently thorough in reporting on transfers from high-priority readiness appropriations and expect future reports to be more substantive.

Report regarding reduction of costs associated with contract management oversight (sec. 363)

The House bill contained a provision (sec. 376) that would require the Comptroller General to submit a report to Congress that would identify methods to reduce the cost of Department of Defense management and oversight of contracts in connection with major defense acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Reviews of management of inventory control points and Material Management Standard System (sec. 364)

The House bill contained a provision (sec. 391) that would direct the Secretary of Defense to conduct a review regarding consolidation of all inventory control points (ICP) under the Defense Logistics Agency. The provision would also prohibit implementation of the Materiel Management Standard System (MMSS) until submission of the Secretary's report to the Congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to report by March 31, 1996, on the advisability of consolidating all ICP. The General Accounting Office would review the Secretary's report, and review the MMSS. The amendment would not impose a restriction on implementation of the MMSS.

Report on private performance of certain functions performed by military aircraft (sec. 365)

The Senate amendment contained a provision (sec. 390) that would require the Secretary of Defense to report on the feasibility of meeting requirements of VIP transportation, airlift, air cargo, in-flight refueling and other functions by using private contractors in lieu of military aircraft.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Strategy and report on automated information systems of Department of Defense (sec. 366)

The House bill contained a provision (sec. 375) that would prohibit the Secretary of Defense from obligating or expending amounts greater than $2.4 billion for the development and modernization of automated data processing programs pending a report by the Inspector General of the Department of Defense (DOD).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the restriction on obligation of funds. The conferees believe that off-the-shelf automated information systems can improve DOD property management. This includes software, laminate barcode printers, barcode readers, and storage devices.

The conferees also endorse the requirement contained in Title III of the House report (H. Rept. 104–131) in a paragraph of the Items of Special Interest section, entitled ''Off-the-shelf systems''. The conferees direct the Secretary to include in this report a discussion of functional processes that can use existing private sector technology.

Subtitle G—Other Matters

Codification of Defense Business Operations Fund (sec. 371)

The House bill contained several provisions pertaining to the Defense Business Operations Fund (DBOF).

Section 311 would modify DBOF by adding or precluding various DBOF activities. The provision would also require certain costs to be included in DBOF charges, and revise the capital purchase authority threshold from $50,000 to $15,000. Further, the provision would extend discretionary authority to the Secretary of Defense or the Secretary of a military department to purchase goods and services from non-DBOF activities, if they are available at a more competitive rate.

Section 312 would require the Secretary of Defense to manage DBOF under the immediate authority of the Under Secretary of Defense (Comptroller). This would include central management of cash balances. The provision would also prohibit further expansion of the DBOF by adding new functions, activities, funds or accounts to the DBOF.

Section 313 would require the inclusion of the costs of military personnel, who perform duty in industrial fund activities, in determining costs in DBOF activities. The provision would also terminate the practice of billing in advance for goods and services provided through the DBOF.

The Senate amendment contained no similar provisions.

The Senate recedes with a single amendment that would codify DBOF, but amend the activities listed in the House bill (sec. 312), not revise the capital purchase threshold, and retain the prohibition on further expansion.

The amendment also would direct the Comptroller General of the United States to determine the advisability of managing DBOF at the Department of Defense (DOD) level. The conferees recommend the defense committees review this matter in fiscal year 1996 and consider the advisability of central management in light of the Comptroller General's report and improvements in the condition of the DBOF.

The amendment would permit advance billing for compelling reasons, but require DOD to notify the defense committees of the Congress after September 30, 1996 in the event the aggregate total of advance billing exceeds $100.0 million subsequent to enactment of the National Defense Authorization Act for Fiscal Year 1996. Another report would be required each time the aggregate amount of advance billing increases by $100.0 million after the date of the preceding report.

The conferees previously expressed support for the DOD plan to eliminate advance billing in fiscal year 1995 in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1995. The practice of advance billing appears to cause DBOF customers to refrain from purchasing goods and services and it appears to promote confusion, rather than good business, at the unit or installation level.

The conferees also support the effort to capture total costs in order to conduct business operations in accordance with generally accepted business practices. The conferees direct the Secretary of Defense to annotate the justification books accompanying subsequent budget submissions for DBOF activities, to reflect the total costs for both military and civilian personnel. These costs should include items such as salaries, benefits, and retirement plans. The conferees believe it is necessary for Congress to evaluate the consequences of including such costs in DBOF rates and pricing.

Clarification of services and property exchanged to benefit the historical collection of the armed forces (sec. 372)

The House bill contained a provision (sec. 321) that would clarify the law concerning the exchange of services and property for the benefit of the historical collection of the armed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on capital lease for Defense Business Management University (sec. 373)

The House bill contained a provision (sec. 381) that would prohibit the use of funds for any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University (DBMU) if the lease would be treated as a capital lease for budgetary purposes.

The Senate amendment contained a provision (sec. 351) that would require the Secretary of Defense to certify the need for the Center for Financial Management Education and Training of the DBMU, and report on Department of Defense financial management training, 90 days prior to obligating funds for a capital lease.

The Senate recedes.

Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property (sec. 374)

The House bill contained a provision (sec. 388) that would provide permanent authority for a successful demonstration program for the disposal of certain personal property.

The Senate amendment contained a provision (sec. 383) that would provide similar permanent authority, but would provide further authority to credit the operation and maintenance account of a relevant installation for the costs incurred to collect, transport, store, protect, or sell such property. Net proceeds from a sale would be covered into the Treasury. A mechanism for subsequent claims by an owner, heir, etc., would also be provided.

The House recedes with a clarifying amendment.

Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps (sec. 375)

The House bill contained a provision (sec. 393) that would provide to Navy and Marine Corps personnel the same authority that Army an Air Force personnel currently have to purchase replacement subsistence and other supplies.

The Senate amendment contained a similar provision (sec. 384).

The House recedes with a technical amendment.

Personnel services and logistical support for certain activities held on military installations (sec. 376)

The House bill contained a provision (sec. 385) that would clarify the authority of the Secretary of Defense in regard to jamborees conducted by the Boy Scouts of America on military installations.

The Senate amendment contained no similar provision.

The Senate recedes.

Retention of Monetary awards (sec. 377)

The House bill contained a provision (sec. 386) that would permit the Secretary of Defense to accept any monetary award for excellence, given to the Department of Defense by a nongovernmental entity, as an award in a competition recognizing excellence or innovation in providing services or administering programs. Such an award would be credited to the appropriation of the command, installation, or activity that is recognized in the award, as provided in appropriation act. Not more than 50 percent of the monetary award may be disbursed to the persons who are responsible for earning the award, up to $10.0 thousand per person.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary to accept such monetary awards and disburse the award to the morale, welfare, and recreation nonappropriated fund account of the command, installation, or activity involved in earning the award. Certain incidental expenses could be reimbursed from the award amount.

Provision of equipment and facilities to assist in emergency response actions (sec. 378)

The House bill contained a provision (sec. 383) that would amend section 372 of title 10, United States Code, to authorize the Department of Defense to provide assistance in the form of training facilities, sensors, protective clothing, antidotes, and other materials and expertise to appropriate federal, state, or local law enforcement agencies for responding to emergencies involving chemical or biological agents.

The Senate amendment did not contain a similar provision.

The Senate recedes with a technical amendment.

Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack (sec. 379)

The Senate amendment contained a provision (sec. 223) that would require the Secretaries of the Departments of Defense and Energy, in consultation with the Federal Emergency Management Agency (FEMA), to submit a report to Congress that would describe the military and civil defense plans and programs to respond to the use of chemical, biological, nuclear, and radiological agents or weapons against a civilian population located in the United States or near a U.S. military installation.

The House bill did not contain a similar provision.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Office of Economic Adjustment

The House bill contained a provision (sec. 304) that would increase the amount of funds available to the Office of Economic Adjustment by $1.5 million.

The Senate amendment contained no similar provision.

The House recedes.

Annual proposed budget for operation of defense business operations fund

The House bill contained a provision (sec. 314) that would require that the budget request for the Department of Defense include the amount of funds necessary to cover the operating losses of the Defense Business Operations Fund for the previous year.

The Senate amendment contained no similar provision.

The House recedes.

Reduction in requests for transportation funded through Defense Business Operations Fund

The House bill contained a provision (sec. 315) that would direct a reduction in requests for purchasing transportation through the Defense Business Operations Fund during fiscal year 1996 by $70.0 million from the amount purchased in fiscal year 1995. The provision would also require a report on achieving certain efficiencies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned about the amount of overhead carried by the Department of Defense (DOD) to support its transportation infrastructure. The conferees direct the Secretary of Defense to submit a report to Congress by March 1, 1996. The Secretary should address changes to the transportation infrastructure and implementation of consolidation proposals, such as the elimination of duplication in component command structure. The Secretary should also address measures to reduce transportation overhead without adversely affecting operational and mobilization requirements. The conferees recommend a $70.0 million reduction in anticipation of savings from improvements and efficiencies.

Repeal of certain environmental education programs

The House bill contained a provision (sec. 323) that would repeal sections 1333 and 1334 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701, note).

The Senate amendment contained no similar provision.

The House recedes.

Repeal of limitation on obligation of amounts transferred from environmental restoration transfer account

The House bill contained a provision (sec. 324) that would eliminate the statutory's ''fence'' that precludes the transfer of funds from the Defense Environmental Restoration Account (DERA) for purposes unrelated to environmental remediation.

The Senate amendment contained no similar provision.

The House recedes.

Elimination of authority to transfer amounts for toxicological profiles

The House bill contained a provision (sec. 325) that would amend section 2704 of title 10, United States Code. The provision would eliminate authority for the Department of Defense to use Defense Environmental Restoration Account funds to reimburse the Agency for Toxic Substance and Disease Registry (ATSDR), a branch of the U.S. Public Health Service. Reimbursement is currently provided to ATSDR for performing statutorily required health assessments and health risk studies at Defense installations listed on the National Priorities List (NPL).

The Senate amendment contained no similar provision.

The House recedes.

Pricing policies for commissary store merchandise

The House bill contained a provision (sec. 342) that would reduce administrative costs in pricing commissary merchandise.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that there may be potential savings for the Defense Commissary Agency (DeCA) if variable pricing was permitted. Therefore, the conferees direct that the Secretary of Defense submit a report to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996 describing how a variable pricing policy would be implemented; the estimated savings, if any; the impact on customers and suppliers; and a recommended legislative proposal, if appropriate.

Procurement of electricity from most economical source

The House bill contained a provision (sec. 357) that would require the Department of Defense (DOD) to procure electricity from the most economical source.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Department of Defense to consult with the Federal Energy Regulatory Commission (FERC) on methods to obtain lower prices for the electricity procured by the DOD, including procurement of such electricity through competitive sources. Decisions with regard to procurement of electricity by the DOD and the FERC should take into consideration the cost savings potential to the DOD and the recovery of the specific cost of utility investment that is directly attributable to existing arrangements and understandings with the DOD.

The conferees direct the Department of Defense to submit a report to Congress by March 1, 1996 on the feasibility of attaining the most economical price for electricity under existing statutes. In addition, the DOD shall report on all legislative or regulatory impediments to procuring electricity from the most economical source and the potential cost savings inherent to the elimination of such impediments. The report shall also identify those bases or facilities that are in the best position to use competitive sources of electricity.

Procurement of certain commodities from most economical source

The House bill contained a provision (sec. 358) that would enable the Department of Defense (DOD) to procure commodities from a source other than the General Services Administration (GSA) if the source can provide the commodities at a lower cost.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the requirement for DOD to purchase commodities from GSA denies DOD the flexibility to pursue good business practices by preventing DOD from procuring items at the lowest cost. This inflexibility seems to run counter to the desire of Congress, and it does not promote good business practices within DOD. Encouraging managers at all levels to make sound business decisions is an underlying fundamental of the Defense Business Operations Fund concept.

The conferees direct the Secretary of Defense to report to the congressional defense committees by March 1, 1995, regarding the advisability of obtaining the authority to bypass GSA. The Secretary should identify any statutory relief necessary.

Private operation of functions of Defense Reutilization and Marketing Service

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to solicit for performance, by commercial entities, of selected functions of the Defense Reutilization and Marketing Service (DRMS). The provision would require the Secretary to report on those functions that should continue to be performed by Department of Defense (DOD) civilian employees not later than July 1, 1996.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Secretary to address the privatization of DRMS functions as part of the DOD-wide review and report, regarding increased reliance on private sector sources for commercial products and services, required elsewhere in this bill.

Pilot program for private operation of consolidated information technology functions of Department of Defense

The House bill contained a provision (sec. 366) that would require the Secretary of Defense to enter into negotiations for contracting-out the workload of three Defense Megacenters. This effort would serve as a three-year pilot program to determine the advisability of having this type of work performed by the private sector. The goal of the program would be to achieve savings of at least 35 percent over current practices. Further consolidation of megacenters, to fewer than the 16 currently identified, would be prohibited until completion of the pilot program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe there is significant potential to make improvements in the efficiency and effectiveness of the Department of Defense (DOD) data processing operations, to include the data megacenters. The conferees also believe there may be significant potential to achieve savings from contracting-out work that is not military-essential or otherwise unique to government. However, judgments on the advantages of contracting-out work should be based on economic and mission analyses, which the DOD has not performed.

The conferees direct the Secretary to submit a report on this matter to the defense committees by May 31, 1996. The report should include: the rationale for contracting-out work; an analysis of the costs and benefits of contracting-out a portion of the workload; a detailed description of information technology functions and services performed by megacenters that are not considered military essential; and the amount of savings anticipated to be achieved by contracting-out. The conferees note that functions considered to be military-essential, and those that pertain to information security, military readiness, certain aspects of training, and warfighting, are not required to be addressed in this report.

Authority of Inspector General over investigations of procurement fraud

The House bill contained a provision (sec. 382) that would consolidate responsibility for all investigations of procurement fraud within the Department of Defense under the Inspector General.

The Senate amendment contained no similar provision.

The House recedes. Under the Inspector General Act of 1978, as amended, the overall responsibility for investigations within the DOD, including procurement fraud investigations, rests with the Inspector General. The Inspector General has full authority to investigate any allegations of procurement fraud involving a DOD contractor. Day-to-day responsibility for the conduct of procurement fraud investigations is divided among the investigative organizations of the Department of Defense and each of the military departments. The Inspector General also has full authority to assume responsibility for any procurement fraud investigation initiated by one or more of the military departments.

The Defense Advisory Board on the Investigative Capabilities of the DOD unanimously recommended that fraud investigations be consolidated into the Office of the Inspector General. The recommendation was based on several objectives that would include eliminating joint investigations, eliminating confusion over joint investigations, and increasing the capability to identify multiple acts of fraud by the same contractors.

The conferees note that there have been continuing concerns about duplication and coordination between the Department of Defense Inspector General and the investigative components of the military departments with respect to major procurement fraud investigations. The conferees agree that the Department must endeavor to concentrate

procurement fraud efforts on investigations rather than jurisdictional disputes. Therefore, the conferees believe that the Secretary of Defense should make every effort to ensure that this important function is performed in the most efficient and effective manner, avoiding the necessity for joint investigations to the maximum extent practicable.

The conferees are encouraged to note that the Department recently established a coordinating council, headed by the DOD Inspector General, to address some of the concerns raised by the Defense Advisory Board. To ensure the effectiveness of the new procedures, the conferees direct that the Secretary review the newly constituted Secretary's Board on Investigations, with a particular emphasis on maximizing the efficiency and effectiveness of major procurement fraud investigations. As part of this review, the Secretary should assess: (1) the optimal level of resources required to ensure a robust oversight function within the Department; (2) which DOD investigative components should conduct procurement fraud investigations; and (3) the optimal organization required to increase the DOD capability to maximize procurement fraud recoveries and indictments.

The conferees direct the Secretary to provide a report by May 1, 1996, to the congressional defense committees on the results of this review. The conferees will assess this report to ascertain whether further legislation is necessary to address remaining concerns over duplication and coordination problems among the DOD investigative components.

Transfer of excess personal property to support law enforcement activities

The House bill contained a provision (sec. 389) that would amend section 1208(a)(1)(A) of the National Defense Authorization Act for Fiscal Years 1990 and 1991, concerning the transfer of excess personal property. This provision would expand current authority to permit the Secretary of Defense to transfer excess property to state and other federal agencies for use in law enforcement activities. Current authority contained in the above section addresses only transfers to such agencies for their use in counter-drug activities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that numerous avenues currently exist to transfer excess property to state and other federal agencies, including law enforcement agencies which do not have explicit counternarcotics responsibilities. However, there appears to be no coherent policy, priority, or central data base which allows such agencies to learn what is available at a given time, or to effect a transfer without inordinate administrative work.

The conferees direct the Secretary of Defense to review this matter and report to the defense committees of the Congress not later than March 30, 1996, on developing a comprehensive policy and establishing procedures which would assist state and federal law enforcement agencies in identifying and obtaining such equipment. The Secretary should consider Memoranda of Understanding as a means to effect transfers.

The Secretary should also give high priority consideration to state and federal law enforcement agencies that demonstrate their need for such equipment.

Development and implementation of innovative processes to improve operation and maintenance

The House bill contained a provision (sec. 390) that would direct that $350.0 million, of the funds authorized and appropriated for defense-wide operation and maintenance, be available for the development or acquisition of information technologies and reengineered functional processes.

The Senate amendment contained no similar provision.

The House recedes.

Sale of 50 percent of current war reserve fuel stocks and prepositioned war reserves

The House bill contained a provision (sec. 392) that would require the Secretary of Defense to reduce war reserve fuel stocks of the Department of Defense to a level equal to 50 percent of the level of such stocks on January 1, 1995.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the DOD has made considerable progress in identifying its fuel requirements necessary for wartime operations. This has led to a reduction in the required level of war reserves. The conferees urge the DOD to continue its efforts in this area in order to save money while maintaining military readiness.

The conferees further believe that there is considerable opportunity to address critical afloat and ashore war reserve deficiencies. The conferees agree to add $60 million for purchases of critical war reserve stocks. This funding is authorized in the operation and maintenance, defense-wide activities account for application to high priority war reserve requirements. The Secretary of Defense is requested to report on the expenditure of these funds to the congressional defense committees prior to their allocation and should seek the views of theater commanders-in-chief in determining the application of these resources.

Southwest border states anti-drug information system

The House bill included a provision (sec. 396) that indicated that the Southwest Border States Anti-Drug Information Systems program is an important element of the Department of Defense support of law enforcement agencies in the fight against illegal trafficking of narcotics.

The Senate amendment contained no similar provision.

The House recedes. The Southwest Border States Anti-Drug Information System is addressed elsewhere in this statement of managers.

Elimination of certain restrictions on purchases and sales of items by exchange stores and other morale, welfare, and recreation (MWR) facilities

The Senate amendment contained a provision (sec. 372) that would eliminate the cost, price, size, and country of origin limitations on purchases and sales of items sold in the military exchanges and morale, welfare, and recreation facilities.

The House bill contained no similar provision.

The Senate recedes.

Funding for Troops to Teachers and Troops to Cops Programs

The Senate amendment contained a provision (sec. 388) that would authorize $42.0 million for the Troops-to-Teachers program and $10.0 million for the Troops-to-Cops program from amounts authorized for military personnel for fiscal year 1996.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that these programs address the economic dislocation among service members caused by the defense drawdown. Therefore, the conferees invite the Department of Defense to determine whether use of existing resources, if available, is appropriate to continue these programs.

Authorization of amounts requested in the budget for Junior ROTC

The Senate amendment contained a provision (sec. 389) that would restore the authorization to fund Junior Reserve Officer's Training Corps (JROTC) at the budget request.

The House bill authorized the JROTC program at the budget request.

The Senate recedes.

The conferees agree to authorize the JROTC program at the budget request.

Use of commissary stores by members of the ready reserve

The Senate amendment contained a provision (sec. 631) that would permit members of the ready reserve to use commissaries on the same basis as members on active duty.

The House bill contained no similar provision.

The Senate recedes.

Use of commissary stores by retired reserves under age 60 and their survivors

The Senate amendment contained a provision (sec. 632) that would permit survivors of ''gray area'' retirees, members of the retired reserve who have not attained the age of 60 years, to use commissaries as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

ITEMS OF SPECIAL INTEREST

Minimum force structure levels for Navy Light Airborne Multipurpose System helicopters

The conferees note that the Navy Light Airborne Multipurpose System (LAMPS) antisubmarine warfare helicopter fleet provides an essential element to the Nation's overall antisubmarine warfare capability. The conferees understand that the Navy has no plans to reduce the number of active or reserve LAMPS squadrons below the 14 currently in the force structure during fiscal years 1996 or 1997. The conferees believe that 14 LAMPS squadrons is the minimum structure necessary and fully expect the Navy to continue to support that level of force structure.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would establish active duty end strengths for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 401), but would include an increase of 340, of which 65 would be officers, in Navy end strength to permit the Navy to retain an active P–3 squadron scheduled for inactivation in fiscal year 1996.

The following table summarizes the authorized active duty end strengths for fiscal year 1996.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
Army:			
Total	510,000	495,000	495,000
Officer		81,300	81,300
Navy:			
Total	441,641	428,000	428,340
Officer		58,805	58,870
Marine Corps:			
Total	174,000	174,000	174,000
Officer		17,978	17,978
Air Force:			
Total	400,051	388,200	388,200
Officer		75,928	75,928
Total	1,525,692	1,485,200	1,485,540
Officer		234,011	234,076

The House bill also contained a provision (sec. 521) that would establish permanent end strength levels beginning in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would integrate the House bill provision (sec. 521) into this section.

Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades (sec. 402)

The House bill contained a provision (sec. 402) that would authorize a temporary increase in the number of officers who can serve on active duty in the grade of major in the Air Force and in the grades of lieutenant commander, commander, and captain in the Navy until September 30, 1997.

The Senate amendment contained a similar provision (sec. 402).

The House recedes.

The conferees fully expect the Secretary of Defense to provide a comprehensive proposal to restructure the authorized strength tables for commissioned officers on active duty in time for the committee to address, in the National Defense Authorization Act for Fiscal Year 1997, a permanent solution to perceived recurring shortages of officers in controlled grades for each service.

Certain general and flag officers awaiting retirement not to be counted (sec. 403)

The Senate amendment contained a provision (sec. 403) that would exempt a retiring Chairman of the Joint Chiefs, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps from being included in the number of general and flag officers on active duty, authorized to be serving in the grade of general and admiral, during the period when they would complete those activities necessary to transition to the retired list after they have been relieved from their former position.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that the five positions in this provision represent the totality of the critical positions for which an exemption of this type is appropriate. The conferees expect that the Department will not request exemptions for any additional general/flag officer positions.

The conferees intend that this authority would not be used for more than 60 calendar days.

Subtitle B—Reserve Forces

End Strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize selected reserve end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 411).

The following table summarizes the authorized end strength levels for the selected reserve for fiscal year 1996.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
The Army National Guard of the United States	400,000	373,000	373,000
The Army Reserve	242,000	230,000	230,000
The Naval Reserve	102,960	98,602	98,894
The Marine Corps Reserve	42,000	42,000	42,274
The Air National Guard of the United States	115,581	109,458	112,707
The Air Force Reserve	78,706	73,969	73,969
The Coast Guard Reserve	8,000	8,000	8,000

The conferees have approved an increase in the Naval Reserve end strength, which reflects the recommendation that the Navy retain one reserve P–3 squadron currently scheduled for inactivation in fiscal year 1996.

The conferees have approved an increase in the Marine Corps Reserve end strength, which reflects the conferees' recommendation that the authorized number or reservists on active duty in support of the Marine Corps Reserve be increased.

The conferees have approved an increase in the Air National Guard end strength, which reflects the conferees' recommendation that the Air Force maintain the PAA squadrons at 15 aircraft per squadron in fiscal year 1996.

End strengths for the Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize reserve full-time support end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 412).

The following table summarizes the reserve full-time support end strength levels for fiscal year 1996.

	Fiscal year		
	1995 authorization	1996 request	1996 recommendation
The Army National Guard of the United States	23,650	23,390	23,390
The Army Reserve	11,940	11,575	11,575
The Naval Reserve	17,510	17,490	17,587
The Marine Corps Reserve	2,285	2,285	2,559
The Air National Guard of the United States	9,389	9,817	10,066
The Air Force Reserve	648	628	628

The conferees have approved an increase in the authorized number of reservists on active duty (AR's) in support of the Marine Corps Reserve. The conferees note that this increase is intended to complement existing active duty support, and is not a substitute for any portion of the active duty support that is part of the Inspector-Instructor system. Therefore, the conferees direct that the Inspector-Instructor support system not be reduced as a result of any AR increase. Further, the conferees direct that the AR increase of 274 personnel be utilized to the extent that it is supported by a specific appropriation. The conferees do not support increasing the AR program if it means reducing any other reserve programs.

The increases in the number of reservists on active duty in support of the Naval Reserve reflects the conferees' approval of additional selected reserve strength to enable the Navy to retain a reserve P–3 squadron.

The increase in the number of reservists on active duty in support of the Air National Guard reflects the conferees' approval of selected reserve strength to enable the Air National Guard to retain the PAA squadrons at 15 aircraft per squadron.

Counting of certain active component personnel assigned in support of Reserve component training (sec. 413)

The House bill contained a provision (sec. 413) that would permit active duty personnel assigned to active duty units, that have been and continue to be established for the principal purpose of providing dedicated training support to reserve component units, to be counted toward the number of advisers required by section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in the number of members in certain grades authorized to serve on active duty in support of the Reserves (sec. 414)

The Senate amendment contained a provision (sec. 413) that would temporarily increase the number of members of certain grades authorized to serve on active duty in support of the reserves.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty in support of Cooperative Threat Reduction Programs not to be counted (sec. 415)

The Senate amendment contained a provision (sec. 414) that would exempt members of a reserve component who participate in Cooperative Threat Reduction Act programs from being counted against the authorized active duty end strength.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty for military-to-military contacts and comparable activities not to be counted (sec. 416)

The Senate amendment contained a provision (sec. 415) that would amend section 168 of title 10 United States Code, to exempt members of a reserve component who participate in activities or programs specified in section 168, for over 180 days, from counting against the end strengths for members of the armed services on active duty, authorized by section 115(a)(1) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Military Training Student Loads

Authorization of training student loads (sec. 421)

The House bill contained a provision (sec. 421) that would approve the training students loads contained in the President's budget.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

Subtitle D—Authorization of Appropriations

Authorization for increase in active duty end strengths (sec. 432)

The House bill contained a provision (sec. 432) that would authorize $112.0 million in additional funds available for increasing military personnel end strengths within the Department of Defense above those levels requested by the President's budget.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Funding for the Family Advocacy Program and the New Parent Support Program

The conferees are concerned about the adequacy of funding requested by the Department of Defense for the Family Advocacy Program (FAP) and the lack of funding for the New Parent Support Program (NPSP). The conferees agree to provide an increase of $30.0 million for the FAP and $25.6 for the NPSP. The conferees direct that the NPSP increase be allocated as follows: Army—$10.0 million; Navy—$7.0 million; Marine Corps—$5.0 million; Air Force—$3.6 million. The conferees take this action in response to the significant strains placed on military families as a result of the high operations tempo in all services. The conferees consider the FAP and the NPSP critical to the readiness and retention of quality people.

The conferees recognize that there is fierce competition within the Department of Defense, and among the services, for scarce operations and maintenance funds. The conferees are concerned that the FAP and NPSP funding may be used for other purposes. If

the Department or a service attempt to reduce, divert, or reprogram the FAP or NPSP funding for some other purpose, the conferees would consider such an action to be in direct contravention of congressional intent.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Officer Personnel Policy

Joint officer management (sec. 501)

The Senate amendment contained a provision (sec. 501) that would amend joint officer management policies in four areas: (1) the number of required critical joint duty assignment positions; (2) joint duty assignment credit for certain qualifying joint task force positions; (3) the education and experience sequencing requirement for the award of the joint specialty to general and flag officers; and (4) tour length requirements for certain officers on a second joint tour.

The House bill contained no similar amendment.

The House recedes with a clarifying amendment.

The conferees note that this amendment is intended to provide to the civilian and military leadership of the Department of Defense some flexibility to manage the various joint officer programs, without undermining the fundamental tenets and goals of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Therefore, none of the changes included in the conference agreement should be perceived as diminishing the importance of joint duty assignments or the importance of rigorous preparation before the award of the joint specialty or the need for judicious management of those officers to whom that designator has been awarded. The conferees revised the Department's original proposal to preclude the Department from rapidly rotating officers through joint task force assignments and thereby circumventing the fundamental intent of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

Regarding credit for service in joint task force and multinational force positions, the conferees recognize that certain positions will provide real-world joint experience equal to or greater than that provided by some positions on the Joint Duty Assignment List. Additionally, the conferees believe that authorizing the Secretary of Defense to award joint duty credit for certain officers serving in joint task force positions will permit deserving in-service assignments to receive joint duty assignment credit. The conferees fully expect the Secretary of Defense to closely manage the award of joint duty credit for such positions.

Retired grade for officers in grades above major general and rear admiral (sec. 502)

The Senate amendment contained a provision (sec. 505) that would permit the retirement of three- and four-star generals and flag officers to be considered under the same standards and procedures as general and flag officer retirements at the one- and two-star level.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Wearing of insignia for higher grade before promotion (sec. 503)

The Senate amendment contained a provision (sec. 507) that would define ''frocking'' and limit the numbers of officers that could be frocked to grades 0–4 through 0–7.

Frocking is the practice of allowing an officer to wear the insignia of a higher grade prior to appointment to that higher grade. While the Department of Defense has attempted to control the extent of frocking through regulation, the practice remains a means by which the services routinely circumvent the statutory limits on the number of officers authorized to serve in certain grades.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to extend transition period for officers selected for early retirement (sec. 504)

The House bill contained a provision (sec. 501) that would authorize the secretaries of the military departments to defer the date of retirement for officers selected for early retirement for up to 90 days, to avoid personal hardship or for other humanitarian reasons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the service secretary to make the decision on a case-by-case basis and would prohibit any delegation of this authority.

The conferees expect the Secretary of Defense and the service secretaries to modify the instructions, regulations, and policies pertaining to enlisted personnel in order to provide an equivalent benefit for enlisted personnel.

Army officer manning levels (sec. 505)

The House bill contained a provision (sec. 522) that would require that, beginning in fiscal year 1999 and thereafter, the annual Army end strength be sufficient to meet at least 90 percent of active Army officer manpower requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Authority for medical department officers other than physicians to be appointed as Surgeon General (sec. 506)

The Senate amendment contained a provision (sec. 503) that would amend sections 3036, 5137, and 8036 of title 10, United States Code, to permit educationally and professionally qualified officers, such as dentists, nurses, and clinical psychologists, as well as doctors, to be appointed as surgeon general of an armed force.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Deputy Judge Advocate General of the Air Force (sec. 507)

The Senate amendment contained a provision (sec. 504) that would amend section 8037 of title 10, United States Code, to adjust the tenure of the Deputy Judge Advocate General of the Air Force from two years to four years and authorize the grade of major general for that position.

The House bill contained no similar provision.

The House recedes.

Authority for temporary promotions for certain Navy lieutenants with critical skills (sec. 508)

The House bill contained a provision (sec. 552(d)) that would extend the authority for the Navy to ''spot promote'' certain lieutenants serving in positions involving critical skills.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority until September 30, 1996 and limit the number of positions to which an officer could be promoted under this authority.

Retirement for years of service of Directors of Admissions of Military and Air Force Academies (sec. 509)

The Senate amendment contained a provision (sec. 508) that would authorize the Secretary of the Army to involuntarily retire the Director of Admissions, United States Military Academy, after 30 years of service as a commissioned officer.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Air Force Academy subject to the application of the provision.

Subtitle B—Matters Relating to Reserve Components

Extension of certain reserve officer management authorities (sec. 511)

The House bill contained a provision (sec. 552) that would extend authorities that provide for the appointment, promotion, and retirement of reserve officers (sec. 552a–c), and the promotion of certain officers on active duty in the Navy (sec. 552d).

The Senate amendment contained an identical provision (sec. 506), except for the authority to provide for the promotion of certain officers on active duty in the Navy.

The conference agreement includes the identical provisions.

The promotion of certain officers on active duty in the Navy is addressed elsewhere in the conference report.

Mobilization Income Insurance Program for members of Ready Reserve (sec. 512)

The House bill contained a provision (sec. 517) that would authorize an income protection insurance plan for members of the Ready Reserve.

The Senate amendment contained a similar provision (sec. 511).

The conference agreement includes this provision.

Military technician full-time support program for Army and Air Force Reserve components (sec. 513)

The House bill contained a provision (sec. 511) that would restore military technician end strength to nearly the fiscal year 1995 level and require that the Secretary of Defense, in the future, manage military technicians by annual end strength. This section would also prohibit military technicians in certain high priority units and activities, but not those at management-level headquarters, from being subject to broad civilian personnel reductions. In addition, this section would require the Secretary of Defense, within six months of enactment, to initiate measures to consolidate and streamline management-level headquarters at the National, regional, and state level in the Air Force and Army Reserve and National Guard. This section would also require that, after the date of enactment, only dual-status technicians be hired.

The Senate amendment contained a provision (sec. 331) that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard for fiscal years 1996 and 1997.

The Senate recedes with an amendment that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard at the House level.

The conferees recognize the critical importance of military technicians to reserve component readiness, and direct the use of end-strength floors to manage this special category of personnel. The conferees urge the Secretary of Defense and the Secretaries of the military departments to provide the requisite funding to ensure that the correct number of qualified military technicians are available to ensure a significant contribution to operational readiness.

Revisions to Army Guard combat reform initiative to include Army reserve under certain provisions and to make certain revisions (sec. 514)

The House bill contained a provision (sec. 513) that would change the requirement of

section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the section would require the Army to annually provide at least 150 officers and 1,000 soldiers, with at least two years prior active duty experience, to national guard units.

This section would also expand the Army selected reserve requirements of sections 1112(b), 1113, 1115, 1116, and 1120 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484).

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 515)

The House bill contained a provision (sec. 519) that would amend section 1131 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the provision would require that each Army National Guard brigade and Army Selected Reserve unit, considered essential for execution of the national strategy, be associated with an active duty unit.

The Senate amendment contained no similar provision.

The Senate recedes.

Leave for members of reserve components performing public safety duty (sec. 516)

The Senate amendment contained a provision (sec. 513) that would amend section 6323(b) of title 5, United States Code, that would permit employees who elect, when performing public safety duty, to use either military leave, annual leave, or compensatory time, to which they are otherwise entitled.

The House bill contained no similar provision.

The House recedes.

Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises (sec. 517)

The Senate amendment contained a provision (sec. 361) that would provide funding authority for National Guard units to participate in joint exercises to prepare them to respond to civil emergencies or disasters.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Decorations and Awards

Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962 (sec. 521)

The Senate amendment contained a provision (sec. 541) that would authorize award of the Purple Heart to prisoners of war captured before April 1962 who were injured or wounded in conjunction with their capture or imprisonment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to award decorations recognized acts of valor performed in combat during the Vietnam conflict (sec. 522)

The Senate amendment contained a provision (sec. 542) that would authorize the Secretary of Defense or the secretaries of the military departments to award a decoration for an act, achievement, or service performed during the Vietnam era for which there was no award provided. The provision would establish a one-year period in which award recommendations could be submitted for consideration and existing award review procedures would be used. At the end of one year, the Secretary would be required to report to the Congress on the results on this review.

The House bill contained no similar provision.

The House recedes with an amendment to limit consideration of decorations for acts of valor.

Military intelligence personnel prevented by secrecy from being considered for decorations and awards (sec. 523)

The Senate amendment contained a provision (sec. 543) that would require the secretaries of the military departments, upon application, to review the records of personnel who performed military intelligence duties during the Cold War period.

The House bill contained no similar provision.

The House recedes.

The conferees expect the secretaries of the military departments to take reasonable actions to widely publicize the opportunity to submit requests for consideration of awards and decorations under this provision.

Review regarding upgrading of Distinguished Service Crosses and Navy Crosses awarded to Asian Americans and Native American Pacific Islanders for World War II Service (sec. 524)

The Senate amendment contained a provision (sec. 544) that would require the Secretary of Defense to review that records of Asian Americans who received the Distinguished Service Cross during World War II to determine if, except for racial prejudice, the act(s) would have merited award of the Medal of Honor.

The House bill contained no similar provision.

The House recedes with an amendment which would make all the services subject to the application of the provision.

Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador (sec. 525)

The House bill contained a provision (sec. 559) that would designate the country of El Salvador, during the period beginning on January 1, 1981, and ending on February 1, 1992, as an area and a period of time in which members of the Armed forces participated in operations in significant numbers and otherwise met the general requirements for award of the Armed Forces Expeditionary Medal.

The Senate amendment contained no similar provision.

The Senate recedes.

Procedure for consideration of military decorations not previously submitted in timely fashion (sec. 526)

The conference agreement includes a provision that would establish procedures under which Members of Congress can forward to the secretary of a military department a recommendation for a military award or decoration, including an upgrade of a previously approved award or decoration, for consideration by the Secretary, without regard to time limits established in law or policy. The secretary concerned will make a recommendation concerning the merits of the request to the Senate Committee on Armed Services and the House Committee on National Security.

In accordance with established standards, the conferees believe that the burden and costs for researching and assembling documentation to support approval of requested awards and decorations should rest with the requestor and should not cause an undue administrative burden within the Legislative or Executive Branch.

The conferees note that the Department of Defense has traditionally avoided consideration of requests for review of military awards on the merits by citing the expiration of various time limits. The conferees, in general, do not support the provision of military awards or decorations through private relief bills. The conferees intend that the secretaries' recommendations would be the basis for consideration of a waiver of time limits, if appropriate.

Subtitle D—Officer Education Programs

Revision of service obligation for graduates of the services academies (sec. 531)

The Senate amendment contained a provision (sec. 502) that would reduce the service obligation for graduates of the service academies from six years to five years.

The House bill contained no similar provision.

The House recedes.

Nomination to service academies from Commonwealth of the Northern Marianas Islands (sec. 532)

The House bill contained a provision (sec. 564) that would authorize the Resident Representative of the Commonwealth of the Northern Marianas Islands to nominate one cadet for attendance at each of the service academies.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies (sec. 533)

The Senate amendment contained a provision (sec. 557) that would repeal sections 4357 and 9356 of title 10, United States Code, and subsections (b), (d) and (e) of sections 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

The House bill contained a similar provision (sec. 1032r).

The conference report includes this provision.

Repeal of requirement for program to test privatization of service academy preparatory schools (sec. 534)

The Senate amendment contained a provision (sec. 558) that would terminate any test program for determining the cost effectiveness of transferring, in whole or in part, the mission of the military academy preparatory schools to the private sector.

The House bill contained no similar provision.

The House recedes with a technical amendment.

ROTC access to campuses (sec. 541)

The House bill contained a provision (sec. 1034) that would deny Department of Defense grants and contracts to any institution that has an anti-ROTC policy, as determined by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

ROTC scholarships for the National Guard (sec. 542)

The House bill contained a provision (sec. 514) that would authorize the Secretary of the Army, with the agreement of the ROTC cadet involved, to redesignate ongoing scholarships as scholarships leading toward service in the Army National Guard and to make other technical changes.

The Senate amendment contained no similar provision.

The Senate recedes.

Delay in reorganization of Army ROTC regional headquarters structure (sec. 543)

The House bill contained a provision (sec. 518) that would delay the closure of an Army ROTC regional headquarters until the Secretary of the Army determines whether such closure is in the best interests of the Army.

The Senate amendment contained a similar provision (sec. 560).

The conference agreement includes this provision.

Duration of field training or practice cruise required under the Senior ROTC program (sec. 544)

The Senate amendment contained a provision (sec. 554) that would permit the secretary of a military department to prescribe the length of the field training portion or practice cruise that must be completed for enrollment in the Reserve Officers' Training Corps Advance Course by persons who have not participated in the first two years of Reserve Officers' Training Corps.

The House bill contained no similar provision.

The House recedes.

Active duty officers detailed to ROTC duty at senior military colleges to serve as commandant and assistant commandant of cadets and as tactical officers (sec. 545)

The House bill contained a provision (sec. 516) that would require that, upon the request of any of the six senior military colleges, the Secretary of Defense shall detail active duty officers to serve as the commandant or assistant commandant of cadets, and as tactical officers at the institution.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary discretion in responding to a request from a senior military college.

The conferees expect that the service secretaries will respond positively to any request, from a senior military college, to provide an officer to serve as the commandant or assistant commandant, or as a tactical officer.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Report concerning appropriate forum for judicial review of Department of Defense personnel actions (sec. 551)

The Senate amendment contained a provision (sec. 559) that would establish a panel to examine whether the existing practices with regard to judicial review of DOD administrative personnel actions are appropriate and adequate, whether a centralized judicial review of administrative personnel actions should be established, and whether the United States Court of Appeals for the Armed Forces should conduct such reviews. This approach has been recommended by the American Bar Association.

The House bill contained no similar provision.

The House recedes with an amendment that would require the panel to examine whether a single federal court should conduct such reviews, and, if so, which federal court should be assigned that responsibility. The amendment would provide the Secretary of Defense with the responsibility to establish the panel. The conference agreement required that the Secretary consult with the Attorney General and the Chief Justice of the United States concerning appointments to the panel. The conferees also required that the Secretary consult with the Attorney General prior to sending the report to Congress.

Comptroller General review of proposed Army end strength allocations (sec. 552)

The House bill contained a provision (sec. 523) that would require the Comptroller General of the United States to determine the extent to which the Army is able to fully man the combat and support forces required to carry out the national security strategy and operations other than war for fiscal years 1996 through 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on manning status of highly deployable support units (sec. 553)

The House bill contained a provision (sec. 524) that would direct each of the secretaries of the military departments to conduct a study to determine whether high-priority support units, that would deploy early in a crisis, are, as a matter of policy, manned at less than 100 percent of authorized strengths. The provision would further require the secretaries of the military departments to report the findings of their studies not later than September 30, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of system for correction of military records (sec. 554)

The Senate amendment contained a provision (sec. 555) that would require the secretaries of the military departments to review the composition of the Boards for the Correction of Military Records and the procedures used by those boards. The provision would require the submission of a report to the appropriate committees of the Senate and the House of Representatives by April 1, 1996.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that the Boards for the Correction of Military Records are perceived to be unresponsive, bureaucratic extensions of the uniformed services.

Report of the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation (sec. 555)

The House bill contained a provision (sec. 565) that would require the Secretary of Defense to submit a report on the consistency with which fingerprint cards and final disposition forms are reported by the Defense Criminal Investigation Organizations to the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle F—Other Matters

Equalization of accrual of service credit for officers and enlisted members (sec. 561)

The House bill contained a provision (sec. 551) that would make the criteria for accrual of service credit for officers consistent with the criteria established for enlisted members.

The Senate amendment contained a similar provision (sec. 552).

The conference agreement includes this provision.

Army ranger training (sec. 562)

The House bill contained a provision (sec. 557) that would establish a baseline number of officers and enlisted personnel that would have to be assigned to the Army Ranger Training Brigade and would give the Secretary of the Army one year to achieve that level. This provision would also require that training safety cells be established in each of the three major phases of the Ranger training course.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would require the Ranger Training Brigade to be manned at 90 percent of the requirements for two years, at which time the statutory requirement would expire. The amendment would also require the Comptroller General to assess the effectiveness of corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp. The amendment also expresses the sense of the Congress that the Secretary of Defense review and enhance, if necessary, oversight of all high-risk training and consider establishment of safety cells similar to those prescribed in the Ranger Training Brigade.

The conferees direct the secretary of defense to undertake a comprehensive analysis of high-risk training activities, to include, but not limited to the following: Army-Ranger; Navy SEAL; Navy and Air Force Survival, Evasion, Resistance, and Escape; and Airborne training. The study should identify key contributing factors prejudicial to personnel safety. This study shall include sensitivity analysis for each high-risk training program, with particular emphasis on officer-enlisted ratios and instructor-student ratios. The conferees direct the Secretary to submit the study results to the Senate Committee on Armed Services and the House Committee on National Security not later than December 31, 1996.

Separation in cases involving extended confinement (sec. 563)

The Senate amendment contained a provision (sec. 553) that would authorize the administrative separation of a service member who is sentenced by court-martial to a period of confinement for one year or more.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize such a separation if the member has been sentenced to a period of confinement for more than six months.

Limitations on reductions in medical personnel (sec. 564)

The Senate amendment contained a provision (sec. 556) that would amend section 711 of the National Defense Authorization Act for Fiscal Year 1991, section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, and section 518 of the National Defense Authorization Act for Fiscal Year 1993 to modify the limitations on reductions in medical personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress concerning personnel tempo rates (sec. 565)

The House bill contained a provision (sec. 525) that would express the sense of Congress that the Secretary of Defense should continue to improve the Department's personnel tempo management techniques so that all personnel can expect a reasonable personnel tempo rate.

The Senate amendment contained no similar provision.

The Senate recedes.

Separation benefits during force reduction for officers of the commissioned corps of National Oceanic and Atmospheric Administration (sec. 566)

The House bill contained a provision (sec. 566) that would, at the discretion of the Secretary of Commerce, authorize for officers of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the separation benefits available to the other uniformed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Discharge of members of the armed forces who have the HIV–1 virus (sec. 567)

The House bill contained a provision (sec. 561) that would require the Secretary of Defense to separate or retire service members who are identified as HIV-positive.

The Senate amendment contained no similar provision

The Senate recedes with an amendment that would provide the discharged member with an entitlement to medical and dental care within the Military Health Care System, to the same extent and under the same conditions as a military retiree.

Revision and codification of Military Family Act and Military Child Care Act (sec. 568)

The House bill contained a provision (sec. 560) that would codify in title 10, United States Code, updated provisions of The Military Family Act of 1985 (title VII, Public Law 99–145), and The Military Child Care Act of 1989 (title XV, Public Law 101–189), which were instrumental in focusing Department of Defense attention on the needs of military families and on the importance of effective child care programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate a reporting requirement.

Determination of whereabouts and status of missing persons (sec. 569)

The House bill contained a provision (sec. 563) that would require the Secretary of Defense to centralize at the Department of Defense level, the oversight and policy responsibility for accounting for missing persons.

The Senate amendment contained a similar provision (sec. 551).

The Senate recedes with an amendment that would clarify and integrate the two provisions.

The conferees' intention in requiring the creation of the Office for Missing Persons (section 1501) is that this office will have a broad range of responsibilities that include those of all the individual offices that currently have responsibilities for POW/MIA matters.

The conferees expect that the Secretary of Defense will organize this new office to serve as the single focal point in the Department of Defense for POW/MIA matters and consolidate the formulation and oversight of search, rescue, escape and evasion and accountability policies. The conferees further expect that the Secretary of Defense will make every effort to ensure a close working relationship with the national intelligence agencies.

In relation to the Special Rule for Persons Classified as KIA/BNR, the conferees believe that the evidence referred to in section 1509(c) should be compelling evidence, such as post-incident letters written by the supposedly-dead person while in captivity or United States or other archival evidence that directly contradicts earlier United States Government determinations.

Associate Director of Central Intelligence for Military Support (sec. 570)

The Senate amendment contained a provision (sec. 1096) that would exempt the position of Associate Director of Central Intelligence for Military Support from counting against the numbers and percentages of officers authorized to be serving in the rank and grade of such officer for the armed force of which such officer is a member when neither the Director for Central Intelligence or the Deputy Director for Central Intelligence is a military officer.

The House bill contained no similar provision.

The House recedes.

Subtitle G—Support for Non-Department of Defense Activities

Repeal and revision of certain Civil-Military Programs (secs. 571, 572, 573 and 574)

The House bill contained a provision (sec. 558) that would repeal the authority for three programs established by the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484): the Civil-Military Cooperative Action Program; the National Guard Youth Opportunities Program; and the Pilot Outreach Program to Reduce the Demand for Illegal Drugs. Additionally, this provision would preclude Department of Defense support to the Civilian Conservation Corps.

The Senate amendment contained several provisions that would address Civil-Military Programs as follows: (1) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs (sec. 362); (2) revise section 410 of title 10, United States Code, the Civil-Military Cooperative Action Program (sec. 363); (3) extend the authorization for the National Guard Youth Opportunities Program through Fiscal Year 1997 (sec. 1083); and (4) extend the duration of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs for two additional years (sec. 1099A).

The conference agreement includes several provisions (secs. 571, 572, 573, and 574) that would: (1) replace section 410 of title 10, United States Code, with a new section, that would authorize support and services for certain eligible organizations and activities outside of the Department of Defense (sec. 2012); (2) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs or for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 572 of this Act; (3) extend that authorization for the National Guard Youth Opportunities Program for 18 months from enactment and limit the number of programs to the number in effect on September 30, 1995. The Conference Agreement did not extend the duration of the Pilot Outreach Program to Reduce Demand for Illegal Drugs.

Regarding the repeal of specific authority for the Civil-Military Cooperative Program and the absence of an extension of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs, the conferees note that the Young Marines, the Seaborne Conservation Corps, and other programs operated under Department of Defense and service policy prior to the October 1992 enactment of the statutory authorities for the various civil-military programs. The conferees expect that the Young Marines, the Seaborne Conservation Corps and other similar programs should be able to continue operations in accordance with the pre-October 1992 authorities.

The conferees intend that the 18-month extension of the National Guard Youth Opportunities Program would permit these programs to develop non-Department of Defense sources of funding in order to continue operation after the authority in this extension expires.

Regarding support and services for eligible organizations and activities outside of the Department of Defense, the conferees intend that the ''custody community relations and public affairs activities'', referred to in section 572(b)(1), provide for the use of Department of Defense resources to support public events, including such activities as the honor guards, static displays of equipment, bands, and demonstrations, and rely heavily on volunteer support. Department of Defense resources should be considered available for community relations support only after all military needs have been met. Additionally, the conferees expect that, concerning the exception to the relationship to military training, referred to in section 572(d)(2), most manpower requests for assistance under this exception will be met by volunteers, and that any assistance other than manpower will be extremely limited. With respect to such exception, Government vehicles may be used, but only to provide transportation of military manpower to and from the work site. The use of government aircraft in assistance under this exception is prohibited.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on feasibility of providing education benefits protection insurance for service academy and ROTC scholarship students who become medically unable to serve

The House bill contained a provision (sec. 515) that would require the Secretary of Defense to conduct a study on the need and feasibility of establishing a no cost to the government disability insurance plan for service academy and Reserve Officers' Training Corps scholarship students.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that private insurance companies could provide the needed coverage without requiring further study by the Secretary of Defense. Accordingly, the conferees direct the Secretary to cooperate with private insurers and to make insurance information available to students in a manner that the Secretary determines to be essentially consistent with the way private insurance information is handled elsewhere within the Department of Defense.

Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired) to the grade of major general on the retired list

The House bill contained a provision (sec. 562) that would authorize the President to advance Brigadier General Charles E. Yeager (retired) to the grade of major general on the retired list.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Military pay raise for fiscal year 1996 (sec. 601)

The House bill contained a provision (sec. 601) that would provide a 2.4 percent military pay raise for all the uniformed services, except the National Oceanic and Atmospheric Administration. Additionally, the provision would increase by 5.2 percent the rates of the basic allowance for quarters for members of the uniformed services. These increases would be effective January 1, 1996.

The Senate amendment contained a similar provision that would apply to all uniformed services (sec. 601).

The House recedes.

Limitation on basic allowance for subsistence for members residing without dependents in government quarters (sec. 602)

The House bill contained a provision (sec. 602) that would require the secretaries of the military departments to allow no more than 12 percent of the service members without dependents who reside in government quarters to receive basic allowance for subsistence (BAS). The provision would also require the Secretary of Defense to submit a report to confirm the current number of service members in this category and to establish a standard for the appropriate percentage of personnel who are eligible to receive BAS.

The Senate amendment contained no similar provision.

The Senate recedes.

Election of basic allowance for quarters instead of assignment to inadequate quarters (sec. 603)

The Senate amendment contained a provision (sec. 602) that would authorize payment of the basic allowance for quarters (BAQ) and variable housing allowance (VHA) (and overseas housing allowance (OHA) if assigned overseas) to single members in the paygrade E–6 and above who have been assigned to quarters that do not meet minimum adequacy standards established by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Payment of basic allowance for quarters to members in pay grade E–6 who are assigned to sea duty (sec. 604)

The House bill contained a provision (sec. 603) that would authorize payment of basic allowance for quarters and variable housing allowance to single E–6 personnel assigned to shipboard sea duty.

The Senate amendment contained a similar provision (sec. 603).

The conference agreement includes this provision.

Limitation on reduction of variable housing allowance for certain members (sec. 605)

The House bill contained a provision (sec. 604) that would authorize the Secretary of Defense to establish a minimum amount of variable housing allowance (VHA) to meet the cost of adequate housing in high cost areas. The provision would also prevent the reduction of the amount of VHA paid to an individual, as long as the member retains uninterrupted eligibility to receive VHA in the housing area and the member's housing costs are not reduced.

The Senate amendment contained a provision (sec. 604) that would prevent reduction of the amount of variable housing allowance (VHA) paid to an individual, as long as the service member retains uninterrupted eligibility to receive VHA in the housing area and the service member's housing costs are not reduced.

The House recedes with a technical amendment.

THe conferees believe that, if the current mechanism for determining VHA rates is inadequate, the Secretary of Defense should notify the Committee on Armed Services of the Senate and the Committee on National Security of the House. Such notification should include a recommended solution and all appropriate justification.

Clarification of limitation on eligibility for Family Separation Allowance (sec. 606)

The House bill contained a provision (sec. 605) that would authorize the payment of family separation allowance to service members on board a ship that is away from homeport, even though the service member elected to remain unaccompanied by dependents at the permanent duty station.

The Senate amendment contained a similar provision (sec. 605) that also authorized payment of family separation allowance when members are on temporary duty away from permanent duty station.

The House recedes.

Subtitle B—Bonuses and Special and Incentive Pays

Extension of certain bonuses for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend until September 30, 1998 the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus.

The Senate amendment contained a similar provision (sec. 611) that would provide for extensions to September 30, 1997.

THe House recedes.

Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The House bill contained a provision (sec. 612) that would extend until September 30, 1998 the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 612) that would provide for extensions to September 30, 1997.

The House recedes.

Extension of authority relating to payment of other bonuses and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend until September 30, 1998 the authority for the aviation officer retention bonus, the reenlistment bonus for active members, enlistment bonuses for critical skills, special pay for enlisted members of the selected reserve assigned to certain high-priority units, special pay for nuclear-qualified officers extending the period of active service, and the nuclear career accession bonus. The provision would also extend the authority for repayment of education loans for certain health professionals who serve in the selected reserve and the nuclear career annual incentive bonus to October 1, 1998.

The Senate amendment contained a similar provision (sec. 613) that would provide for extensions to September 30 and October 1, 1997.

The House recedes with a clarifying amendment.

Codification and extension of special pay for critically short wartime health specialists in the selected reserves (sec. 614)

The House bill contained a provision (sec. 614) that would amend title 37, United States Code, to include authorization of special pay for critically short wartime health specialists in the selected reserves and extend the authority for the special pay to September 30, 1998.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to limit the extension of authority to September 30, 1997.

Hazardous duty incentive pay for warrant officers and enlisted members serving as air weapons controllers (sec. 615)

The Senate amendment contained a provision (sec. 614) that would authorize special hazardous duty incentive pay for enlisted members serving as air weapons controllers aboard airborne warning and control systems.

The House bill contained no similar provision.

The House recedes.

Aviation career incentive pay (sec. 616)

The House bill contained a provision (sec. 615) that would reduce the initial operational flying requirement for Aviation Career Incentive Pay from 9 of the first 12 years to 8 of te first 12 years of aviation service.

The Senate amendment contained a similar provision (sec. 615) that would also restrict to the service secretary the authority to grant waivers of the number of years.

The House recedes.

Clarification of authority to provide special pay for nurses (sec. 617)

The Senate amendment contained a provision (sec. 616) that would add military nurses to the list of health care professionals who are eligible to receive a special pay for being board certified in their specialty.

The House bill contained no similar provision.

The House recedes.

Continuous entitlement to career sea pay for crew members of ships designated as tenders (sec. 618)

The House bill contained a provision (sec. 616) that would authorize personnel assigned to tenders to receive career sea pay.

The Senate amendment contained a similar provision (sec. 617).

The conference agreement includes this provision.

Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters (sec. 619)

The House bill contained a provision (sec. 617) that would authorize payment of a maximum monthly rate of $375 of additional special duty assignment pay to recruiters.

The Senate amendment contained an identical provision (sec. 618).

The conference agreement includes this provision.

Subtitle C—Travel and Transportation Allowances

Repeal of requirement regarding calculation of allowances on basis of mileage tables (sec. 621)

The Senate amendment contained a provision (sec. 621) that would amend section 104(d)(1)(A) of title 37, United States Code, to repeal the requirement that travel mileage tables be prepared under the direction of the Secretary of Defense.

The House bill contained no similar provision.

The House recedes.

Departure allowances (sec. 622)

The Senate amendment contained a provision (sec. 622) that would equalize evacuation allowances to ensure equitable treatment of military dependents, civilians and their dependents, when officially authorized or ordered to evacuate an overseas area.

The House bill contained no similar provision.

The House recedes.

Transportation of nondependent child from member's station overseas after loss of dependent status while overseas (sec. 623)

The House bill contained a provision (sec. 621) that would authorize dependent children, who lose eligibility as dependents for any reason while overseas, to return to the United States one time at government expense prior to the sponsor receiving permanent-change-of-station orders.

The Senate amendment contained a similar provision (sec. 624).

The conference agreement includes this provision.

Authorization of dislocation allowance for moves in connection with base realignments and closures (sec. 624)

The House bill contained a provision (sec. 622) that would authorize the payment of dislocation allowance for service members directed to move as a result of the closure or realignment of an installation.

The Senate amendment contained a similar provision (sec. 623).

The conference agreement includes this provision.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Effective date for military retiree cost-of-living adjustments for fiscal years 1996, 1997 and 1998 (sec. 631)

The House bill contained a provision (sec. 633) that would conform the military retired pay cost-of-living adjustment (COLA) payment date with the payment date established for Federal civilian retirees by making the

military retired pay COLA first payable during March 1996, rather than September 1996.

The Senate amendment contained a provision (sec. 641) that would provide that the 1996 military retired pay cost-of-living adjustment be effective the first day of March 1996. In subsequent years, the cost-of-living adjustment would be effective the first day of December of each year.

The House recedes with an amendment that would provide that the military retired pay COLAs for fiscal years 1996 and 1997 be effective the first day of March, 1996, and the first day of December, 1996, respectively. The provision would also require that the effective date for COLAs during fiscal year 1998 conform to the date prescribed for Federal civilian retirees.

The conferees acknowledge that restoring equity to the payment of COLAs to military retirees has been a priority concern since passage of the Omnibus Budget Reconciliation Act of 1993 which caused military retirees to receive their COLAs later than their civilian counterparts. The solution specified in this provision is a welcome end to the inequity between the two groups of retirees.

Denial of non-regular service retired pay for reserves receiving certain court-martial sentences (sec. 632)

The Senate amendment contained a provision (sec. 642) that would authorize the Secretaries of the military departments to deny retired pay to non-regular service members who are convicted of an offense under the Uniform Code of Military Justice and whose sentence includes death, a dishonorable discharge, a bad conduct discharge, or dismissal. The provision would treat both regular and non-regular service members equitably.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on payment of annuities for certain military surviving spouses (sec. 633)

The Senate amendment contained a provision (sec. 648) that would require the Secretary of Defense to determine the number of surviving spouses of retired careerists who died before March 21, 1974 and retired pay eligible reserve retirees under age 60 who died before September 30, 1978, and report to the Senate Committee on Armed Services and the House Committee on National Security. These groups of surviving spouses have become known as ''Forgotten Widows'' since they were widowed before provisions of the Survivor Benefit Plan were applicable to them.

The House bill contained no similar provision.

The House recedes.

Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines (sec. 634)

The conference agreement includes a provision that would require the service secretaries, on request, to pay the quarters and subsistence allowance that was not paid to certain guerrilla fighters in the Philippines during World War II.

Authority for relief from previous overpayments under minimum income widows program (sec. 635)

The conference agreement includes a provision that would permit the Secretary of Defense to waive the recovery of any overpayment made before enactment of the conference report and that is attributable to a failure by the Department of Defense to apply eligibility requirements correctly.

The conferees expect the Secretary of Defense to direct the Defense Finance and Accounting Service to stop sending collection letters to widows expected to be covered under this provision.

Transitional compensation for dependents of members of the armed forces separated for dependent abuse (sec. 636)

The House bill contained a provision (sec. 556) that would require the Secretary of Defense to retroactively provide compensation to certain eligible dependents inadvertently excluded from the program.

The Senate amendment contained a provision (sec. 649) that would amend section 1059(d) of title 10, United States Code, to include transitional compensation for dependents whose sponsor forfeited all pay and allowances, but was not separated from the service.

The Senate recedes with a clarifying amendment.

Subtitle E—Other Matters

Payment to survivors of deceased members for all leave accrued (sec. 641)

The Senate amendment contained a provision (sec. 647) that would permit survivors of deceased members of the uniformed services to be paid for all leave accrued. This provision will enable survivors to be paid for leave accrued above the 60 day limit.

The House bill contained no similar provision.

The House recedes.

Repeal of reporting requirements regarding compensation matters (sec. 642)

The House bill contained a provision (sec. 631) that would eliminate a report on dependents accompanying members on assignments to overseas locations and simplify the requirement for the President to submit to the Congress recommendations on military pay matters.

The Senate amendment contained a similar provision (sec. 1072(d)).

The Senate recedes with an amendment that would combine the two provisions.

Recoupment of administrative expenses in garnishment actions (sec. 643)

The Senate amendment contained a provision (sec. 643) that would amend section 5502 of title 5, United States Code, to shift the burden for payment of administrative costs, incurred incident to garnishment actions, from the employee to the creditor.

The House bill contained no similar provision.

The House recedes.

Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers (sec. 644)

The Senate amendment contained a provision (sec. 646) that would require the Secretary of Defense to study and report to the Congress on methods of improving the working conditions of noncommissioned officers in pay grades E–5 and E–6. This report, and the accompanying legislative recommendations, should provide the committee a road map to continue quality of life improvements.

The House bill contained no similar provision.

The House recedes.

Study regarding joint process for determining location of recruiting stations (sec. 645)

The House bill contained a provision (sec. 632) that would require the Secretary of Defense to conduct a study of the process for determining the location and manning of recruiting stations. The study would be based on market research and analysis conducted jointly by the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

Automatic maximum coverage under Servicemen's Group Life Insurance (sec. 646)

The Senate amendment contained a provision (sec. 644) that would automatically enroll service members at the maximum insurance level of $200,000, instead of the $100,000 level currently in law.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

Termination of servicemen's group life insurance for members of the Ready Reserve who fail to pay premiums (sec. 647)

The Senate amendment contained a provision (sec. 645) that would authorize the Secretary of Defense to terminate coverage under the Servicemen's Group Life Insurance for members of the ready reserve who fail to make premium payments for 120 days.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of prohibition on payment of lodging expenses when adequate Government quarters are available

The House bill contained a provision (sec. 623) that would repeal the prohibition on payment of lodging expenses when adequate government quarters are available.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Follow-on medical care for certain members of former members of the Armed Forces and their dependents

The conferees note that same service members, as a result of receiving transfusions at military hospitals were placed at risk of contracting a serious communicable disease and subsequently transmitting it to their dependents.

The case of Douglas Simon of Eden Prairie, Minnesota, and his family, is an example of the very tragic situation that can arise following a transfusion of contaminated blood. In 1983, while serving in the Army National Guard, Mr. Simon was infected with the AIDS virus after undergoing a blood transfusion at Fort Benning, Georgia. Subsequently, he unknowingly transmitted the virus to his spouse, Nancy, who in turn, transmitted the virus to their daughter Candace. Candace became ill and died of AIDs in 1993 at the age of five. Both Mr. and Mrs. Simon are now in the terminal stages of AIDS and their two remaining children Brian, 11, and Eric, 9, will be orphaned. To date, the Department of Defense has not accepted any financial responsibility for the treatment of Mr. or Mrs. Simon, or the future of the two children. The conferees direct the Secretary of Defense to review the Department's role in this case and to determine whether the Department of Defense should provide fair compensation to these and other similarly affected persons.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Health Care Services

Modifications of requirements regarding routine physical examinations and immunizations under CHAMPUS (sec. 701)

The House bill contained a provision (sec. 701) that would amend section 1079(a) of title 10, United States Code, by expanding ''well-baby visits'' and immunizations to dependents under the age of six, by authorizing immunizations at age six and above and by adding coverage of health promotion and disease prevention visits associated with immunizations, pap smears and mammograms.

The Senate amendment contained a similar provision (sec. 703).

The conference agreement includes this provision.

Correction of inequities in medical and dental care and death and disability benefits for certain reservists (sec. 702)

The House bill contained a provision (sec. 702) that would authorize reservists the same death and disability benefits as active duty members, during off-duty periods between successive inactive duty training periods performed at locations outside the reasonable commuting distance from the member's residence.

The Senate amendment contained no similar provision.

The Senate recedes.

Medical care for surviving dependents of retired Reserves who die before age 60 (sec. 703)

The Senate amendment contained a provision (sec. 701) that would permit survivors of ''gray area'' retirees, members of the retired reserve who have not attained the age of 60 years, to receive medical care as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The House recedes.

Medical and dental care for members of the Selected Reserve assigned to early deploying units of the Army Selected Reserve (sec. 704) and dental insurance for members of the Selected Reserve (sec. 705)

The House bill contained a provision (sec. 703) that would require the Secretary of the Army to provide medical and dental screenings, physical exams for members over 40, and the dental care required to meet dental readiness standards for units scheduled for deployment within 75 days of mobilization.

The provision would also require the Secretary of Defense to conduct a demonstration program to offer members of the selected reserve dental readiness insurance on a voluntary basis, at no cost to the Department of Defense.

The Senate amendment contained a provision (sec. 702) that would require the Secretary of Defense to establish a dental insurance plan for members of the selected reserve. The provision would require a plan, similar to the active duty dependent dental insurance plan, with voluntary enrollment and premium sharing by the member.

The House recedes with two amendments. One requires the Secretary of Defense to establish a dental insurance plan for members of the selected reserve in fiscal year 1997. The amendment also provides authority for the Secretary to conduct the necessary surveys, preparation work, and a test of the plan in fiscal year 1996. The other amendment requires the Secretary of the Army to provide medical and dental care to members of early deploying units of the selective reserve.

Permanent authority to carry out Specialized Treatment Facility Program (sec. 706)

The Senate amendment contained a provision (sec. 704) that would amend section 1105 of title 10, United States Code, by repealing subsection (h), the sunset provision, to make the Specialized Treatment Facility Program permanent.

The House bill contained no similar provision.

The House recedes.

Subtitle B—TRICARE Program

Definition of TRICARE Program (sec. 711)

The Senate amendment contained a provision (sec. 711) that would define the TRICARE program and other terms of art in the statute.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Priority use of military treatment facilities for persons enrolled in managed care initiatives (sec. 712)

The House bill contained a provision (sec. 711) that would amend title 10, United States Code, to require the Secretary of Defense, as an incentive for enrollment, to establish reasonable priorities for services provided at military treatment facilities for TRICARE-enrolled beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Staggered payment of enrollment fees for TRICARE program (sec. 713)

The House bill contained a provision (sec. 712) that would amend section 1097(e) of title 10, United States Code, to require the Secretary of Defense to allow beneficiaries to pay any required enrollment fees on a monthly or quarterly basis, at no additional cost to the beneficiary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment limiting the payments to a quarterly basis.

The conferees direct the Secretary of Defense to establish procedures for retired service members to pay enrollment fees by allotment.

Requirement of budget neutrality for TRICARE program to be based on entire program (sec. 714)

The House bill contained a provision (sec. 713) that would clarify the requirement for the TRICARE HMO option to be budget neutral by requiring that the combined effect of all three TRICARE options be budget neutral.

The Senate amendment contained no similar provision.

The Senate recedes.

Training in health care management and administration for TRICARE lead agents (sec. 715)

The House bill contained a provision (sec. 714) that would direct the Secretary of Defense to ensure that military medical treatment facility commanders, selected to serve as lead agents for the Department's managed health-care program, TRICARE, receive appropriate training in health-care management and administration.

the Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add key subordinates to the training requirement.

Pilot program of individualized residential mental health services (sec. 716)

The House bill contained a provision (sec. 746) that would direct the Secretary of Defense to study the feasibility of expanding mental health services to include ''wraparound'' services, and to include the requirement that providers share financial risk through case-rate reimbursement, and then to report the results of the study to Congress by March 1, 1996.

The Senate amendment contained a provision (sec. 714) that would direct the Secretary of Defense to implement a program of residential treatment for seriously emotionally disturbed and complex-needs adolescents. This treatment would incorporate the concept of ''wraparound services'' in one TRICARE region. The Secretary would be required to report on the evaluation of this program not later than eighteen months after the program is implemented.

The House recedes with a clarifying amendment.

Evaluation and report on TRICARE program effectiveness (sec. 717)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to obtain an ongoing independent evaluation of the TRICARE program and to provide an annual report to Congress on the results of the evaluation. The evaluation should report on efforts to make TRICARE Prime, the HMO option, available in non-catchment and rural areas.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress regarding access to health care under TRICARE program for covered beneficiaries who are Medicare eligible (sec. 718)

The Senate amendment contained a provision (sec. 713) that would express the sense of the Senate that the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare and who reside in a region in which TRICARE has been implemented have access to health care services under TRICARE and that the Department of Defense be reimbursed for those services.

The house bill contained no similar provision.

The House recedes with an amendment that makes the provision a sense of Congress.

Subtitle C—Uniformed Services Treatment Facilities

Delay of termination of status of certain facilities as Uniformed Services Treatment Facilities (sec. 721)

The Senate amendment contained a provision (sec. 721) that would extend until September 30, 1997, the designation of Uniformed Services Treatment Facilities (USTF) as military treatment facilities (MTF).

The House bill amendment contained no similar provision.

The House recedes.

Limitation on expenditures to support Uniformed Services Treatment Facilities (sec. 722)

The House bill contained a provision (sec. 721) that would amend the National Defense Authorization Act for Fiscal Year 1984 (Public Law 98–94) to limit the amount authorized to $300.0 million for the Department of Defense Uniformed Services Treatment Facilities (USTFs) managed care plan. This section would limit beneficiary enrollment in the USTF program to the number enrolled as of September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the limit on the number of enrollees.

Application of CHAMPUS payment rules in certain cases (sec. 723)

The Senate amendment contained a provision (sec. 723) that would amend section 1074 of title 10, United States Code, to include the Uniformed Services Treatment Facilities (USTF) in the authority under which a USTF could be reimbursed for care provided to a Department of Defense eligible enrollee who receives care out of the local area of the USTF in which they are enrolled.

The House bill contained no similar provision.

The House recedes.

Application of federal acquisition regulation to participation agreements with Uniformed Services Treatment Facilities (sec. 724)

The House bill contained a provision (sec. 722) that would amend the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) by repealing the Federal Acquisition Regulation (FAR) exemption

granted to the Uniformed Services Treatment Facilities (USTFs).

The Senate amendment contained a similar provision (sec. 722).

The Senate recedes.

Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense (sec. 725)

The House bill contained a provision (sec. 723) that would amend section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) to require the Secretary of Defense to submit to Congress a plan under which the 10 Uniformed Services Treatment Facilities (USTFs) would be integrated into the Department of Defense's managed health-care program by September 30, 1997. In addition, this section would require the Secretary to assess the feasibility of implementing a modified version of USTF option II.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities (sec. 726)

The House bill contained a provision (sec. 724) that would direct the Secretary of Defense to apply uniform cost shares to each of the 10 Uniformed Services Treatment Facilities (USTFs) only upon regional implementation of the TRICARE managed health care program in the USTF's service area. It would also direct the GAO to evaluate the effect of TRICARE cost shares on USTFs.

The Senate amendment contained a provision (sec. 712) that would require the Uniformed Services Treatment Facilities to implement the TRICARE uniform benefit concurrent with the implementation of TRICARE in that region. The recommended provision would exempt a covered beneficiary who has been continuously enrolled on and after January 1, 1995.

The Senate recedes.

Elimination of unnecessary annual reporting requirements regarding Uniformed Services Treatment Facilities (sec. 727)

The House bill contained a provision (sec. 736) that would eliminate unnecessary annual reporting requirements regarding military health care.

The Senate amendment contained no similar provision.

The Senate recedes.

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

Maximum allowable payments to individual health-care providers under CHAMPUS (sec. 731)

The House bill contained a provision (sec. 731) that would amend title 10, United States Code, to codify a provision of the Department of Defense Appropriations Act for Fiscal Year 1995 (Public Law 103–335) that establishes a process for gradually reducing CHAMPUS maximum payment amounts to those limits for similar services under Medicare.

The Senate amendment contained a similar provision (sec. 732).

The conference agreement includes this provision.

Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility (sec. 732)

The House bill contained a provision (sec. 743) that would direct the administering secretaries to develop a mechanism for notifying beneficiaries of their ineligibility for CHAMPUS health benefits when the loss of CHAMPUS eligibility is due to disability status.

The Senate amendment contained no similar provision.

The Senate recedes.

Personal services contracts for medical treatment facilities of the Coast Guard (sec. 733)

The Senate amendment contained a provision (sec. 733) that would authorize the Secretary of Transportation to use the personal services contract authority, currently available to the Secretary of Defense, to contract for health care providers in support of the Coast Guard.

The House bill contained no similar provision.

The House recedes.

Identification of third-party payer situations (sec. 734)

The House bill contained a provision (sec. 733) that would authorize the Secretary of Defense to prescribe regulations for the collection of information from covered beneficiaries regarding insurance, medical service, or health plans of third-party payers.

The Senate amendment contained no similar provision.

The Senate recedes.

Redesignation of Military Health Care Account as Defense health Program Account and two-year availability of certain account funds (sec. 735)

The House bill contained a provision (sec. 734) that would amend section 1100 of title 10, United States Code, to allow the Secretary of Defense to carry over three percent of the defense health plan annual operation and maintenance appropriations to the end of the next fiscal year.

The Senate amendment contained a similar provision (sec. 731).

The conference agreement includes this provision.

Expansion of financial assistance program for health care professionals in reserve components, to include dental specialties (sec. 736)

The House bill contained a provision (sec. 735) that would authorize financial assistance for qualified dentists engaged in training for a dental specialty which is critically needed in wartime.

The Senate amendment contained a similar provision (sec. 512).

The conference agreement includes this provision.

Applicability of limitation on prices of pharmaceuticals procured for Coast Guard (sec. 737)

The Senate amendment contained in provision (sec. 743) that would include the Coast Guard in the pharmaceutical purchase program administered by the Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion of existing restriction on use of defense funds for abortions (sec. 738)

The House bill contained a provision (sec. 732) that would amend section 1093 of title 10, United States Code, to restrict the Department of Defense (DOD) from using medical treatment facilities or other DOD facilities, as well as DOD funds, to perform abortions, unless necessary to save the life of the mother.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of Department of Defense facilities to perform abortions except in cases where the pregnancy is the result of rape or incest or in cases when the life of the mother is endangered. The amendment would retain the prohibition on the use of Department of Defense funds for abortions except in cases when the life of the mother in endangered.

Subtitle E—Other Matters

Tri-service nursing research (sec. 741)

The Senate amendment contained a provision (sec. 741) that would authorize establishment of a tri-service research program at the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The House recedes.

Termination of program to train military psychologists to prescribe psychotropic medications (sec. 742)

The House bill contained a provision (sec. 741) that would direct the Department of Defense to terminate the pilot demonstration program and to withdraw the authority to prescribe psychotropic drugs from psychologists who participated in the demonstration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit any new enrollments, permit current students to complete the training, and require a General Accounting Office evaluation of the program.

Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility (sec. 743)

The House bill contained a provision (sec. 742) that would authorize the Secretaries of Defense, Transportation and Health and Human Services to waive the collection of certain payments described for beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This waiver would apply to CHAMPUS beneficiaries who lost their CHAMPUS eligibility prior to Medicare entitlement because of a disability or end-stage renal disease.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration program to train military medical personnel in civilian shock trauma units (sec. 744)

The House bill contained a provision (sec. 744) that would require the Secretary of Defense to conduct a demonstration program, through arrangements with civilian hospitals, to evaluate the feasibility of providing additional shock trauma training for military medical personnel.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect the Secretary of Defense to ensure that the program would be budget neutral and that the Department would receive compensation, payment in kind, or services of equivalent value to the government costs for providing services to the non-DOD agencies. The conferees further direct the Comptroller General to evaluate the costs and value of services or reimbursements to the government.

Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel (sec. 745)

The House bill contained a provision (sec. 745) that would direct the Comptroller General of the United States to evaluate the effectiveness of the modeling efforts of each of the three service surgeons general related to determination of the appropriate wartime military medical force-level requirements, and then to submit to Congress a report on this evaluation, not later than March 1, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on improved access to military health care for covered beneficiaries entitled to Medicare (sec. 746)

The House bill contained a provision (sec. 747) that would require the Secretary of Defense to report on possible alternatives to

improving access to the military health care system for those beneficiaries who are Medicare eligible and ineligible for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

The Senate amendment contained no similar provision.

The Senate recedes.

Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel, retired military personnel, and their dependents (sec. 747)

The Senate amendment contained a provision (sec. 744) that would require the Secretary of Defense to report to the Congress on the effect of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide health care for members and former members of the armed services, and their dependents who suffer from undiagnosed illness as a result of service in the Persian Gulf War.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the requirement to include a report on the effect of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide health care for all military members, retired military personnel, and their dependents.

Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities (sec. 748)

The House bill contained a provision (sec. 748) that would express the sense of Congress that the Secretary of Defense should take all appropriate steps to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

State recognition of military advance medical directives (sec. 749)

The House bill contained a provision (sec. 555) that would ensure advanced medical directives, prepared by members of the armed forces, their spouses, or other persons eligible for legal assistance, are recognized as valid by all states and possessions of the United States.

The Senate amendment contained a similar provision (sec. 1092).

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Waiver of Medicare Part B late enrollment penalty and establishment of special enrollment period for certain military retirees and dependents

The Senate amendment contained a provision (sec. 705) that would amend the Social Security Act to authorize a waiver of the penalty for late enrollment in Medicare Part B for Medicare-eligible Department of Defense beneficiaries who reside in geographic areas affected by the closure of military hospitals under the Base Realignment and Closure process.

The House bill contained no similar provision.

The Senate recedes.

Disclosure of information in Medicare and Medicaid coverage data bank to improve collection from responsible parties for health care services furnished under CHAMPUS

The Senate amendment contained a provision (sec. 734) that would amend section 1144 of the Social Security Act to extend to the Department of Defense access to information in the data bank to enhance the effectiveness of the Department of Defense third party collection program.

The House bill contained no similar provision.

The Senate recedes.

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

ITEMS OF SPECIAL INTEREST

Ship repair contracts

The conferees are concerned with continued reports that Navy ship repair contractors are not being paid by the prime contractor in a timely manner. The House report accompanying H.R. 1530 (H. Rept. 104–131) addressed this issue by asking the Navy to pursue remedies necessary to ensure that the subcontractor community will be able to support the United States Navy fleet properly. The conferees support this language and urge the Navy to monitor this problem carefully and explore available remedies to ensure that Navy ship repair subcontractors are properly and promptly compensated for their services.

The conferees are similarly concerned with the Navy's practice of bundling ship repair contracts that include only a small number of drydocking requirements within several ship repair availabilities. The conferees are concerned that this may unnecessarily preclude competition for repair work that does not require a drydock. The conferees believe that if the Navy continues to bundle multiyear ship repair contracts that would in part require the use of a drydock, the Navy should give strong consideration to making available, at a reasonable cost, a public drydock, to ensure adequate competition.

Workers compensation coverage on overseas contracts

The conferees agree with the requirement contained in the Senate report (S. Rept. 104–112) that would direct the Secretary of Defense to review the efforts of the State Department and the Agency for International Development to consolidate worker's compensation insurance coverage on overseas contracts. The conferees note that chapter 12 of title 42, United States Code, mandates that all United States citizens and legal permanent residents, employed for any duration by a defense contractor, be covered by uniform worker's compensation insurance.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Acquisition Reform

Limitation on expenditure of appropriations (sec. 801)

The House bill contained a provision (sec. 821(b)) that would repeal section 2207 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would apply section 2207 of title 10, United States Code, solely to contracts valued above the simplified acquisition threshold.

Delegation authority (sec. 802)

The Senate amendment contained a provision (sec. 806) that would repeal section 2356 of title 10, United States Code, which unnessarily duplicates inherent authority of the Secretary of Defense to delegate research contracting authorities.

The House bill contained an identical provision.

The conference agreement includes this provision.

Critical spare parts (sec. 803)

The House bill contained a provision (sec. 821(d)) that would repeal section 2383 of title 10, United States Code, regarding quality requirements for critical spare parts of ships or aircraft. The provision was intended to assist the Department of Defense in shifting from reliance on outdated military specifications and standards to the use of modern industrial manufacturing methods that would ensure quality in critical spare parts.

The Senate amendment contained an identical provision (sec. 809).

The conference agreement includes this provision.

Fees for certain testing services (sec. 804)

The House bill contained a provision (sec. 822) that would provide flexibility for the Secretary of Defense to require reimbursement of indirect, as well as direct costs, from private sector uses of Department of Defense testing facilities.

The Senate amendment contained an identical provision (sec. 812).

The conference agreement includes this provision.

Coordination and communication of defense research activities (sec. 805)

The House bill contained a provision (sec. 824) that would amend section 2364 of title 10, United States Code, to require that papers prepared by a defense research facility on a technological issue relating to a major weapon system be available for consideration at all decision reviews.

The Senate amendment contained an identical provision (sec. 807).

The conference agreement includes this provision.

Addition of certain items to domestic source limitation (sec. 806)

The House bill contained a provision (sec. 825) that would add certain named vessel components to domestic source limitations, as provided in section 2534(a) of title 10, United States Code. The provision would also extend, through October 1, 2000, current limitations related to anti-friction bearings and would require that these limitations be applicable to contracts and subcontracts below the simplified acquisition threshold, as well as for commercial subcontracts.

The Senate contained no similar provision.

The Senate recedes with an amendment that would modify the list of vessel components to be added to the domestic source limitations in section 2534 of title 10, United States Code. The provision includes language that would restrict the application of the domestic source limitations to the additional vessel components for contracts entered into after March 31, 1996. The provision would allow the Secretary of the navy additional waiver authority for the application of such limitations based on a determination that such application would result in retaliatory trade action by a foreign country against the United States.

The conferees have included language that would require, for a two-year period beginning on the date of enactment of this Act, a similar limitation on the purchase of propellers with a diameter of six feet or more. The conferees direct the Secretary of the Navy to provide the congressional defense committees by March 1, 1996 with an assessment of the impact on the Navy's ability to maintain and modernize the fleet, and address the impact of the limitation on the purchase of and the castings for such propellers. The conferees also remain concerned over the pressing need to sustain a robust ship propeller repair and maintenance commercial base. Therefore, the conferees strongly urge the Navy to take this critical objective fully into account in allocating propeller repair work in the future.

Encouragement of use of leasing authority for commercial vehicles (sec. 807)

The House bill contained a provision (sec. 827) that would direct the Secretary of Defense to use lease agreements for acquisition

of equipment, whenever practicable and otherwise authorized by law. The House provision would also direct the Secretary to submit to Congress, within 90 days after enactment of this bill, a report indicating changes in legislation required to facilitate the Department of Defense use of leases for the acquisition of equipment.

THe Senate amendment contained a provision (sec. 392), similar to the House provision, that would also provide authority for the Secretary of Defense to conduct a pilot program for lease of commercial utility cargo vehicles under certain prescribed conditions.

The House recedes with a clarifying amendment.

Cost reimbursement rules for indirect costs attributable to private sector work of defense contractors (sec. 808)

The House bill contained a provision (sec. 844) that would authorize the Secretary of Defense to enter into agreements with contractors performing or seeking to perform private sector work. The House provision would apply modified accounting rules with respect to the allocation of indirect costs associated with a contractor's private sector work.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the method for allocation of indirect costs to contractor private sector work and would require the Secretary of Defense to report on the use of the authority contained in this provision. The conferees expect the Secretary to act expeditiously on each defense contractor application for an agreement under this section.

Subcontracts for ocean transportation services (sec. 809)

The Senate amendment contained a provision (sec. 802(b)) that would delay, until May 1, 1996, the inclusion of section 1241(b) of title 46, United States Code, or section 2631 of title 10, United States Code, on a list promulgated under section 430(b) of title 41, United States Code.

The House bill contained no similar provision.

The House recedes.

Prompt resolution of audit recommendations (sec. 820)

The Senate amendment contained a provision (sec. 803) that would conform section 6009 of the Federal Acquisition Streamlining Act of 1994 to the reporting requirements of the Inspector General Act of 1978.

The House bill contained no similar provision.

The House recedes.

Test programs for negotiation of comprehensive subcontracting plans (sec. 811)

The Senate amendment contained a provision (sec. 804) that would amend the test authority to remove the limitation on the activities that may be included in a test. The provision would also reduce the number of contracts and the aggregate dollar value of those contracts required to establish a condition for a contractor's participation in the test program.

The House bill contained no similar provision.

The House recedes.

Authority to procure for test or experimental purposes (sec. 812)

The Senate amendment contained a provision (sec. 808) that would amend section 2373 of title 10, United States Code, to conform the newly-codified section to the scope of the service-specific statutes it replaced.

The House bill contained no similar provision.

The House recedes.

Use of funds for acquisition of rights to use designs, processes, technical data and computer software (sec. 813)

The Senate amendment contained a provision (sec. 810) that would clarify section 2386 of title 10, United States Code, regarding the types of information the Secretary of Defense may acquire from Department of Defense contractors.

The House bill contained no similar provision.

The House recedes.

Independent cost estimates for major defense acquisition programs (sec. 814)

The Senate amendment contained a provision (sec. 811) that would permit the military departments or defense agencies, independent of their respective acquisition executives, to prepare independent cost estimates for major defense acquisitions assigned to individual components for oversight. The provision would align the responsibility for independent cost estimates with the level of the decision authority.

The House bill contained no similar provision.

The House recedes.

Construction, repair, alteration, furnishing, and equipping of naval vessels (sec. 815)

The Senate amendment contained a provision (sec. 813) that would restore the policy regarding the application of the Walsh-Healey Act, repealed by the Federal Acquisition Streamlining Act 1994, to contracts for the construction, alteration, furnishing, or equipping of naval vessels.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Other Matters

Procurement technical assistance programs (sec. 821)

The Senate amendment contained a provision (sec. 821) that would add $12.0 million to continue the procurement technical assistance center program in fiscal year 1996.

The House bill contained no similar provision, but authorized $10.0 million to continue the program in fiscal year 1996.

The House recedes.

Additional Department of Defense pilot programs (sec. 822)

The conferees have adopted a provision that would set forth criteria for designating a facility to participate in a Department of Defense pilot program and require that the Congress approve the designation in legislation enacted after the enactment of the National Defense Authorization Act for Fiscal Year 1996. The conferees intended that the pilot program be used to test, among other initiatives, the expansion of commercial practices throughout a facility in which work is being performed under contracts with the Department of Defense. Nothing in this provision is intended to authorize or award a contract, or to exempt a facility from competition requirements in the award of a contract.

Treatment of Department of Defense cable television franchise agreements (sec. 823)

The Senate amendment included a provision (sec. 822) that would require cable television franchise agreements between cable television operators and the Department of Defense to be considered contracts for the telecommunications services under Part 49 of the Federal Acquisition Regulation (FAR).

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would require the United States Court of Federal Claims to render an advisory opinion to Congress on the power of the executive branch to treat cable franchise agreements as contracts under the FAR and, if so, whether the executive branch is required by law to treat these agreements as contracts under the FAR. If the answer to both questions is affirmative, the conferees expect the Department of Defense to implement regulations treating cable franchise agreements as contracts for purposes of the FAR. If the Court renders an affirmative answer to the first question, the conferees will regard that as significant basis for enacting a provision similar to that in the Senate amendment.

Mentor-protege program authority (sec. 824)

The conferees have adopted a provision that would extend for one year the authority for eligible businesses under the Mentor-Protege program to enter into new agreements. The conferees agree that this extension does not prejudge the outcome of ongoing reviews of programs with similar objectives.

LEGISLATIVE PROVISIONS NOT ADOPTED

Testing of defense acquisition programs

The House bill contained a provision (sec. 823) that would amend section 2366 of title 10, United States Code, regarding requirements for operational testing in defense acquisition programs.

The Senate amendment contained no similar provision.

The House recedes.

Waivers from cancellation of funds

The Senate amendment contained a provision (sec. 801) that would make funds available for satellite on-orbit incentive fees until such fees would be earned.

The House bill contained no similar provision

The Senate recedes.

Repeal of duplicative authority for simplified acquisition purchases

The Senate amendment contained a provision (sec. 817) that would repeal the authority for simplified acquisition purchases in section 427 of title 41, United States Code.

The House bill contained no similar provision.

The Senate recedes.

Restriction on reimbursement of costs

The Senate amendment contained a provision (sec. 819) that would prohibit reimbursement of allowable costs above $250,000 for individual compensation in fiscal year 1996. The provision also expressed the sense of the Senate that Congress should consider making such prohibition permanent.

The House bill contained no similar provision.

The Senate recedes.

The conferees question the appropriateness of the level of industry executive compensation reimbursement as an allowable expense under government contracts. The conferees direct the Secretary of Defense to conduct a thorough assessment of its current policies and procedures regarding standards of allowability, allocability, and reasonableness of compensation reimbursement by the Department of Defense. In carrying out such assessment, the Secretary should conduct a survey of the executive compensation practices of comparable non-defense firms involved with similar industries, taking into consideration size and geographic location.

The conferees direct the Secretary to submit a report to the congressional defense committees not later than March 31, 1996. The report should detail the results of the Secretary's assessment and any changes to current policies and procedures, implemented as a result of the assessment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISION ADOPTED

SUBTITLE A—GENERAL MATTERS

Reorganization of the Office of the Secretary of Defense (sec. 901–903 and 905)

The House bill contained a provision (sec. 901) that would require that direct support activities and similar functions be included in the mandated personnel reduction. This provision would also reduce the number of authorized assistant secretaries of defense by two and require that the Secretary of Defense provide Congress with a comprehensive reorganization plan for the office. Additionally, it would repeal a number of the current statutorily mandated offices and positions within OSD.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a detailed review of the organization and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Agencies. The amendment would also direct the following: a 25 percent reduction of the Office of the Secretary of Defense over five years; reduction of the number of Assistant Secretaries of Defense by one, from eleven to ten; and, on January 31, 1997, repeal certain statutory mandated offices and positions within the Office of the Secretary of Defense. Additionally, the amendment would establish a charter for the Joint Requirements Oversight Council (JROC) effective January 31, 1997.

Redesignation of the position of Assistant to the Secretary of Defense for Atomic Energy (sec. 904)

The Senate amendment contained a provision (sec. 901) that would change the name of the Assistant to the Secretary of Defense for Atomic Energy to be the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

The House bill contained no similar provision.

The House recedes.

Restructuring of Department of Defense acquisition organization and workforce (sec. 906)

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to submit a report to Congress including a plan for restructuring the current acquisition organizations in the Department of Defense as well as an assessment of specified restructuring options. The provision would also mandate a reduction of the acquisition workforce by 25 percent from October 1, 1995 to October 1, 1998, and require a reduction of 30,000 acquisition workforce positions in the Department of Defense in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring the Secretary to submit the report on a plan to reduce by October 1, 1998 the acquisition workforce, as defined by the Secretary, 25 percent below the baseline of October 1, 1994. The provision would also require the Secretary to reduce the number of acquisition personnel by 15,000 in fiscal year 1996.

Report on nuclear posture review and on plans for nuclear weapons management in event of abolition of Department of Energy (sec. 907)

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to prepare and submit a report to Congress that describes the Secretary's plan to incorporate the national security programs of the Department of Energy (DOE) into the Department of Defense. In developing the plan the Secretary would be required to make every effort to preserve the integrity, mission, and functions of these programs. The Senate amendment contained a provision (sec. 3151) that would require the Secretary of Defense to provide the congressional defense committees with an assessment of the effectiveness of the DOE. The assessment should include: (1) maintaining the nuclear weapons stockpile; (2) management of its environmental, health, and safety requirements, and national security research and development, as compared with similar DoD operations; and (3) the fulfillment of DOE's Nuclear Posture Review requirements.

The Senate recedes with an amendment that combines both provisions.

Redesignation of Advanced Research Projects Agency (sec. 908)

The House bill contained a provision (sec. 908) that would change the designation of the Advanced Research Projects Agency to the Defense Advanced Research Projects Agency.

The Senate amendment contained no similar provision.

The Senate recedes.

Naval nuclear propulsion program (sec. 909)

The House bill contained a provision (sec. 909) that would establish that no department or agency may regulate or direct any change in function for facilities under the Naval Nuclear Propulsion Program unless otherwise permitted or specified by law. It contained a second provision (sec. 1032(m) that would repeal section 1634 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98–525, 42 U.S.C. 7158 note). Section 1634 stipulates that the provisions of Executive Order 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

The Senate amendment contained no similar provision.

The conferees agree to a new provision that would provide that:

(1) Effective October 1, 1998, section 1634 of the National Defense Authorization Act for Fiscal Year 1985 is repealed.

(2) An Executive order that includes a provision that, after October 1, 1998, would amend, modify, or repeal Executive Order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after notification of an intent to modify Executive Order 12344 has been submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

Transfer authority regarding funds available for foreign currency fluctuation (sec. 911)

The Senate amendment contained a provision (sec. 1006) that would authorize a foreign currency fluctuation account for the military personnel appropriation. This authorization would be limited to fiscal year 1996 and subsequent appropriations.

The House bill contained no similar provision.

The House recedes.

Defense Modernization Account (sec. 912)

The Senate amendment contained a provision (sec. 1003) that would establish a Defense Modernization Account to encourage savings within the Department of Defense and to make those savings available to address the serious shortfall in funding for modernization.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Under the conference agreement, the Secretary of Defense could place in the Defenses Modernization Account funds saved from achieving economies and efficiencies in: (1) investment programs; and (2) installation management (to the extent that unobligated balances in installation management are available during the last 30 days of the fiscal year). The conferees fully expect the Department to protect current readiness of the forces, particularly in regard to funds for budget activities one and two in the operation and maintenance appropriations accounts.

In order to encourages savings by the military departments and the Department of Defense, funds placed in the account would be reserved for use by the department or component that generated the savings. No funds could be made available from the account by the department of defense except through established reprogramming procedures. Reprogramming procedures could not be used to exceed the statutory funding authorization or statutory quantity ceiling applicable to a given program. The amount of funds that could be reprogrammed by the Department of Defense could not exceed $500.0 million in any one fiscal year.

Disbursing and certifying officials (sec. 913)

The House bill contained a provision (sec. 1004) that would provide for the designation and appointment of disbursing and certifying officials within the Department of Defense.

The Senate bill contained a similar provision (sec. 1002) that would authorize the designation and appointment of disbursing and certifying officials, and would grant relief from liability in certain specific circumstances. Relief from liability would be based on demonstrated accountability for the loss is determined and diligent efforts to collect money owed to the government has been made.

The House recedes.

Fisher House Trust Funds (sec. 914)

The Senate amendment contained a provision (sec. 742) that would establish trust funds on the books of the Treasury for Fisher Houses. The interest earned by these trust funds would be used for the administration, operation, and maintenance of Fisher Houses within the Army and Air Force.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Limitation on use of authority to pay for emergency and extraordinary expenses (sec. 915)

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit to Congress a quarterly report of expenditures for emergency and extraordinary expenses. The provision would also require the Secretary of Defense to provide congressional notification prior to an obligation or expenditure of $1.0 million or more.

The Senate amendment included a provision (sec. 1005) that would require the Secretary of Defense to notify Congress five days prior to an obligation or expenditure of emergency and extraordinary expenses authority in excess of $500,000 and 15 days prior to an obligation or expenditure of $1.0 million. The provision would allow the Secretary of Defense to waive the time period required for notification prior to obligation or expenditure of funds if a determination were made that such prior notification would compromise national security objectives. In the event the Secretary uses the authority to waive notification for national security reasons, notification would be required 30 days after the expenditure of funds or on the date the activity is completed.

The House recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees five days in advance of obligation or expenditure of funds in excess of $500,000 or 15

days in advance of obligation or expenditure of funds in excess of $1.0 million. In the event the Secretary determines that prior notification of the obligation or expenditure of funds would compromise national security objectives, the provision would allow the Secretary to waive the waiting period. In the event a national security waiver is necessary, the Secretary shall immediately notify the congressional defense committees of the need to expend funds, and provide the chairman and ranking member, or their designees, with any relevant information, including the amount and purposes for the obligation or expenditure.

The conferees remain concerned about the use of Department of Defense funds for purposes that are more appropriately funded through the international affairs budget. The conferees urge the administration to refrain recommending the use of the Department of Defense emergency and extraordinary expenses authority for non-defense purposes. The conferees also caution the Department to exercise minimal and judicious use of the national security waiver.

LEGISLATIVE PROVISIONS NOT ADOPTED

Change in titles of certain Marine Corps general officer billets resulting from reorganization of the Headquarters, Marine Corps

The House bill contained a provision (sec. 904) that would change references in current law to reflect the reorganization of Headquarters, Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of Information Resources Management College in the National Defense University

The House bill contained a provision (sec. 905) that would authorize the Secretary of Defense to establish a personnel system for the Information Resources Management College that is consistent with the personnel system for other institutions within the National Defense University.

The Senate amendment contained no similar provision.

The House recedes.

Employment of civilians at the Asia-Pacific Center for Security Studies

The House bill contained a provision (sec. 906) that would authorize the Secretary of Defense to establish a personnel system for the Asia-Pacific Center for Security Studies.

The Senate amendment contained no similar provision.

The House recedes.

Aviation testing consolidation

The House bill contained a provision (sec. 910) that would prevent the Secretary of the Army from consolidating the Aviation Technical Test Center, Fort Rucker, Alabama, with any other aviation testing facility until 60 days after the date on which a report was received.

The Senate amendment contained no similar provision.

The House recedes.

Office of Humanitarian and Refugee Affairs

The Senate amendment contained a provision (sec. 364) that would eliminate the Office of Humanitarian and Refugee Affairs within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Assistance to local educational agencies when installation housing is located on leased land

The conferees note that the Secretary of Education has declined to recognize military connected students as residing on Federal property if the government owned housing in which they reside is located on leased land. In one case, recognition of on-installation residency was denied even though the housing is located within the security perimeter of the installation and is managed in the same manner as government housing located on government owned land.

The conferees believe that, for purposes of assistance to local educational agencies, residents of government owned housing, located on land leased by the government and managed in the same manner as government housing on government owned land, shall be considered residents of federal property.

Authority to conduct personnel demonstration projects

The National Defense Authorization Act for Fiscal Year 1995 made permanent the authority of the Secretary of the Navy to continue personnel demonstration projects at the Naval Air Warfare Center Weapons Division, China Lake, California, and the Naval Command, Control, and Ocean Center, San Diego, California, and at successor organizations resulting from the reorganization of Naval Air Warfare Center Weapons Division or the Naval Command, Control, and Ocean Center. Additionally, the National Defense Authorization Act for Fiscal Year 1995 provided expanded authority for the Secretary of Defense to conduct personnel demonstration projects at Science and Technology Reinvention Laboratories.

The conferees are concerned about what appears to be a lack of real progress in this area over the past year. Therefore, the conferees direct the Department of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security, not later than February 1, 1996, the extent to which these expanded authorities have been used in each of the military departments. As a minimum, this report should include those demonstration projects proposed by the military departments, the status of each such proposal, and the projected date for final action on each proposal.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer Authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Department of Defense to transfer up to $2.0 billion between accounts using normal reprogramming procedures.

The Senate amendment contained a similar provision (sec. 1001).

The House recedes.

Incorporation of classified annex (sec. 1002)

The House bill contained a provision (sec. 1002) that would incorporate by reference the classified annex to the bill. In addition, the provision would authorize the expenditure of funds made available for programs, projects, and activities referred to in the classified annex according to the terms, conditions, limitations, restrictions, and requirements of those programs, projects, and activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Improved funding mechanisms for unbudgeted operations (sec. 1003), Operation Provide Comfort (sec. 1004), and Operation Enhanced Southern Watch (sec. 1005)

The House Bill contained a provision (sec. 1003) that would establish a procedure for the funding of contingency operations out of accounts other than those which are normally known as operational readiness accounts. This provision would also require the President to budget for any operations that are ongoing in the first quarter of a fiscal year and are expected to continue into the next fiscal year. If the President were to fail to request the necessary funds in his annual budget, then funding for these operations would be denied at the start of the next fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include three separate provisions that would: (1) modify the funding mechanism proposed by the House for contingency operations; (2) authorize $503.8 million for Enhanced Southern Watch and require that semi-permanent elements of this operation be designated as forward presence operations; and (3) authorize $143.3 million for Provide Comfort and require the Secretary of Defense to provide a report on this operation. The authorization includes both military personnel and operations and maintenance funding.

The conferees have observed with concern, the continuing growth of the Department of Defense involvement in unbudgeted peacekeeping and humanitarian contingency operations that negatively impact upon military readiness. The Secretary of Defense initially estimated the unbudgeted fiscal year 1996 costs to the Department for ongoing operations in Iraq, Haiti and Bosnia to be $1.2 billion. This amount excludes the estimated $1.5 billion incremental cost of the proposed deployment of U.S. ground forces to Bosnia. Lacking the budgeted resources, the Department has resorted to the practice of financing the cost of these operations from the military services' operational readiness accounts. This practice has resulted in the cancellation or deferral of some training exercises, necessary equipment maintenance, and other routine activities that degrade the readiness of the force. Depending on what activities are foregone, this adverse impact could be significant.

In recognition of this problem, the Administration's fiscal year 1996 legislative proposal contained a request to grant the Secretary of Defense extraordinary authority to transfer funds between accounts. The conferees instead recommend a provision that would more fully address this mater by providing new funding mechanisms for unforeseen and unbudgeted contingency operations.

To address unforeseen and unbudgeted operations, the provision would revise existing provisions of law to require the Secretary of Defense to draw upon the Defense Business Operating Fund (DBOF) to provide much of the funding for these operations. In addition, the provision authorizes a targeted transfer authority of $200.0 million from non-readiness accounts. These accounts are intended to serve as interim funding mechanisms until Congress approves a supplemental appropriations package to replenish the DBOF cash balances or other accounts from which funds were transferred.

To address ongoing operations in southern Iraq, the conferees recommend a provision that would authorize $503.8 million for Enhanced Southern Watch during fiscal year 1996 and would require that before obligating more than $250 million of this amount, the Secretary of Defense shall provide the Congressional Defense Committees with a report designating any elements of Operation Enhanced Southern Watch that are semi-permanent in nature as forward presence operations that should be budgeted in the future in the same manner as other forward present operations routinely budgeted as part of the annual defense budget. The conferees believe that the aftermath of the Persian Gulf War

has fundamentally altered the security situation in the region in a manner that will require a significant U.S. presence for years to come.

To address the operation designated as Provide Comfort, the conferees recommend a provision that would authorize $143.3 million in fiscal year 1996. This provision would also require the Secretary of Defense to submit a report that details the expected fiscal year 1996 costs of that operation, and the missions and functions expected to be performed by the Department of Defense and other agencies of the Federal Government. In addition, this report should discuss the options related to reduction of the level of the military involvement in the operation, and include an exit strategy for the United States.

Finally, the conferees express the view that costs borne by the Department of Defense in conducting contingency operations in support of another agency's mission, such as humanitarian relief, law enforcement and immigration control, should not be assessed against the defense budget topline. The conferees are concerned with the increasing cost of these operations at a time of declining defense budgets and the negative impact this has had upon military readiness. The conferees endorse the historical principle of maintaining a peacetime defense budget designed to adequately fund the activities of the Department of Defense to organize, train and equip military forces in a manner sufficient to meet national security requirements.

In addition, the conferees note that the five year defense program remains underfunded relative to the national security strategy and recommended military force structure. The negative impact of these shortfalls will grow in the years ahead and threaten our ability to maintain adequate levels of short and long-term readiness, including sorely needed equipment modernization. Therefore, the conferees believe that funding for contingency operations should be provided in addition to what would have otherwise been made available for the Department of Defense for its normal peacetime activities.

Unauthorized appropriations for fiscal year 1995 (sec. 1006)

The House bill contained a provision (sec. 1005) that would allow the Department of Defense to obligate funds for all fiscal year 1995 programs, projects, and activities for which the amount appropriated exceeded the amount authorized.

The Senate amendment contained no such provision.

The Senate recedes with an amendment that provides exceptions as specifically cited in this section.

Authorization of prior year emergency supplemental appropriations for fiscal year 1995 (sec. 1007)

The House bill contained a provision (sec. 1006) that would authorize the emergency supplemental appropriations enacted in the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6). This Act provided funding for fiscal year 1995 expenses related to military operations in Southwest Asia, Haiti, Cuba, Somalia, Bosnia, and Korea.

The Senate amendment contained a similar provision (sec. 1004).

The Senate recedes.

Authorization reductions to reflect savings from revised economic assumptions (sec. 1008).

The conferees agree to a provision that would reflect revised economic assumptions that were not available prior to the conference report.

Subtitle B—Naval Vessels and Shipyards

Iowa class battleships (sec. 1011)

In February 1995 the Secretary of the Navy made a decision to strike the Navy's four inactive *Iowa* class battleships from the naval register. The Senate amendment contained a provision (sec. 1011) that would direct the Secretary of the Navy to restore at least two *Iowa* class battleships to the naval register in an inactive status. The Secretary would be required to retain them on the register until he is prepared to certify that the Navy has within the fleet an operational surface fire support capability that equals or exceeds the fire support capability that the battleships could provide if returned to active service.

The Senate provision would recognize the fact that battleships could provide a surface fire support capability unmatched by any other Navy weapons system and that there is an ongoing concern regarding the Department of the Navy's apparent lack of commitment to provide for the surface fire support capability necessary for amphibious assaults. The ability of the Marine Corps and the Navy to conduct forcible entry by amphibious assault is an essential element of the Department of the Navy's strategic concept for littoral warfare.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees believe that the Department of the Navy's future years defense program, presented with the fiscal year 1996 budget, could not produce a replacement fire support capability comparable to the battleships until well into the next century. The conferees consider retention of two battleships in the fleet's strategic reserve a prudent measure.

Transfer of naval vessels to certain foreign countries (sec. 1012)

The Senate amendment included a provision (sec. 1012) that would authorize the Secretary of the Navy to transfer eight FFG–7 class guided missile frigates to various countries. Seven of the frigates would be transferred by grant, and one by lease.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) reduce the number of grant transfers from seven to four, and the remaining frigates would be transferred by lease or sale;

(2) require that, as a condition of the transfer of the eight frigates, any repair or refurbishment needed before the transfer, be performed at a shipyard located in the United States;

(3) amend section 2763 of title 22, United States Code, to permit foreign countries to use foreign assistance funds to lease vessels;

(4) amend section 2321j of title 22, United States Code, to prohibit future grant transfers of any vessel that is in excess of 3,000 tons or that is less than 20 years old.

The conferees are aware that in some cases U.S. national security will be best served by a grant transfer, particularly when the recipient is an important coalition defense partner that is making valuable contributions to U.S. security or lacks the resources to obtain a vessel by lease or sale. Accordingly, the amendment to section 2321j would permit the President to request a future grant transfer if it is determined that it is in the national security interest of the United States.

Contract options for LMSR vessels (sec. 1013)

The House bill contained a provision (sec. 1021) that would recommend that the Secretary of the Navy negotiate a contract option price for a seventh large medium speed roll-on/roll-off (LMSR) strategic sealift ship at each of the two shipyards that currently have construction contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

National Defense Reserve Fleet (sec. 1014)

The Senate amendment contained a provision (sec. 381) that would permit the use of the National Defense Sealift Fund (NDSF) to budget for expenses of the national defense reserve fleet (NDRF). Beginning with the fiscal year 1996 request, funds for NDRF expenses would be included in the NDSF budget request within budget function 051.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) clarify that NDRF vessels would not require retrofit to a double hull configuration as a consequence of this change in budgeting procedure;

(2) clarify that NDSF funds shall not be used for the acquisition of ships for the NDRF that are built in foreign shipyards; and

(3) permit the use of NDSF funds to complete the modifications needed to prepare two roll-on/roll-off ships that were purchased in fiscal year 1995 for incorporation into the ready reserve force of the NDRF.

The conferees intend that the Department of Defense seek and obtain specific legislative authorization prior to obligating and expending any funds for the acquisition of any vessels for the NDRF.

Naval salvage facilities (sec. 1015)

The Senate amendment contained a provision (sec. 805) that would consolidate all sections in chapter 637 of title 10, United States Code, relating to naval salvage facilities.

The House bill contained no similar provision.

The House recedes with an amendment.

Vessels subject to repair under phased maintenance contracts (sec. 1016)

The House bill contained a provision (sec. 1022) that would require the Secretary of the Navy to ensure that vessels or classes of vessels, covered by phased maintenance contracts while in active Navy service, would continue to be covered by those contracts after being transferred to other operating commands, such as the Military Sealift Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would restrict this requirement to type AE ships covered by phased maintenance contracts as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1996.

Clarification of requirements relating to repairs of vessels (sec. 1017)

Section 7310 of title 10, United States Code, places limits on the type of repairs that can be performed by foreign shipyards on Navy ships that are homeported in the United States. The House bill contained a provision (sec. 1023) that would amend section 7310 by designating Guam a United States homeport for purposes of that section.

The Senate recedes.

Naming amphibious ships (sec. 1018)

The Senate amendment contained a provision (sec. 1013) that would make the following findings:

(1) this is the fiftieth anniversary of the battle of Iwo Jima, one of the greatest victories in the Marine Corps' illustrious history;

(2) the Navy has recently retired the ship that honored that battle, U.S.S. *Iwo Jima*

(LPH–2), the first ship in a class of amphibious assault ships;

(3) this Act authorizes the LHD–7, the final ship of the *Wasp* class of amphibious assault ships, to replace the *Iwo Jima* class of ships;

(4) the Navy is planning to start building a new class of amphibious transport docks, now called the LPD–17 class, and this Act also authorizes funds that will lead to procurement of these vessels;

(5) there has been some confusion in the rationale behind naming new naval vessels, with traditional naming conventions frequently violated; and

(6) although there have been good and sufficient reasons to depart from naming conventions in the past, the rationale for such departures has not always been clear.

The Senate amendment would also express the sense of the Senate that:

(1) the LHD–7, authorized in the Senate amendment, should be named the U.S.S. *Iwo Jima*; and

(2) the ships of the LPD–17 class amphibious ships should be named after a Marine Corps battle or a member of the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees agree to endorse the sense of the Senate expressed as a sense of Congress.

Naming of naval vessel (sec. 1019)

The House bill contained a provision (sec. 1024) that would express the sense of Congress that the Secretary of the Navy should name an appropriate naval vessel the U.S.S. Joseph Vittori.

The Senate amendment contained no similar provision.

The Senate recedes.

Transfer of riverine patrol craft (sec. 1020)

The House bill contained a provision (sec. 1025) that would authorize the Secretary of the Navy to transfer one Swift class riverine patrol craft to the Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Counter Drug Activities

Counter-drug activities

The budget request for drug interdiction and counterdrug activities totals $680.4 million, plus $131.5 million for operational tempo which is included within the operating budgets of the military services.

Both the House bill and the Senate amendment would authorize the budget request of $680.4 million, with marginal differences in the allocation of these funds.

Both the House bill and the Senate amendment would delete funding for the Community Outreach Programs ($8.2 million). In addition, the Senate amendment included a provision (sec. 1022) that would prohibit continued Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC) ($34.0 million).

The House bill would authorize increased funding for the Tethered Aerostat Radar System ($1.5 million), Counterdrug Analysis ($1.2 million), Southcom Radars ($1.5 million), Special Operations Forces (SOF) Counterdrug Support ($2.5 million), and CARIBROC Communications ($1.5 million).

The Senate amendment would authorize an increase in funding for procurement of non-intrusive inspection devices for the Customs Service ($25.0 million), Source Nation Support Initiatives ($15.2 million) and the Gulf States Counterdrug Initiative ($2.0 million).

The conferees agree to delete DOD funding for the Community Outreach Programs and the National Drug Intelligence Center.

The conferees agree to authorize additional funding for Law Enforcement Agency Support, with a $4.0 million increase to expand the intelligence activities of the Gulf States Coast Initiative and a $2.5 million increase for the Southwest Border States Information System. The conferees support continued DOD assistance for the Southwest Border States Anti-Drug Information System and urge the Secretary of Defense to continue to monitor and support this system through completion of the current program.

The conferees further agree to authorize an additional increase of $28.0 million for other Law Enforcement Agency Support. The conferees urge the Secretary of Defense, through normal reprogramming procedures, to use up to $25.0 million of these funds to procure low-energy/backscatter x-ray equipment for use as non-intrusive inspection devices. The conferees are aware that 70 percent of the illegal drugs that enter the United States come, primarily by air, into Mexico and then across the southwest border by truck and automobile. The conferees believe that the fielding of non-intrusive detection devices at the southwest border would significantly contribute to the fight against illegal drug trafficking across the United States-Mexican border. The conferees also urge the Secretary of Defense, through normal reprogramming procedures, to consider using available funds for improvements and extension of the existing fence along the San Diego Border Patrol Sector.

The conferees agree to authorize an additional $7.7 million for other Source Nation Initiatives. These funds could be used for refurbishment and relocation of U.S. ground-based radars, high frequency secure communications among allied (Andean Ridge) nations, night vision goggles and global positioning systems, flight plan computers, podded radars, direction-finding capability, secure tactical field and aircraft radios, and other critical requirements associated with source nations.

Allocation of funds for counterdrug activities are indicated below:

Drug interdiction and counterdrug activities, operations and maintenance

	Thousands
Fiscal year 1996 drug and counterdrug request	$680,400
Source nation support	127,300
Dismantling cartels	64,300
Detection and monitoring	111,700
Law enforcement agency support	279,300
Demand reduction	97,800
Reductions:	
Community outreach programs	8,236
National Drug Intelligence Center	34,000
Increases, law enforcement agency support:	
Gulf States counterdrug initiative	4,000
Southwest border States information system	2,500
Other	28,000
Increases, source nation support	7,736
Total	680,400

Revision and clarification of authority for Federal support of drug interdiction and counter-drug activities of the National Guard (sec. 1021)

The Senate amendment contained a provision (sec. 1021) that would revise and clarify authority for federal support of drug interdiction and counter-drug activities of the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment which would further clarify the legal status of National Guard personnel participating in these programs.

National Drug Intelligence Center (sec. 1022)

The Senate amendment included a provision (sec. 1022) that would prohibit further Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC), but would allow the Secretary of Defense to continue to provide DOD intelligence personnel to support intelligence activities at NDIC, as long as the number of personnel provided by DOD does not exceed the number used to support intelligence activities at NDIC as of the date of enactment of this bill.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Civilian Personnel

Management of Department of Defense civilian personnel (sec. 1031)

The House bill contained a provision (sec. 331) that would prohibit the use of full-time equivalent personnel ceilings in the management of the Department of Defense's civilian workforce.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996, on plans to manage civilian personnel in consideration of this provision.

Conversion of military positions to civilian positions (sec. 1032)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to convert not less than 10,000 military positions to performance by civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the conversion to be phased over two fiscal years.

Elimination of 120-day limitation on details of certain employees (sec. 1033)

The Senate amendment contained a provision (sec. 338) that would amend section 3341 of title 5, United States Code, to eliminate the requirement that the administration of details for civilian employees be managed in 120-day increments.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority of civilian employees of the Department of Defense to participate voluntarily in reductions in force (sec. 1034)

The Senate amendment contained a provision (sec. 340) that would allow employees who are not affected by a reduction-in-force (RIF) to volunteer to be RIF separated in place of other employees who are scheduled for RIF separation.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to pay severance payments in lump sums (sec. 1035)

The Senate amendment contained a provision (sec. 341) that would amend section 5595 of title 5, United States Code, to permit the lump-sum payment of severance pay.

The House bill contained no similar provision.

The House recedes.

Continued health insurance coverage (sec. 1036)

The House bill contained a provision (sec. 337) that would extend continued health insurance coverage for certain employees affected by a force reduction or a base realignment and closure action.

The Senate amendment contained a similar provision (sec. 337).

The Senate recedes.

Revision of authority for appointments of involuntarily separated military reserve technicians (sec. 1037)

The Senate amendment contained a provision (sec. 336) that would amend section 3329 of title 5, United States Code, to eliminate the requirement regarding separated technicians.

The House bill amendment contained no similar provision.

The House recedes.

Wearing of uniform by National Guard technicians (sec. 1038)

The Senate amendment contained a provision (sec. 333) that would require military technicians to wear military uniforms in their jobs. The provision would also place technician officers on the same footing as Active Guard and Reserve officers for purposes of qualifying for a uniform allowance.

THe House bill contained no similar provision.

The House recedes.

Military leave for military reserve technicians for certain duty overseas (sec. 1039)

The House bill contained a provision (sec. 512) that would authorize military technicians an additional 44 workdays of leave, without loss of pay and other benefits, for periods the technician would serve on active duty, without pay, while in support of noncombat operations outside the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Personnel actions involving employees of nonappropriated fund instrumentalities (sec. 1040)

The House bill contained a provision (sec. 334) that would clarify the definition of nonappropriated fund instrumentality employees and permit the direct reporting of violations by nonappropriated fund employees to the Department of Defense Inspector General.

The Senate amendment contained no similar provision.

The Senate recedes.

Coverage of nonappropriated fund employees under authority for flexible and compressed work schedules (sec. 1041)

The House bill contained a provision (sec. 336) that would provide the same overtime exemption for nonappropriated fund employees as applies to other civilian employees of the Department of Defense.

The Senate amendment contained a similar provision (sec. 343).

The House recedes.

Limitation on provision of overseas living quarters allowances for nonappropriated fund instrumentality employees (sec. 1042)

The House bill contained a provision (sec. 335) that would, as of September 30, 1997, conform the allowance for overseas living quarters for nonappropriated fund employees to that provided for civilian employees of the Department of Defense paid from appropriate funds.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Elections relating to retirement coverage (sec. 1043)

The House bill contained a provision (sec. 338) that would increase the number of employees eligible to transfer between nonappropriated fund and appropriated fund morale, welfare, recreation programs without significant loss of benefits.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for portability of retirement benefits by allowing: (1) election by employees of the nonappropriated fund or the Federal Employees Retirement System; (2) credit for years of service either as a nonappropriated fund employee or a civil service employee; (3) government-wide eligibility; and (4) creditability of nonappropriated fund service for reduction-in-force purposes.

Extension of temporary authority to pay civilian employees with respect to the evacuation from Guantanamo, Cuba (sec. 1044)

The Senate amendment contained a provision (sec. 334) that would extend the authorization for the Navy to continue to pay evacuation allowances until January 31, 1996 to civilian employees whose dependents were evacuated from Guantanamo, Cuba, in August and September 1994. The provision would also require a monthly report which would include the actions that the Secretary of the Navy is taking to eliminate the conditions making the payments necessary.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Miscellaneous Reporting Requirements

Report on budget submission regarding reserve components (sec. 1051)

The Senate amendment contained a provision (sec. 1007) that would require the Secretary of Defense to submit a report that describes measures taken within the Department of Defense to ensure that the reserve components are appropriately funded, and, for fiscal year 1997, lists the major weapons and items of equipment, as well as, the military construction projects provided for the National Guard and Reserves.

The House bill included no similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the report included in the original Senate provision, and would require the Secretary of Defense to display in all future-years defense programs the amounts requested for procurement of equipment and military construction for each of the reserve components.

Report on desirability and feasibility of providing authority for use of funds derived from recovered losses resulting from contractor fraud (sec. 1052)

The Senate amendment contained a provision (sec. 382) that would allow the secretary of a military department to receive an allocation from funds recovered in contractor fraud cases, for use by installations that carried out or supported investigations or litigation involving contractor fraud.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report on the desirability and feasibility of authorizing the retention and use of a portion of such recovered amounts.

Review of national policy on protecting the national information infrastructure against strategic attack (sec. 1053)

The Senate amendment contained a provision (sec. 1097) that would require the President to submit a report that would set forth the national policy and architecture governing plans to protect the national information infrastructure against strategic attack.

The House bill contained no similar provision.

The House recedes.

The conferees intend that the President rely, to the maximum extent practicable, on the executive agent for the national communications system in the preparation and submission of the report.

Report on Department of Defense boards and commissions (see 1054)

The Senate amendment contained a provision (sec. 1084) that would require the Department of Defense to prepare a report listing certain boards and commissions. The Department would be required to indicate whether each board or commission merits continued support.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Change in reporting date (sec. 1055)

The Senate amendment contained a provision in its classified annex that would change the date that the Department of Defense is required to submit annually its budget materials for Special Access Programs, from February 1 to March 1.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

Miscellaneous provisions of law (sec. 1061)

The House bill contained a provision (sec. 1032) that would repeal numerous provisions of law that have expired or are obsolete, or that were inconsistent with other provisions recommended by the House.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain portions of the suggested deletions.

Reports required by Title 10, United States Code (sec. 1062)

The Senate amendment contained seven provisions (secs. 1071–1077) that would delete a total of 67 reports currently required of the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would retain several of the reporting requirements.

Subtitle G—Department of Defense Education Programs

Continuation of the Uniformed Services University of the Health Sciences (sec. 1071)

The House bill contained a provision (sec. 907) that would require the Secretary of Defense to budget for ongoing operations at the Uniformed Services University of the Health Sciences.

The Senate amendment contained a similar provision (sec. 1031) that would reaffirm the prohibition of the closure of the University, and establish minimum staffing levels.

The House recedes with a clarifying amendment.

Additional graduate schools and programs at the Uniformed Services University of the Health Sciences (sec. 1072)

The Senate amendment contained a provision (sec. 1032) that would authorize additional graduate schools and programs at the Uniformed Services University of the Health Sciences. This provision would permit the Board of Regents to establish a graduate school of nursing at the University.

The House bill contained no similar provision.

The House recedes.

Funding for adult education programs for military personnel and dependents outside the United States (sec. 1073)

The Senate amendment contained a provision (sec. 1033) that would authorize appropriations for the military continuing education programs of the armed services, and

for adult members of military families stationed or residing outside the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 1074)

The House bill contained a provision (sec. 394) that would authorize the appropriation of $58.0 million for assistance to local educational agencies in areas where there is an impact to school systems caused by dependents of members of the armed forces and Department of Defense (DOD) civilians.

The Senate amendment contained a provision (sec. 387) that would prohibit the Secretary of Education from considering payments to a local educational agency from DOD funds when determining the amount of impact aid to be paid from Department of Education funds. Additionally, the recommended provision would make technical changes to the previous year authorizations of impact aid.

The conferees agree to combine and clarify the two provisions and to change the authorized funding to $35.0 million.

Sharing of personnel of Department of Defense domestic dependent schools and defense dependents' education system (sec. 1075)

The Senate amendment contained a provision (sec. 335) that would authorize the Secretary of Defense to direct the sharing of personnel resources between the Department of Defense Overseas School System and the Defense Dependents' Education System, and to provide other support services to either system, for a period to be prescribed by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Increase in reserve component Montgomery GI Bill educational assistance allowance with respect to skills or specialities for which there is a critical shortage of personnel (sec. 1076)

The House bill contained a provision (sec. 553) that would authorize increased rates of educational assistance allowance for reserve members with specialities or skills in which there are critical shortages.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the authority to include certain former active duty personnel with critical specialities or skills who become members of a selected reserve unit.

Date for annual report on reserve component Montgomery GI Bill educational assistance program (sec. 1077)

The Senate amendment contained a provision (sec. 1035) that would change the date on which the annual report on selected reserve educational assistance program is due to the Congress, from December 15 to March 1 of each year.

The House bill contained no similar provision.

The House recedes.

Scope of the education programs of Community College of the Air Force (sec. 1078)

The Senate amendment contained a provision (sec. 1034) that would amend section 9315 of title 10, United States Code, to limit the scope of the Community College of the Air Force (CCAF) to Air Force personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees do not consider expanding the CCAF as an appropriate means of establishing a defense-wide community college. If the Secretary of Defense believes that establishment of a defense-wide community college is appropriate, he should forward such a recommendation, complete with justification, to the Congress.

Amendments to education loan repayment programs (sec. 1079)

The House bill contained a provision (sec. 554) that would authorize the repayment of loans that were made under the William D. Ford Federal Direct Loan Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle H—Other Matters

Termination and modification of authorities regarding national defense technology and industrial base, defense reinvestment, and defense conversion programs (sec. 1081)

The House bill contained a provision (sec. 1031) that would repeal portions of chapter 148 of title 10, United States Code, that would establish authorities similar to those provided elsewhere in law.

The Senate amendment contained a similar provision (sec. 221).

The conferees agree to a provision that would adopt both House and Senate provisions, with an amendment. The conferees have included a provision that would repeal subsection 2501 (b) and sections 2512, 2513, 2516, 2520, 2521, 2522, 2523, and 2524 of title 10, United States Code. The provision would also amend section 2525 of title 10, United States Code, by adding a series of guidelines to the requirement for the preparation of the manufacturing science and technology master plan. Finally, the conferees have included language that would modify the defense dual-use critical technology program authorized by section 2511 of title 10, United States Code. In using the authority under this section, the conferees expect the Secretary of Defense to give equal consideration to the development of both product and process technologies.

Ammunition industrial base (sec. 1082)

The Senate amendment contained a provision (sec. 823) that would require the Secretary of Defense to review ammunition procurement and management programs and report the findings to the congressional defense committees by April 1, 1996.

The House bill contained no similar provision.

The House recedes.

Policy concerning excess defense industrial capacity (sec. 1083)

The House bill contained a provision (sec. 1033) that would prohibit the use of appropriated funds for capital investment in, or the development and construction of, a government-owned, government-operated defense industrial facility unless the Secretary of Defense certifies to Congress that no similar capability or minimally used capability exists in another similar facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Sense of Congress concerning access to secondary school student information for recruiting purposes (sec. 1084)

The Senate amendment contained a provision (sec. 1091) that would express the sense of the Senate that educational institutions, including secondary schools, should not deny military recruiters the same access to their campuses and directory information that is allowed other employers.

The House bill contained no similar provision.

The House recedes with an amendment expressing the sense of Congress.

Disclosure of information concerning unaccounted for United States personnel from the Korean Conflict, the Vietnam Era and the Cold War (sec. 1085)

The conference agreement includes a provision that would modify section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to change the criteria under which limitations to disclosure of information concerning United States personnel classified as prisoner of war or missing in action during the Vietnam conflict would not apply and to change the date by which a report is required to be delivered to the Congress.

Operational support airlift aircraft fleet (sec. 1086)

The Senate amendment contained a provision (sec. 1099E) that would require the Secretary of Defense to submit a Joint Chiefs of Staff report on operational support aircraft (OSA) to the congressional defense committees, and to reduce the flying hours of such aircraft in fiscal year 1996.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to examine central scheduling and management of such aircraft in the report.

The conferees believe that the review of OSA operations should focus on savings and scheduling rationalization. The conferees believe that the Department of Defense can achieve efficiencies by revamping the current OSA program, and have included a reduction in OSA flying hours for fiscal year 1996 in this provision.

While prior studies of OSA organization have recommended realigning OSA management, the conferees refrain from directing the Department to make specific organizational changes at this time.

Civil Reserve Air Fleet (sec. 1087)

The House bill contained a provision (sec. 387) that would clarify the conditions under which a contractor under the Civil Reserve Air fleet program is required to commit aircraft for use by the Department of Defense.

The Senate amendment contained a similar provision (sec. 814).

The House recedes.

Damage or loss to personal property due to emergency evacuation or extraordinary circumstances (sec. 1088)

The Senate amendment contained a provision (sec. 1087) that would provide for an increased level of reimbursement for claims that arise from emergency evacuations or extraordinary circumstances. The new limits would be retroactive to June 1, 1991.

The House contained no similar provision.

The House recedes with an amendment that would provide for retroactive application of the increased level of reimbursement when certain conditions are met.

Authority to suspend or terminate collection actions against decreased members (sec. 1089)

The Senate amendment contained a provision (sec. 1086) that would amend section 3711 of title 31, United States Code, to authorize the Secretary of Defense to suspend or terminate collection action against the estates of service members who die on active duty while indebted to the government.

The House bill contained no similar provision.

The House recedes.

Check cashing and exchange transactions for dependents of United States Government personnel (sec. 1090)

The Senate amendment contained a provision (sec. 1088) that would authorize United

States disbursing personnel to extend check-cashing and currency exchange services to the dependents of military and civilian personnel at government installations that do not have adequate banking facilities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

National Maritime Center (sec. 1091)

The Senate amendment contained a provision (sec. 1099D) that would designate the Nauticus building, located at one Waterside Drive, Norfolk, Virginia, as the National Maritime Center.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding historic preservation of Midway Islands (sec. 1092)

The Senate amendment contained a provision (sec. 1099b) that would express the sense of the Senate that Midway Island be memorialized and the historic structures relating to the Battle of Midway be maintained in accordance with the National Historic Preservation Act.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision a Sense of the Congress.

Sense of the Senate regarding federal spending (sec. 1093)

The Senate amendment contained a provision (sec. 1095) that would express a sense of the Senate regarding federal spending.

The House bill contained no similar provision.

The House recedes.

Extension of authority for vessel war risk insurance (sec. 1094)

The conferees agree to a new provision that would amend section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) to extend the Secretary of Transportation's authority to provide insurance against loss or damage as a result of marine war risks from June 30, 1995 to June 30, 2000. The conferees acknowledge the cooperation of the Committee on Commerce, Science, and Transportation of the Senate, the committee of jurisdiction in the Senate, for permitting inclusion of this important authority in the National Defense Authorization Act for Fiscal Year 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Application of Buy America Act principles

The House bill contained a provision (sec. 1035) that would apply Buy American principles to reciprocal defense procurement memoranda of understanding with other countries.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 849 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) contains identical language that is the operative law in this area.

Repeal of requirements for part-time career opportunity employment reports

The Senate amendment contained a provision (sec. 339) that would eliminate the requirement in section 3407 of title 5, United States Code, that agencies provide progress reports on the part-time career employment program.

The House bill contained no similar provision.

The Senate recedes.

Holidays for employees whose basic work week is other than Monday through Friday

The Senate amendment contained a provision (sec. 342) that would amend section 6103(b)(2) of title 5, United States Code, to authorize agencies some discretion in designating holidays for employees whose basic work week is other than Monday through Friday.

The House bill contained no similar provision.

The Senate recedes.

Assistance to Customs Service

The Senate amendment included a provision (sec. 1023) that would authorize the Department of Defense to procure or transfer funds to the Customs service for procurement of non-intrusive inspection devices for use at the ports of entry on the southwest border of the United States.

The House bill contained no similar provision.

The Senate recedes. The conferees agree, as stated elsewhere in this statement of managers, to urge the Secretary of Defense to procure non-intrusive inspection devices with funds available through reprogramming procedures.

Establishment of Junior ROTC units in Indian reservation schools

The Senate amendment contained a provision (sec. 1036) that would express the Sense of the Congress that secondary schools on Indian reservations be afforded full opportunity to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that current law affords full opportunity for secondary schools on Indian reservations to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

Defense Cooperation Between the United States and Israel

The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States' continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.

International military education and training

The Senate amendment contained a provision (sec. 1058) that would, subject to the provisions of the Foreign Assistance Act of 1961, grant discretionary authority to the Secretary of Defense to provide up to $20.0 million for the provision of international military education and training (IMET) for countries allied and friendly with the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees strongly support Department of Defense funding for and management of the IMET program. IMET is a unique military program that fosters military-to-military relationships and contributes to greater inter-operability and coalition-building with the military organizations of allied and friendly nations. IMET has suffered in recent years from being part of the State Department's budget which has become increasingly unpopular with the American public and their elected representatives. The conferees are pleased to note, however, that the Foreign Operations Appropriations Conference Report for Fiscal Year 1996 fully funds the administration's IMET request.

The conferees intend to address this matter next year with a view towards transferring budgetary and execution responsibility for IMET to the Department of Defense. Accordingly, the conferees encourage the Secretary of Defense and the Secretary of State to work out a process for such a transfer to ensure smooth and effective functioning with robust future funding.

Sense of the Senate on protection of United States from ballistic missile attack

The Senate amendment contained a provision (sec. 1062) that would express the Sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, and that front line troops of the United States should be protected from missile attacks. The Senate provision would also provide funding for the Corps surface-to-air missile (SAM) program.

The House bill contained no similar provision.

The Senate recedes. Although the conferees fully support the views expressed in the Senate provision, they believe that such views are adequately represented elsewhere in the conference report. The conferees also address the Corps SAM issue elsewhere in the conference report.

Travel of disabled veterans on military aircraft

The Senate amendment contained a provision (sec. 1089) that would permit veterans eligible for compensation for a service-connected disability the same entitlement to space-available transportation as retired members of the Armed Forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the unreliable nature of space-available flight, and that such flights would normally involve cargo-type aircraft, which are not equipped for handicapped access, seating and care. The conferees agree that concerns for the safety of disabled veterans were overriding in this decision.

Transportation of crippled children in the Pacific Rim region to Hawaii for medical care

The Senate amendment contained a provision (sec. 1090) that would authorize the Secretary of Defense to permit space-available transportation of crippled children in the Pacific Rim region to Hawaii for medical care in non-military medical facilities.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to conduct a study, consulting with the Shriners Hospitals in the Pacific region, to determine the viability and potential liabilities of such a program. The report should be provided to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996.

Sense of Senate regarding Ethics Committee investigations

The Senate amendment contained a provision (sec. 1094) expressing the Sense of the Senate concerning proceedings before the Senate Ethics Committee with respect to Senator Packwood.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

References to Uniform Code of Military Justice (sec. 1102)

The House bill contained a provision (sec. 541) that would clarify references to the Uniform Code of Military Justice in the bill.

The Senate amendment contained an identical provision (sec. 521).

The conference agreement includes this provision.

Subtitle A—Offenses

Refusal to testify before courts-martial (sec. 1111)

The Senate amendment contained a provision (sec. 524) that would provide Federal District Courts the same power to punish individuals who fail to appear at courts-martial as they currently have to punish individuals who do not appear in civilian cases.

The House bill contained no similar provision.

The House recedes.

Flight from apprehension (sec. 1112)

The House bill contained a provision (sec. 544) that would make it clear that the offense of ''resisting apprehension'' under Article 95 of the Uniform Code of Military Justice includes flight from apprehension.

The Senate amendment contained an identical provision (sec. 531).

The conference agreement includes this provision.

Carnal knowledge (sec. 1113)

The Senate amendment contained a provision (sec. 532) that would amend Article 120(b) of the Uniform Code of Military Justice (10 U.S.C. 920 (b)) by making the crime of carnal knowledge gender neutral, bringing Article 120 into conformance with the Sexual Abuse Act of 1986. The provision also would add an affirmative defense of mistake of fact to conform Article 120 to federal civilian law (18 U.S.C. 2243).

The House bill contained a similar provision (sec. 545).

The House recedes.

Subtitle B—Sentences

Effective date for forfeitures of pay and allowances and reductions in grade by sentence of court-martial (secs. 1121 and 1122)

The Senate amendment contained provisions (secs. 526(a) and 526(b)) that would require those portions of a court-martial sentence extending to forfeiture of pay and allowances or reduction in grade to be effective 14 days after the date the sentence is adjudged or upon approval by the convening authority, whichever occurs earlier. The amendment would also require that sentences containing a punitive discharge, death, or more than 6 months confinement, result in total forfeitures of pay and allowances. If an accused were to make application to the convening authority, the forfeitures of pay and allowances, or reduction in grade or both could be deferred until the date on which the sentence is approved. Also under this provision, when convening authorities take action on sentences, any or all of the forfeitures of pay and allowances to be forfeited could be used to provide transitional compensation for the dependents of the accused.

The House bill contained a similar provision (sec. 542).

The House recedes with an amendment which would apply the automatic forfeitures to a sentence of death, punitive discharge, or confinement in excess of six months. The forfeiture in the case of a special court-martial would be limited to two-thirds of the pay due, which is the maximum punishment limitation of a special court-martial.

Deferment of confinement (sec. 1123)

The Senate amendment contained a provision (sec. 527) that would allow for the deferment of confinement adjudged by courts-martial in two situations beyond those authorized under current law. One would permit deferment of confinement while the case is being reviewed by the United States Court of Appeals for the Armed Forces under Article 67(a)(2). The other circumstance that would lead to deferment concerns individuals who are serving civilian confinement while they have a sentence pending that has been adjudged by a court-martial. The Senate amendment would defer the running of the court-martial sentence until completion of the civilian sentence, if the convening authority so directs.

The House bill contained no similar amendment.

The House recedes.

Subtitle C—Pretrial and Post-Trial Actions

Article 32 investigations (sec. 1131)

The Senate amendment contained a provision (sec. 523) that would revise the procedures for authorizing investigation of misconduct uncovered during a pretrial investigation under Article 32 of the Uniform Code of Military Justice.

The House bill contained no similar provision.

The House recedes. Under Article 32 of the Uniform Code of Military Justice, a formal pretrial investigation is conducted when a court-martial convening authority refers charges to an Article 32 investigating officer. Under current law, if the Article 32 officer uncovers evidence of additional misconduct in the course of the investigation, the information must be provided to the convening authority and then referred back to the Article 32 officer before it can be investigated by the Article 32 investigating officer.

The conferees agree that current law should be changed to permit the investigating officer to investigate new misconduct uncovered during the Article 32 investigation without requiring further administrative action by the convening authority. This change should reduce the time, delay, and administrative burden associated with obtaining the convening authority's approval for investigation of additional misconduct. The conferees emphasize, however, that the additional misconduct may not be investigated under Article 32 unless the accused is afforded the same rights as under current law with respect to investigation of the charges, presentation of evidence in defense or mitigation, and cross-examination as apply to the charges that were the basis of the Article 32 investigation.

Submission of matters to the convening authority for consideration (sec. 1132)

The Senate amendment contained a provision (sec. 528) that would require all post-trial material submitted to the convening authority by the accused to be in writing. Current law does not specify the medium for such submissions.

The House bill contained no similar provision.

The House recedes. The conferees agree that the intent of this section is not to restrict the accused's communications with the convening authority, but to ensure that formal submissions under Article 60(b) are made through a standard medium. The convening authority, in his or her discretion, may take into consideration other communications by the accused, such as a personal appearance or a videotape. The convening authority, however, is not required to review such other matters under Article 60, and a convening authority's decision to refuse consideration of matters other than written submissions is not subject to review. The conferees direct the Secretary of Defense to ensure that the explanatory ''Discussion'' accompanying the Manual for Courts-Martial reflect that this amendment does not restrict the ability of the convening authority to consider communications from the accused that are not written submissions.

Commitment of accused to treatment facility by reason of lack of mental capacity or mental reponsibility (sec. 1133)

The Senate amendment contained a provision (sec. 525) that would establish procedures for handling individuals who are mentally incompetent to stand trial or found not guilty by reason of lack of mental reponsibility.

The House bill contained no similar provision.

The House recedes.

This provision is in no way intended to conflict with Rule 706 of the Rules for Courts-Martial. To the extent that there is a provisions overlap, section 706 should be reviewed to make certain that it conforms with the new provision.

Subtitle D—Appellate Matters

Appeals by the United States (sec. 1141)

The Senate amendment contained a provision (sec. 530) that would apply to courts-martial the same protections with regard to classified information as apply to orders or rulings issued in Federal District Courts under the Classified Information Procedures Act (18 U.S.C. App. 7). This section incorporates Senate amendment section 522 concerning certain definitions.

The House bill contained no similar provision.

The House recedes with an amendment.

Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces. (sec. 1142)

The House bill contained a provision (sec. 549) that would make permanent the authority of the Chief Justice of the United States to fill temporary vacancies on the United States Court of Appeals for the Armed Forces. Section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 authorized the Chief Judge of the United States Court of Appeals for the Armed Forces to request the Chief Justice to make such appointments through September 30, 1995. This provision would eliminate the ''sunset'' provision.

The Senate amendment contained a similar provision (sec. 535).

The Senate recedes.

Subtitle E—Other matters

Advisory committee on criminal law jurisdiction over civilians accompanying the Armed Forces in time of armed conflict (sec. 1151)

The Senate amendment contained a provision (sec. 536) that would create an advisory panel to determine which courts should have criminal jurisdiction over civilians accompanying the military outside the United States during times of armed conflict, including conflicts other than a declared war.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Time after accession for initial instruction in the Uniform Code of Military Justice (sec. 1152)

The House bill contained a provision (sec. 546) that would increase the time after accession for initial instruction in the Uniform Code of Military Justice.

The Senate amendment (sec. 533) contained an identical provision.

The conference agreement includes this provision.

Technical amendment (sec. 1153)

The House bill contained a provision (sec. 550) that would amend article 66(f) of the Uniform Code of Military Justice (10 U.S.C. 866) by striking out ''Courts of Military Review'' in both places it appears, and inserting in lieu thereof ''Courts of Criminal Appeals''.

The Senate amendment contained an identical provision (sec. 534).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Persons who may appear before the United States Court of Appeals for the Armed Forces

The House bill contained a provision (sec. 547) that would provide that only attorneys and properly certified law students could practice and appear before the United States Court of Appeals for the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the question of who who should be authorized to appear before the Court of Appeals for the Armed Forces normally should be addressed through the rules promulgated by the court, rather than through legislation. The conferees are concerned, however, that the Court has permitted undergraduate students to appear before the Court as amicus curiae. However laudable it may be to afford such students practical experience appearing before a federal court, the conferees believe such considerations are outweighed by the requirement that the Court of Appeals for the Armed Forces maintain the highest standards of judicial practice and procedure. The conferees are aware that the Court presently has this matter under reveiew and look forward to a change in the Court's rules of procedure that will obviate the need for legislation on this subject.

Discretionary representation by government appellate defense counsel in petitioning the Supreme Court for writ of certiorari

The House bill contained a provision (sec. 548) that would amend section 870 of title 10, United States Code, to provide that representations of an accused, in the preparation of a petition for a writ of certiorari before the United States Supreme Court, shall be at the discretion of military appellate defense counsel. Current law requires appellate defense counsel to represent the accused before the Supreme Court when requested by the accused.

The Senate amendment contained no similar provision.

The House recedes.

Proceedings in revision

The Senate amendment contained a provision (sec. 529) that would authorize a proceeding in revision at courts-martial prior to authentication of the record under certain conditions.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction program (secs. 1201–1209)

The budget request included $371.0 million in defense operation and maintenance for the Cooperative Threat Reduction (CTR) Program.

The House bill contained provisions (secs. 1101–1108) related to the CTR program that would include the following: authorize $200.0 million for the CTR program, a $171.0 million reduction to the budget request (sec. 1101); place specific limitations on all CTR programs for fiscal year 1996 (sec. 1102); repeal authority for the Demilitarization Enterprise Fund (DEF) (sec. 1103); prohibit the use of CTR funds for peacekeeping exercises and related activities with Russia (sec. 1104); revise authority for assistance for weapons destruction (sec. 1105); require prior notice of obligation of funds (sec. 1106); require an annual accountability report to ensure that assistance is being used for its intended purpose (sec. 1107); and prohibit the obligation or expenditure of fiscal year 1996 funds until the President provides written certification to Congress that Russia has terminated its offensive biological weapons program.

The Senate amendment included several provisions (sec. 1041–1044) related to the CTR program that would include the following: authorize $365.0 million for the CTR program, a $6.0 million reduction to the budget request (sec. 1041); limit the obligation of CTR funds that would assist nuclear weapons scientists in the former Soviet Union, pending a written certification from the Secretary of Defense that funds would not contribute to the modernization of strategic nuclear forces or for research, development or production of weapons of mass destruction (sec. 1042); limit the obligation of $50.0 million, pending a written certification from the President that Russia is in compliance with its obligations under the Biological Weapons Convention (BWC); and limit the use of more than $52.0 million of fiscal year 1996 funds available for CTR, pending a presidential certification that a joint laboratory study to evaluate the Russian neutralization proposal has been completed and the United States agrees with that proposal, that Russia is in the process of preparing a comprehensive destruction and dismantlement plan for its chemical weapons stockpile, and that Russia is committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

The conferees agree to the CTR provisions, as follows: authorize $300.0 million in fiscal year 1996 for CTR and place limitations on the CTR projects in fiscal year 1996; provide authority for individual limitations to be exceeded by a specified percentage; authorize use of CTR funds to reimburse pay accounts for U.S. military reserve members participating in CTR activities; prohibit the use of CTR funds for peacekeeping activities and related activities with Russia; require a presidential determination that each recipient country is observing the criteria for assistance provided under the CTR program; require the Secretary of Defense to provide congressional defense committees with advance notification of obligation of funds; require an annual audit and examination report; limit assistance to nuclear weapons scientists; and limit the obligation of $60.0 million in fiscal year 1996 CTR funds for Russia, pending presidential certification that Russia is complying with its BWC obligations and that Russia has agreed to, and implemented, agreements and visits per the September 14, 1992 Joint Statement on Biological Weapons and that visits to the four declared military biological facilities of Russia by officials of the U.S. and United Kingdom have occurred. If the President is unable to certify Russian compliance with its BWC obligations, or that visits agreed to under the Joint Statement have not occurred, he may certify that fact and related funds would then be available for strategic offensive weapons elimination in Ukraine, Kazakhstan or Belarus. The provision would also prohibit obligation of more than half the funds authorized for chemical weapons destruction-related activities in Russia, pending a presidential certification.

The conferees direct that none of the funds authorized for CTR in fiscal year 1996 may be used to reimburse other departments and agencies for the travel and other expenses incurred by employees of those departments and agencies, even if those employees are engaged in CTR-related activities.

The Conventional Forces in Europe (CFE) Treaty requires signatories to be in full compliance with their obligations to reduce treaty limited equipment by November 16, 1995. The Russian government has generally been in overall compliance with its obligations since the treaty has been in force provisionally. Russia's compliance with the limits in the northern and southern flank zones has caused concern for a number of the signatories. Russian officials have indicated that they will not be in compliance with the flank limits in these zones because of the instability along their southern borders.

If Russia refuses to honor its legal and political obligations under the CFE Treaty, the conferees question the ability of the President to certify Russia's commitment to complying with its arms control obligations, necessary to make it eligible to receive CTR assistance. Further, the conferees believe that the President would only be in a position to certify Russia's commitment to comply with its arms control obligations under the following circumstances: (1) through an agreement to comply with a NATO-endorsed flank limit proposal and substantial progress toward withdrawing any excess equipment by the May 1996 Treaty Review Conference; (2) demonstrated fulfillment of obligations to meet agreed-upon reductions in levels of military equipment in the naval infantry and coastal defense forces, and in holdings east of the Ural mountains; and (3) through an agreement on an offset package that would add to the flank limit proposal additional verification measures, additional information sharing arrangements on the flank areas, and additional constraints on Treaty-limited equipment contained in areas formerly defined as flank areas.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

ITEMS OF SPECIAL INTEREST

Waiver of foreign assistance reimbursement requirements to the Department of Defense and the armed forces

The conferees are concerned about the inadequate funding in the fiscal year 1996 international affairs budget for activities identified by the administration as presidential priorities, such as drawdown authority for defense articles and services for Jordan and the transfer of non-lethal defense articles to Central European countries.

While the conferees are generally supportive of both activities, the conferees do not support efforts to waive requirements under Sections 519(f) and 632(d) of the Foreign Assistance Act of 1961. Those provisions of the Foreign Assistance Act require reimbursement of the Department of Defense and military services for costs to transport defense articles, or replace defense items that are not excess to the military services.

The conferees appreciate the role that Jordan played in the Middle East peace process and believe that the Government of Jordan should have the defense items, services, and military training, that would enable them to protect their borders and respond to terrorist threats. However, the conferees are concerned by the use of defense funds to pay for this authority.

In a letter supporting the special drawdown authority for Jordan, the Secretary of Defense stated that military readiness would suffer unless the non-excess defense items are replaced and the military services are reimbursed for transportation and other costs. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees 60 days after enactment of this Act that would address the cost to replace non-excess defense items provided to Jordan and an identification of funds included in the President's fiscal year 1997 budget for this purpose.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Peacekeeping Provisions

Placement of United States forces under United Nations operational or tactical control (sec. 1301)

The House bill contained a provision (sec. 1201) that would limit the use of Department of Defense funds and the circumstances under which the President could commit U.S. armed forces to United nations (UN) command and control, and provide exceptions under which armed forces could be placed under UN command and control. The President would be required to certify to the Congress, prior to the placement of U.S. armed forces under UN command and control, the following: that U.S. national security interests require the placement of Armed Forces under UN command and control; that U.S. armed forces commander would retain the right to report independently to U.S. military authorities and decline orders that are illegal, militarily imprudent, or beyond the scope of the mission; that U.S. forces would remain under U.S. administrative command; and that U.S. forces involved would retain the authority to withdraw and take necessary protective actions, if engaged by hostile forces.

The Senate amendment contained a provision (sec. 1061) that would express the sense of Congress that: U.S. armed forces should not be placed under the operational control of the UN without close and prior consultation with Congress; U.S. armed forces should only be placed under UN command and control when clearly in the national interest; U.S. armed forces should only be placed under qualified commanders with clear and effective command and control; and that U.S. armed forces should only be placed under operational control of foreign commanders in peace enforcement missions, except in the most extraordinary circumstances.

The conferees agree to consolidate the significant elements of both the House bill and the Senate amendment. In comparison to the provision contained in the House bill, the new provision would narrow the required Presidential certification standard to one that would establish: the existence of U.S. national security interests and narrow the definition for UN command and control to exclude conditions where the senior U.S. commander does not have adequate independent authority over subordinate U.S. forces; drop the required report on the constitutionality of placing U.S. forces under UN command and control and the certification requirement that U.S. commanders retain the right to decline to obey orders deemed to be ''militarily imprudent''.

The conferees remain gravely concerned over the administration's stated willingness, as articulated by Presidential Decision Directive 25, to place U.S. forces under UN operational control during peacekeeping operations. The conferees are pleased to note that the administration's planning assumption for a proposed peacekeeping deployment to Bosnia does not contemplate any such arrangement. The conferees strongly urge the Secretary of Defense to ensure that clearly defined and effective command and control relationships are established for any planned U.S. forces participation in such deployments.

Limitation on use of Department of Defense funds for international peacekeeping assessments and drawdown of Department of Defense articles (sec. 1302)

The House bill contained a provision (sec. 1202) that would amend chapter 20 of title 10, United States Code, to prohibit the use of Department of Defense funds for voluntary or assessed financial contributions to the United Nations for the United States share of peacekeeping costs, effective October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Humanitarian Assistance Programs

Overseas humanitarian, disaster, and civic aid (secs. 1311–1312)

The House bill contained a provision (sec. 1211) that would specify five programs operated by the Department of Defense to be funded through the budget account known as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA).

The House bill also contained a provision (sec. 1212) that would eliminate the current authority to transfer funds from DOD to the Department of State to provide for the administrative costs associated with the transportation of humanitarian supplies. In addition, this provision would remove the Secretary of State's authority over the DOD's program for the transportation of humanitarian relief, and it would provide for technical changes to the existing reporting requirements for the DOD's humanitarian programs.

The Senate amendment contained a provision (sec. 365) that would require the General Accounting Office (GAO) to submit a report to Congress on existing funding mechanisms that would facilitate the funding of programs within the OHDACA account through the Department of State or the Agency for International Development. If such mechanisms do not currently exist, the GAO would be required to identify those actions necessary to institute such mechanisms.

The conference agreement includes these provisions.

The conferees agree that although the DOD is uniquely capable of performing some humanitarian or disaster relief operations, these operations are fundamentally the responsibility of the Department of State and the Agency for International Development and, in general, are more appropriately funded through these agencies. Therefore, the conferees have reduced the amount of DOD funds available to the OHDACA account for fiscal year 1996 and have requested that the GAO provide a report that would identify necessary changes in existing law or regulations to transfer the funding responsibility for these programs, where appropriate, to other federal agencies, beginning in fiscal year 1997.

Landmine clearance program (sec. 1313)

The House bill contained a provision (sec. 1213) that would amend humanitarian and civic assistance authorities in section 401 of title 10 United States Code to include humanitarian demining activities.

The Senate amendment contained a provision (sec. 1054) that would amend section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) to include the following: require the Secretary of Defense to certify to the Congress that humanitarian activities satisfy military training requirements for the personnel involved; authorize $20.0 million in fiscal year 1996 for the humanitarian landmine clearing assistance program; terminate authority for the Department of Defense to provide funds for the humanitarian landmine clearing assistance program after fiscal year 1996; and revise the definition of a landmine.

The conferees agree to a provision that would amend section 401 of title 10 United States Code to include humanitarian demining activities; limit activities of United States military personnel participating in humanitarian landmine clearing activities; and, repeal section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

Unlike other types of humanitarian and civic assistance activities, the conferees realize that the activities of detection and clearing of landmines will often be the sole or primary focus of the military operation in question. In such cases, the approving authority would have to determine that the specific operational readiness skills of the participating United States forces—usually special operations forces whose skills are based upon the activities listed in section 167(j) of title 10, United States Code—will be promoted by participation in those activities.

Subtitle C—Arms Export and Military Assistance

Defense export loan guarantees (sec. 1321)

The House bill contained a provision (sec. 1224) that would require the Secretary of Defense to create a defense export loan guarantee program for certain eligible countries.

The Senate amendment contained a similar provision (sec. 1053) with different criteria for eligible countries.

The House recedes with an amendment that would authorize use of fees generated under the program for payment of start-up costs for administration of the program and for payment of ongoing administrative expenses. The conferees intend to monitor the administration of this program closely to ensure that the method of funding the administrative fees does not impact the process of approval of the loan guarantees.

National security implications of United States export control policy (sec. 1322–1323)

The Senate amendment contained a provision (sec. 1052) that would express the sense of Congress regarding the national security implications of maintaining effective export controls on dual-use items and technologies that are critical to the military capabilities of the United States. This provision would require the Department to review export licenses for class 2, 3, and 4 biological pathogens with a potential use in biological warfare programs and to determine if export would be contrary to U.S. national security interests.

The House bill did not contain a similar provision.

The House recedes. The conferees concur with concerns identified in the Senate report (S. Rept 104–112) that the lowering of export controls on dual-use items and technologies may place current U.S. technologies and defense capabilities at risk. The conferees continue to be concerned with administration support for admittance of nations into the Missile Technology Control Regime (MTCR) and the New Forum absent a record of compliance with the spirit of these regimes prior to their inclusion.

Two years ago in the House report (H. Rept. 103–357), the conferees expressed concern that ''. . . loosening the restrictions on space launch vehicle technology within the

MTCR could, over time, result in the proliferation of offensive ballistic missiles . . .'' and expressed particular concern about the new MTCR members being permitted to retain space launch vehicle programs. Despite written administration assurances that Congress would be consulted on MTCR-related issues, to include the addition of new members, the conferees were disappointed to learn in the summer of 1995 that new countries would be admitted to the MTCR, despite retention of a SLV program and a history of evading program controls. The conferees believe that the current administration approach facilitates a growing and perhaps irreversible danger that the MTCR, despite its auspicious early history, will increasingly become an avenue for technology proliferation.

The conferees strongly encourage the administration to emphasize the use of controls on sensitive technologies in any new administration proposals to reauthorize the Export Administration Act, and that no attempts be made to repeal or substantially alter the missile sanction provisions in Title XVII of the National Defense Authorization Act for Fiscal Year 1991, as was the case in the administration proposal submitted in the last Congress.

American firms are conducting discussions and negotiations with a number of foreign governments, or other entities, on the purchase of high-resolution U.S. commercial reconnaissance and imaging satellites and high-resolution imagery or imagery distribution systems. The conferees understand that the Secretary of Defense is authorized under Presidential Directive/National Security Council-23 and the Remote Sensing Act of 1992 to determine when national security interests call for controls on such satellite imagery. The Secretary of State is similarly empowered to determine when international obligations would require imagery controls. The conferees emphasize the following: that determinations on national security and international obligations should be communicated to U.S. firms in discussions regarding issuance of operating licenses to U.S. firms, to the extent such determinations can be made in advance of the actual operation of the satellites; that the Secretary of Defense or the Secretary of State should ensure that license agreements and distribution agreements include adequate provisions to ensure that the sharing of imagery or procurement of U.S. commercial imagery systems or products with foreign governments or foreign entities would not be used against U.S. military forces deployed overseas; and that provisions in the license agreements should deny terrorist governments and entities controlled by these governments access to imagery of neighboring countries. The conferees continue to be concerned that the national security issues involved in the proliferation of high-resolution satellites and satellite imagery have not been adequately thought through by the executive branch and hope that the report mandated by this section will serve to clarify DoD policy on these issues.

The conferees also note the recent decision to relax export restrictions on supercomputers and are concerned about the potential impact of this decision on the United States' nonproliferation efforts and the maintenance of the U.S. military technological edge. The conferees direct the Secretary of Defense to submit a report, not later than December 31, 1995, that describes the impact of the export decision on the ability of nations to acquire and use high-performance computing capabilities to develop advanced conventional weaponry, weapons of mass destruction, and delivery vehicles, including missiles.

Reports on arms export control and military assistance (sec. 1324)

The Senate amendment contained a provision (sec. 1064) that would require the following reports to be submitted to Congress: (1) a report by the Secretary of State on the firms that are on the Department of State watch list for export of sensitive or dual use technologies, and a description of the measures taken to strengthen United States export controls; (2) an evaluation of the watch list screening process by the Department of State Inspector General; and (3) an annual report on the aggregate dollar value and quantity of defense articles, services, and military education and training furnished by the United States to each foreign country and international organization.

The House bill did not contain a similar provision.

The conferees agree to a provision that would require the Department of State and the Department of Commerce, in consultation with the Department of Defense, to report jointly to the Congress on United States export control mechanisms and measures taken to strengthen export controls. The provision would also require the President to submit a report to Congress on military assistance and military exports authorized or furnished to foreign countries and international organizations.

Report on personnel requirements for control of transfer of certain weapons (sec. 1325)

The Senate amendment contained a provision (sec. 1093) that would require the Secretary of Defense and the Secretary of Energy to report to the Congress on the personnel resources necessary to implement nonproliferation policy responsibilities of both departments and would require both Secretaries to explain the failure to provide the report, as previously required by legislation.

The House bill did not contain a similar provision.

The House recedes.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and Nato

Accounting for burdensharing contributions (sec. 1331)

The House bill contained a provision (sec. 1225) that would authorize the United States to accept burdensharing contributions in the currency of the host nation or in United States dollars. This provision would maintain this funding in a separate account that would be available until expended.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to accept contributions for expenses of relocation within host nations of United States armed forces overseas (sec. 1332)

The House bill contained a provision (sec. 1226) that would establish authorization and procedures to accept contributions from host nations for the purpose of relocating United States armed forces within the host nation.

The Senate amendment contained no similar provision.

The Senate recedes.

Revised goal for allied share of costs for United States installations in Europe (sec. 1333)

The House bill contained a provision (sec. 1228) that would require the Department of Defense to reduce United States military personnel assigned in European North Atlantic Treaty Organization (NATO) countries during fiscal years 1996–1999. Military personnel would be reduced by 1,000 for each scheduled percentage point that allied contributions in cash and in-kind payments fail to offset U.S. non-personnel costs of operating military installations in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would amend section 1304 of the National Defense Authorization Act of 1995 (Public Law 103–337) to require the President to seek an agreement with European member states of NATO to increase to 42.5 percent by September 30, 1997 their share of the nonpersonnel costs for United States military installations in those nations.

Exclusion of certain forces from European end strength limitation (sec. 1334)

The conference agreement includes a provision that would exclude personnel performing duties in Europe for more than 179 days under a military-to-military contact program.

Cooperative research and development agreements with NATO organizations (sec. 1335)

The Senate bill contained a provision (sec. 1051) that would make a technical and conforming amendment to section 2350b of title 10, United States Code, to make it consistent with section 2350a, which was amended in the National Defense Authorization Act for Fiscal Year 1995.

The House bill did not contain a similar provision.

The House recedes.

Support services for the Navy at the Port of Haifa (sec. 1336)

The Senate amendment contained a provision (sec. 1056) that would express the sense of Congress that the Secretary of the Navy should promptly undertake actions to:

(1) improve the services available to the Navy at the Port of Haifa; and

(2) ensure that the continuing increase in commercial activities at the Port of Haifa does not have an adverse impact on the services required by the Navy at Haifa.

The House bill contained no similar provision.

The House recedes with an amendment.

SUBTITLE E—OTHER MATTERS

Prohibition on financial assistance to terrorist countries (sec. 1341)

The Senate amendment contained a provision (sec. 1057) that would prohibit the use of any Department of Defense funds to assist nations that support acts of terrorism. A determination to prohibit funds may be based on a determination by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; or that a nation provided significant support for international terrorism, as identified in a report to Congress, pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989; or a determination by the President that a nation has supported international terrorism or has granted sanctuary from prosecution to a group or individual that has committed an act of international terrorism.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Judicial assistance to the International Tribunal for Yugoslavia and to the International Tribunal for Rwanda (sec. 1342)

The Senate amendment contained a provision (sec. 1098) that would provide authority for the United States to surrender persons and provide judicial assistance to the International Tribunals for Yugoslavia and Rwanda, pursuant to the agreement between the Government of the United States and the International Tribunals.

The House bill did not contain a similar provision.

The House recedes with a technical amendment.

United States-China Joint Defense Conversion Commission (sec. 1343)

The House bill included a provision (sec. 1223) that would prohibit the use of funds authorized in fiscal year 1996 for the Department of Defense activities associated with the United States-People's Republic of China Joint Defense Conversion Commission.

The Senate bill did not include a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Secretary of Defense to submit semi-annual reports to Congress on the United States-People's Republic of China (PRC) Joint Defense Conversion Commission. The report shall include: a description of activities that could directly, or indirectly, assist the military modernization efforts of the PRC; information on the activities and operations of the Commission; a discussion of the relationship of PRC defense conversion activities and PRC defense modernization efforts; steps taken by the United States to safeguard against use of western technology to modernize the PRC military industrial base; and an assessment of U.S. benefits derived from participation in the commission, to include an increase in the transparency of the military budget and doctrine of the PRC. In preparing the reports required by this section, the Secretary shall seek and obtain the views of appropriate U.S. intelligence agencies and shall be consulted on the matters assessed in the reports and those views shall be included as an annex to the reports.

The conferees agree that a continued dialogue on security matters between the United States and the PRC can promote stability in the region, and help protect American interests and the interests of America's Asian allies. The conferees note that the Senate Armed Services Committee and the House National Security Committee intend to review the status of the U.S.–PRC security dialogue on a regular basis to determine the extent to which the dialogue has produced tangible results in the areas of human rights, transparency in military spending and doctrine, missile and nuclear nonproliferation, and other important security issues.

TITLE XIV—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of definition of landmine for purposes of landmine export moratorium (sec. 1401)

The House bill contained a provision (sec. 1221) that would amend the definition of ''anti-personnel landmine'', contained in section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), by deleting ''remote controlled, manually-emplaced munitions or devices''.

The Senate amendment contained a provision (sec. 1054) that would include a subsection to redefine the definition of an antipersonnel landmine.

The conferees agree to an amendment that would amend section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), to redefine an antipersonnel landmine to exclude command detonated anti-personnel landmines, such as M18A1 ''Claymore'' mines, from the definition.

Reports on and certification requirement concerning moratorium on use by Armed Forces of antipersonnel landmines (sec. 1402)

The Senate amendment contained a provision (sec. 1099) that would express the sense of Congress that the President should actively support proposals to modify protocol II on landmines in the 1980 Conventional Weapons Convention at the United Nations Conference, to immediately implement the United States goal of eventual elimination of antipersonnel landmines, and place a one year moratorium on the use of antipersonnel landmines by the United States military, except along internationally recognized borders and demilitarized zones. Consistent with the provision, the President should also encourage governments of other nations to implement a moratorium on the use of antipersonnel landmines.

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Chairman of the Joint Chiefs of Staff to provide an annual report to Congress on the projected effects of a moratorium on the defensive use of antipersonnel landmines and antitank mines by the United States military forces. The provision would also require a certification by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, prior to implementation of a legislated moratorium, that the moratorium will not adversely affect United States military forces defensive capabilities, and that effective substitutes for antipersonnel landmines are available to the U.S. military forces.

Extension and amendment of counterproliferation authorities (sec. 1403)

The House bill contained a provision (sec. 1222) that would extend, through fiscal year 1996, the authorities in section 1505 of title XV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484). The provision would authorize the Department of Defense to provide up to $15.0 million to support international nonproliferation activities, such as, the United Nations Special Commission on Iraq (UNSCOM). Authority for the Secretary of Defense to provide assistance under this section would terminate at the end of fiscal year 1996.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees understand that the extension of authority in fiscal year 1996 for the Department of Defense support of international nonproliferation activities would be used primarily to support the United Nations Special Commission on Iraq (UNSCOM). The conferees do not intend to provide the Department of Defense with authority to use defense funds to support chemical weapons and ballistic missile dismantlement, nuclear materials control and removal, or to destroy weapons of mass destruction and their delivery systems in foreign countries, such as Brazil, South Africa, or countries in Africa or the Middle East generally. These disarmament activities are more appropriately funded from the international affairs budget. Authorities for dismantlement of weapons of mass destruction in the former Soviet Union are provided elsewhere in this Act.

In accordance with the conference report to accompany the National Defense Authorization Act for Fiscal Year 1994, the conferees direct the Secretary of Defense to provide to the congressional defense committees, 30 days in advance of any U.S. commitment to support international nonproliferation activities, a report on the international nonproliferation activities which the Department seeks to support. The report should identify potential future funding for this support, the extent to which the United States is obligated to provide such support, the extent to which funds are provided for in the international affairs budget, and the national security objective for providing the support.

Limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1404)

The Senate amendment contained a provision (sec. 1082) that would express the sense of Congress that until the START II Treaty enters into force, the Secretary of Defense should not retire or dismantle any B–52H bombers, Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles (ICBMs), or Peacekeeper ICBMs. The provision would also prohibit the use of funds appropriated to the Department of Defense during fiscal year 1996 for retiring or dismantling any such systems.

The House bill contained a similar provision (sec. 1229) that would express the sense of Congress that the Secretary of Defense should not implement any reduction in strategic forces that is called for in the START II Treaty unless and until that treaty enters into force.

The House recedes.

The conferees reiterate the importance of not having the United States unilaterally and prematurely begin to implement reductions under the START II Treaty. Until it is clear that the treaty will actually enter into force, the United States must retain options for maintaining a larger force of strategic nuclear delivery systems, to include 500 Minuteman III ICBMs, 50 Peacekeeper ICBM's 18 Trident II ballistic missile submarines, and 94 B–52H bombers. The conferees believe that by retaining such options, the United States increases Russia's incentives to ratify and fully implement the START II Treaty.

Additionally, the conferees believe that it is prudent to delay, beyond fiscal year 1996, the decision to retire or dismantle 28 B–52H bombers, as currently planned by the Department of Defense. At the same time, the conferees do not believe that the Air Force should take any action that prejudge a decision in fiscal year 1997 to retire or dismantle those 28 B–52H bombers. Therefore, the conferees direct the Secretary of Defense to retain 94 B–52H bombers during fiscal year 1996, while minimizing additional expenditures on the 28 aircraft that may be retired in the near future.

The conferees understood that the Air Force would require $17.4 million in procurement funds, $45.3 million in operations and maintenance funds, and $4.3 million in military personnel funds to retain the 28 B–52H bombers in a fully operational status and to provide them with system updates and modifications. The conferees believe that with system updates and modifications. The conferees believe that this level of funding may not be required merely to preserve the option of retaining the 28 aircraft for one more year. In particular, it may not be necessary to expand procurement funds on aircraft that may be retired in fiscal year 1997. Therefore, the conferees agree to authorize the use of up to $17.4 million in Air Force procurement funds, up to $45.3 million in Air Force operations and maintenance funds, and up to $4.3 million in Air Force personnel funds to retain in an attrition reserve status the 28 B–52H bombers that would otherwise be retired in fiscal year 1996.

Congressional findings and Sense of Congress concerning treaty violations (sec. 1405)

The House bill contained a provision (sec. 1227) that would express a sense of Congress that the government of the former Soviet Union intentionally violated its legal obligation under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests, and that the United States should remain vigilant to ensure compliance with arms control obligations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would outline the legislative history behind the provision.

Sense of Congress on ratification of the Chemical Weapons Convention and the Strategic Arms Reduction Talks (sec. 1406)

The House bill contained a provision (sec. 1230) that would express the sense of Congress that the United States should ratify the Chemical Weapons Convention (CWC) as a signal of its commitment to reduce the threat posed by chemical weapons.

The Senate amendment contained a provision (sec. 1099F) that would express the sense of Congress that it is in the national security interests of the United States and Russia, as signatories of the Strategic Arms Reduction Talks (START II), and the United States and all parties to the Chemical Weapons Convention (CWC), to ratify and fully implement the agreements, as negotiated.

The conferees agree to a provision that would express the sense of Congress that it is in the national security interests of the United States, that the United States and Russia, as parties to START II and the CWC, and all other signatories to the CWC, to ratify and fully implement these arms control agreements, as negotiated.

The conferees note that a full Senate debate on the ratification of START and the CWC treaties has not taken place. It is not the intention of the Congress, through this provision, to predetermine the outcome of the Senate debate on the advice and consent to ratification of the two arms control treaties.

Implementation of arms control agreements (sec. 1407)

The budget request included $261.9 million in procurement, operation and maintenance, and research and development in the defense and military service accounts for the implementation of arms control agreements.

The Senate amendment contained a provision (sec. 1060) that would authorize $228.9 million for implementing arms control agreements, a $33.0 million reduction to the budget request. The provision would also prohibit the use of defense funds to reimburse expenses of signatories to arms control treaties, other than the United States, pursuant to treaties or agreements with the United States that have entered into force, if the Congress has not received 30-day notice prior to agreement between the parties.

The House bill did not contain a similar provision, but would provide $261.9 million for implementation of arms control agreements.

The House recedes with an amendment that would make available up to $239.9 million for implementing arms control agreements, a $22.0 million reduction to the budget request. The reductions are reflected in the following table. The conferees endorse the views stated in the Senate report (S.Rept. 104–112), that reiterate the concern expressed in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1994 (H.Rept. 103–357). That conference report required the Congress to be notified 30 days in advance of a U.S. agreement to accept the recommendations of any consultative commissions that result in either technical changes to a treaty or agreement affecting inspections and monitoring provisions, or that result in increased U.S. implementation costs.

The conferees limit the expenditure of funds to provide reimbursement for arms control implementation inspections costs borne by the inspected party to a treaty or agreement. Funds may only be expended if the Congress has been notified 30 days in advance of an agreement by the President to a policy or policy agreement, and that policy or policy agreement does not modify any obligation imposed by the arms control agreement.

The provision would not prohibit the use of funds to implement two policy agreements under the Intermediate-Range Nuclear Forces (INF) Treaty and strategic Arms Reductions Treaty (START), concluded in May 1994 and February 1995. The conferees understand that the Department of Defense agreed to reimburse Belarus, Kazakhstan, and Ukraine for the costs of U.S. inspections conducted within those territories for each six-month period, expenses for which those countries are obligated under the treaties, if Belarus, Kazakhstan, and Ukraine do not conduct inspections in the United States. Further, the conferees understand that if Belarus, Kazakhstan, or Ukraine conduct an inspection of a U.S. facility, the U.S. will not provide reimbursement during the applicable six-month time period.

The Intermediate Range Nuclear Forces Treaty and Strategic Arms Reduction Treaty permit the United States to conduct inspections to verify compliance with the treaties within the territories of Belarus, Kazakhstan, and Ukraine. The conferees are concerned about assertions by the administration that failure to reimburse Belarus, Kazakhstan, and Ukraine would prevent the United States from conducting INF and START inspections in these countries in the future. The Senate provided its advice and consent to ratification of INF and START based on the ability of the United States to fully exercise its inspection rights.

In a September 21, 1994 letter from the Secretary of Defense to Congress, the Secretary emphasized that the policy statements exchanged between the United States and the three Parties expressed ''. . . strictly a policy understanding.'' He also stated ''that they are not legally binding'' and that no treaty provisions would be changed. Further, the Secretary stated ''[T]he Administration would not consider this to be a precedent for any other area of START implementation.''

The conferees express their continuing concern that arms control consultative commissions are being used to facilitate changes or modifications to arms control treaties and agreements that should be brought to the Senate for its review and subsequent advice and consent. There may be very good reasons for changes in implementation of specific arms control treaties or agreements. However, if a change or modification to the treaty or agreement would result in a change to the understanding under which the Senate provided its advice and consent to ratification, the Congress must be consulted about the recommended change or modification in advance of any agreement in the consultative commissions, and must provide its subsequent agreement to the change or modification.

FISCAL YEAR 1996 ARMS CONTROL IMPLEMENTATION BUDGET

Account	Program	Request	Recomm	Rec Auth
WPN	Arms control compliance.	14.800	0.000	14.800
OPAF	Spares & repairs	0.467	0.000	0.467
PDA	OSIA	2.941	0.000	2.941
RDT&E, AF	Arms control implementation.	0.998	0.000	0.998
RDT&E, DA	Ver tech dem, DNA (603711).	33.971	0.000	33.971
O&M, Army		40.778	−6.000	34.778
O&M, Navy		35.354	−2.000	33.354
O&M, AF		34.645	−2.000	32.645
O&M, DA	OSIA	97.987	−12.000	85.987
Total		261.941	−22.000	239.941

Iran and Iraq arms nonproliferation (sec. 1408)

The Senate amendment included a provision (sec. 1063) that would amend sections 1604(a) and 1605(a) of Title XVI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484), to apply sanctions and controls to persons or countries who transfer or retransfer goods or technology that would contribute to the Iran or Iraq efforts to acquire chemical, biological, or nuclear weapons, in addition to sanctions and controls on the acquisition of destabilizing advanced conventional weapons. The provision would also amend section 1608(7) to clarify the meaning of ''United States assistance'' to conform to the definition of such term in the Foreign Assistance Act of 1961 (section 2151 et seq. of Title 10, United States Code).

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees also agree to an amendment to section 73(e)(2) of the Arms Export Control Act (section 2797b(e)(2) of title 22, United States Code) that would require that the notification of certain waivers under the Missile Technology Control Regime procedures be submitted to the congressional defense committees and the congressional foreign relations committees, not less than 45 working days before issuance of the waiver.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Technical and clerical amendment (sec. 1501–1506)

The Senate amendment contained eight sections (secs. 1101 through 1108) that made numerous technical and clerical amendments to existing laws.

The House bill contained no similar provision.

The House recedes.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Corporation for the Promotion of Rifle Practice and Firearms Safety (secs. 1601–1624)

The House bill contained a provision (sec. 384) that would convert the Civilian Marksmanship Program (CMP) to a federally chartered nonprofit corporation.

The Senate amendment contained a similar provision (sec. 385) that would convert the CMP to a nonappropriated fund instrumentality.

The Senate recedes with an amendment that would convert the CMP to a private, nonprofit corporation. The provision would require the Secretary of the Army to provide for the transition of the CMP from an appropriated fund activity of the Department of Defense to a viable nonprofit corporation.

The conferees recognize the value of the CMP, and believe the program should continue as a non-federal government entity.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The budget request for fiscal year 1996 included $10,697,955,000 for military construction and family housing.

The House bill would authorize $11,197,995,000 for military construction and family housing.

The Senate amendment would provide $10,902,988,000 for this purpose.

The conferees recommend authorization of appropriations of $11,177,009,000 for military construction and family housing, including general reductions and termination of prior year projects.

The conferees are deeply concerned about the current quality of facilities at military

installations and the condition of the housing stock for military families and unaccompanied personnel. The conferees are concerned about the possible long-term deleterious effects of deteriorating military infrastructure and military housing on the readiness of the armed forces and the retention of personnel. The conferees are especially concerned about the backlog of construction, repair, and maintenance required to resolve serious problems affecting the quality of life for personnel and their families. The increases in funding recommended by the conferees is targeted at enhancing quality of life programs, particularly housing and needed operational requirements for the military services.

The conferees are pleased with the attention the Secretary of Defense has devoted to improving family housing, housing for unaccompanied personnel, and other quality of life improvements. The conferees note the Secretary's proposal to establish new authorities for alternative means to construct or improve military housing. The conferees have worked closely with the Secretary in the development of the proposal and have agreed to include these authorities in this Act.

The conferees have also included a provision to expand the authority previously granted to the Department of the Navy to enter into limited partnerships with the private sector to acquire family housing. The conferees note the efforts of the Navy to utilize existing authority to provide critically needed housing in Corpus Christi, Texas and Everett, Washington. The conferees understand that agreements to provide housing in those two locations may be ready for contract execution in fiscal year 1996.

In addition to these new initiatives, the conferees also support a pilot program that provides qualified junior enlisted and junior officer personnel with greater access to private home ownership opportunities through an interest rate buydown program managed by the Department of Veterans' Affairs. The conferees encourage the Secretary of Defense to promote this program and to continue exploring creative ways to stimulate interest in and availability of home ownership among servicemembers.

The conferees recognize that these authorities have the long-term potential to produce critically needed housing for the armed forces. To rectify immediate problems, the conferees recommend $417,169,000 above the Administration's budget request for family housing, unaccompanied personnel housing, child development centers, health care facilities, and other projects to enhance the quality of life for currently serving personnel.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Authorization
DIVISION B				
Military Construction, Army	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	3,897.892
Total Military Construction	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	298.303

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Authorization
Family Housing Support, Air Force	849.213	846.213	849.213	849.213
Family Housing, Defense-wide	25.772	25.772	25.772	25.772
Family Housing Support, Defense-wide	30.467	40.467	30.467	40.467
Homeowners Assistance Fund, Defense	75.586	75.586	75.586	75.586
Sec 2809-Authority to convey Family Housing	-		5.000	-
Total Family Housing	4,125.221	4,319.155	4,212.727	4,314.621

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
1 Alabama	Army	Ft. Rucker	Ammunition Supply Point	0	5,900	0	5,900
2 Alabama	Army	Redstone Arsenal	Hypervelocity Ballistic Range Facility	0	5,000	0	5,000
3 Alabama	Air Force	Maxwell AFB	Child Development Center Complex	3,700	3,700	3,700	3,700
4 Alabama	Air Force	Maxwell AFB	Computer Software Facility	0	0	1,500	1,500
5 Alabama	Section 6 Schools	Maxwell AFB	Add/Alter Maxwell Elementary School	5,479	5,479	5,479	5,479
6 Alabama	Defense Medical Facilities Office	Maxwell AFB	Ambulatory Healthcare Center (Phase I)	0	0	10,000	10,000
7 Alabama	Defense Logistics Agency	Defense Dist Anniston	Vehicle Storage Shelter	3,550	3,550	3,550	3,550
8 Alabama	Air National Guard	Birmingham Mun Airport (ANG)	Alter KC-135 Aircraft Shops	4,400	4,400	4,400	4,400
9 Alabama	Air National Guard	Dannelly Field (ANG)	Fire Station	1,445	1,445	1,445	1,445
10 Alabama	Army Reserve	USARC Jasper	Add/Alter USARC/OMS/AMSA	2,500	2,500	2,500	2,500
11 Alabama	Air Force Reserve	Maxwell AFB	Composite Maintenance Shops	3,608	3,608	3,608	3,608
12 Alaska	Air Force	Eielson AFB	Alter Dormitory	3,850	3,850	3,850	3,850
13 Alaska	Air Force	Eielson AFB	Boiler Rehabilitation	0	0	4,000	4,000
14 Alaska	Air Force	Elmendorf AFB	Visiting Officers Quarters	7,350	7,350	7,350	7,350
15 Alaska	Air Force	Elmendorf AFB	MILSTAR Communications Ground Terminal	850	850	850	850
16 Alaska	Air Force	Elmendorf AFB	Repair Airfield Taxiway	900	900	900	900
17 Alaska	Air Force	Tin City LRRS	Aboveground Fuel Tanks	2,500	2,500	2,500	2,500
18 Alaska	Defense Medical Facilities Office	Elmendorf AFB	Hospital Replacement (Phase IV)	28,100	28,100	28,100	28,100
19 Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	0	0	2,550	2,550
20 Alaska	Air National Guard	Eielson AFB	Base Engineering Maintenance Facility	0	0	4,400	4,400
21 Alaska	Army Reserve	Ft. Wainwright	USARS/OMS/STORAGE	4,779	4,779	4,779	4,779
22 Arizona	Army	Ft. Huachuca	Whole Barracks Complex Renewal	16,000	16,000	16,000	16,000
23 Arizona	Army	Ft. Huachuca	Child Development Center	0	2,550	0	0
24 Arizona	Air Force	Davis-Monthan AFB	Dormitory	3,800	3,800	3,800	3,800
25 Arizona	Air Force	Davis-Monthan AFB	Alter Aircraft Corrosion Control Facility	1,000	1,000	1,000	1,000
26 Arizona	Air Force	Luke AFB	Dormitory	5,200	5,200	5,200	5,200
27 Arizona	Defense Medical Facilities Office	Luke AFB	Add/Alter Hospital Life Safety Upgrade	8,100	8,100	8,100	8,100
28 Arizona	Air National Guard	Tucson IAP	Add/Alter Aircraft Spt. Equipment Shop	600	600	600	600
29 Arizona	Army National Guard	Papago Military Reservation (Phoenix)	Medical Facility	0	1,084	0	1,084
30 Arkansas	Air Force	Little Rock AFB	Upgrade Sanitary Sewer System	2,500	2,500	2,500	2,500
31 Arkansas	Chemical Demilitarization	Pine Bluff Arsenal	Ammunition Demilitarization Fac (Phase II)	40,000	40,000	0	0
32 Arkansas	Army National Guard	Camp Robinson	Military Ops in Urban Terrain Facility	0	0	2,853	0
33 Arkansas	Air National Guard	Little Rock AFB	Base Supply Complex	0	0	4,800	4,800
34 California	Army	Ft. Irwin	Consolidated Maintenance Facility	15,500	15,500	15,500	15,500
35 California	Army	Ft. Irwin	National Training Center Airfield (Phase II)	0	10,000	0	10,000
36 California	Army	Presidio, San Francisco	Regional Sewer System	3,000	3,000	3,000	3,000
37 California	Navy	MCB Camp Pendleton	Sensitive Compartmented Info Facility Add	2,246	2,246	2,246	2,246
38 California	Navy	MCB Camp Pendleton	Child Development Center	3,000	3,000	3,000	3,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
39	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters	11,940	11,940	11,940	11,940
40	California	Navy	MCB Camp Pendleton	Water Distribution System	1,410	1,410	1,410	1,410
41	California	Navy	MCB Camp Pendleton	Tactical Vehicle Maintenance Facility	1,088	1,088	1,088	1,088
42	California	Navy	MCB Camp Pendleton	Multi-Purpose Machine Gun Range	3,800	3,800	3,800	3,800
43	California	Navy	MCB Camp Pendleton	Physical Fitness Center	4,100	4,100	4,100	4,100
44	California	Navy	NCCOSC RDT&E Div, San Diego	Test Facility Demolition	3,170	3,170	3,170	3,170
45	California	Navy	MCAGCC Twentynine Palms	Infantry Squad Battle Course	2,490	2,490	2,490	2,490
46	California	Navy	NAWCWD Point Mugu	Child Development Center	1,300	1,300	1,300	1,300
47	California	Navy	NAWCWD China Lake	Industrial Wastewater Collect /Treatment Fac	3,700	3,700	3,700	3,700
48	California	Navy	Naval Station, San Diego	Oily Waste Collection and Treatment Facility	19,960	19,960	19,960	19,960
49	California	Navy	NAS North Island	Controlled Industrial Facility	42,500	42,500	42,500	42,500
50	California	Navy	NAS North Island	Berthing Wharf	56,650	56,650	56,650	56,650
51	California	Navy	NAS Lemoore	Jet Engine Test Cell	7,600	7,600	7,600	7,600
52	California	Navy	Port Hueneme NCBC	Bachelor Enlisted Quarters (Phase I)	0	16,700	0	9,000
53	California	Air Force	Beale AFB	Landfill Closure	7,500	7,500	7,500	7,500
54	California	Air Force	Edwards AFB	Dormitory	10,600	10,600	10,600	10,600
55	California	Air Force	Edwards AFB	Add/Alter F-22 Engineering Test Facility	12,100	12,100	12,100	12,100
56	California	Air Force	Edwards AFB	Add/Alter Anechoic Chamber	11,100	11,100	11,100	11,100
57	California	Air Force	Travis AFB	Dormitories	10,500	10,500	10,500	10,500
58	California	Air Force	Travis AFB	Dormitory	6,400	6,400	6,400	6,400
59	California	Air Force	Travis AFB	Squadron Operations/Aircraft Maintenance Unit	7,400	7,400	7,400	7,400
60	California	Air Force	Travis AFB	KC-10 Add to Flight Simulator Facility	2,400	2,400	2,400	2,400
61	California	Air Force	Vandenberg AFB	Fire Station	2,000	2,000	2,000	2,000
62	California	Air Force	Vandenberg AFB	SLFI - Chemical Test and Analysis Lab	4,000	4,000	4,000	4,000
63	California	Defense Logistics Agency	DFSC, Point Mugu	Fuel Storage	750	750	750	750
64	California	Defense Logistics Agency	Defense Dist Stockton	General Purpose Whse Replacement	15,000	15,000	15,000	15,000
65	California	Defense Medical Facilities Office	MCB Camp Pendleton	Environmental Health/Industrial Hygiene	1,700	1,700	1,700	1,700
66	California	Defense Medical Facilities Office	Vandenberg AFB	Life Safety/Seismic/Utility Upgrade	5,700	5,700	5,700	5,700
67	California	Defense Medical Facilities Office	Ft. Irwin	Ambulatory Healthcare Clinic	6,900	6,900	6,900	6,900
68	California	Special Operations	Camp Pendleton	SOF Training Complex	5,200	5,200	5,200	5,200
69	California	Air National Guard	Sepulveda ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
70	California	Air National Guard	Sepulveda ANG Annex (Van Nuys)	Supply and Civil Engineer Complex	0	1,800	0	1,800
71	California	Army Reserve	Parks RFTA	Battle Projection Center	5,868	5,868	5,868	5,868
72	California	Air Force Reserve	March ARB	Fire Training Facility	1,550	1,550	1,550	1,550
73	Colorado	Army	Ft. Carson	Sanitary Sewer Line	1,750	1,750	1,750	1,750
74	Colorado	Army	Ft. Carson	Whole Barracks Renewal (Phase I)	0	20,000	0	20,000
75	Colorado	Army	Ft. Carson	Sewer Treatment Plant	9,100	9,100	9,100	9,100
76	Colorado	Air Force	Peterson AFB	Add/Alter Dormitory	3,000	3,000	3,000	3,000
77	Colorado	Air Force	Peterson AFB	Fire Station	1,390	1,390	1,390	1,390

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
78	Colorado	Air Force	USAF Academy	Upgrade Facilities Heating System	4,950	4,950	4,950	4,950
79	Colorado	Air Force	USAF Academy	Child Development Center	4,200	4,200	4,200	4,200
80	Colorado	Air Force	USAF Academy	Sailplane Hangar	3,724	3,724	0	3,724
81	Colorado	Air Force	Buckley ANGB	Troop Support Facilities	5,500	5,500	5,500	5,500
82	Colorado	Air National Guard	Buckley ANGB	Upgrade Heating Systems	950	950	950	950
83	Colorado	Air National Guard	Buckley ANGB	Base Engineer Pavements and Grounds Facility	450	450	450	450
84	Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	0	0	3,150	0
85	Delaware	Air Force	Dover AFB	C-5 Sqd Operations/ACFT Maint	5,500	5,500	5,500	5,500
86	Delaware	Defense Logistics Agency	DFSC, Dover AFB	Replace Hydrant Fuel System	15,554	15,554	15,554	15,554
87	Delaware	Defense Medical Facilities Office	Dover AFB	Life Safety Upgrade	4,400	4,400	4,400	4,400
88	Delaware	Air National Guard	New Castle County AP	Fire Station	0	0	2,300	0
89	District of Columbia	Army	Ft. McNair	Whole Barracks Complex Renewal	5,500	5,500	5,500	5,500
90	District of Columbia	Army	Ft. McNair	National Defense Univ Fac Renovation (Phase I)	8,000	8,000	8,000	8,000
91	District of Columbia	Army	Walter Reed Medical Center	Fitness Center	0	0	4,300	0
92	District of Columbia	Air Force	Bolling AFB	Alter Dormitory	6,500	6,500	6,500	6,500
93	District of Columbia	Air Force	Bolling AFB	Honor Guard Dormitory	5,600	5,600	5,600	5,600
94	District of Columbia	Defense Intelligence Agency	Bolling AFB	Boiler DIAC	498	498	498	498
95	District of Columbia	Defense Intelligence Agency	Bolling AFB	Parking DIAC	1,245	1,245	1,245	0
96	Florida	Navy	NTTC Corry Station	Child Development Center	2,565	2,565	2,565	2,565
97	Florida	Navy	Naval School EOD, Eglin AFB	Explosive Ordnance Disposal Trng Complex	14,200	14,200	14,200	14,200
98	Florida	Navy	Naval School EOD, Eglin AFB	Underwater Ordnance Disposal Trng Fac	1,950	1,950	1,950	1,950
99	Florida	Air Force	Eglin AFB	Repair Runway	6,200	6,200	6,200	6,200
100	Florida	Air Force	Eglin AFB	Upgrade Dormitory	0	7,300	8,300	7,300
101	Florida	Air Force	Tyndall AFB	Fire Training Facility	1,200	1,200	1,200	1,200
102	Florida	Air Force	Cape Canaveral AFS	Fire Training Facility	1,600	1,600	1,600	1,600
103	Florida	Defense Logistics Agency	DFSC, Eglin AFB	SOF Fuel Storage	2,400	2,400	2,400	2,400
104	Florida	Special Operations	Eglin AFB	SOF Squadron Operations/AMU	2,400	2,400	2,400	2,400
105	Florida	Special Operations	Eglin Aux Field 9	SOF Benson Tanks Storage Facility	1,550	1,550	1,550	1,550
106	Florida	Special Operations	Eglin Aux Field 9	SOF Squadron Ops/AMU MH-53	7,100	7,100	7,100	7,100
107	Florida	Special Operations	Eglin Aux Field 9	SOF Helicopter Hangar	5,500	5,500	5,500	5,500
108	Florida	Army National Guard	Camp Blanding	Water Distribution System Upgrade	0	4,200	4,200	4,200
109	Florida	Army National Guard	Camp Blanding	Wastewater Treatment Plant (Phase II)	0	5,300	5,300	5,300
110	Georgia	Army	Ft. Benning	Whole Barracks Complex Renewal	33,000	33,000	33,000	33,000
111	Georgia	Army	Ft. Benning	Close Combat Tactical Trainer Building	4,900	4,900	4,900	4,900
112	Georgia	Army	Ft. Gordon	Battalion Headquarters	3,150	3,150	3,150	3,150
113	Georgia	Army	Ft. Gordon	General Purpose Warehouse	2,600	2,600	2,600	2,600
114	Georgia	Army	Ft. Stewart	Deployment Staging Area	8,400	8,400	8,400	8,400
115	Georgia	Navy	Marine Corps Logistics Base, Albany	Child Development Center (Phase II)	0	1,300	0	0
116	Georgia	Navy	Strategic Weapons Facility, LANT	Security Force Facility	2,450	2,450	2,450	2,450

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
117	Georgia	Air Force	Moody AFB	Upgrade Storm Drainage System	690	690	690	690,
118	Georgia	Air Force	Moody AFB	Child Development Center	0	3,800	0	0
119	Georgia	Air Force	Moody AFB	C-130 Squadron Operations/AMU	3,200	3,200	3,200	3,200
120	Georgia	Air Force	Moody AFB	Alter Dormitory	0	2,500	0	0
121	Georgia	Air Force	Moody AFB	C-130 Aerial Delivery Facility	4,600	4,600	4,600	4,600
122	Georgia	Air Force	Moody AFB	C-130 Aircraft Washrack Facility	1,700	1,700	1,700	1,700
123	Georgia	Air Force	Moody AFB	Control Tower	2,700	2,700	2,700	2,700
124	Georgia	Air Force	Moody AFB	Repair and Extend Runway	0	0	12,300	12,300
125	Georgia	Air Force	Robins AFB	JSTARS Aircraft Fuel System Maintenance Dock	6,900	6,900	6,900	6,900
126	Georgia	Air Force	Robins AFB	Upgrade Dormitory (Phase I)	0	0	11,000	5,500
127	Georgia	Defense Medical Facilities Office	Ft. Benning	Life Safety Upgrade	5,600	5,600	5,600	5,600
128	Georgia	Section 6 Schools	Ft. Benning	Faith Middle School Addition	1,116	1,116	1,116	1,116
129	Georgia	Air National Guard	Savannah IAP	Alter Aircraft Maintenance Shops	1,300	1,300	1,300	1,300
130	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Upgrade Communication Squadron Complex	0	5,000	0	3,000
131	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Replace Underground Fuel Storage Tanks	320	320	320	320
132	Georgia	Air National Guard	Hunter ANG Station No. 2	Replace Underground Fuel Storage Tanks	400	400	400	400
133	Hawaii	Army	Schofield Barracks	Whole Barracks Complex Renewal (Phase I)	0	15,000	35,000	30,000
134	Hawaii	Navy	Naval SUBASE Pearl Harbor	Berthing Pier	22,500	22,500	22,500	22,500
135	Hawaii	Navy	NAVCAMS EASTPAC, Honolulu	Fire Protection System	1,980	1,980	1,980	1,980
136	Hawaii	Navy	Intel Center Pacific, Pearl Harbor	Operations Building Alterations	2,200	2,200	2,200	2,200
137	Hawaii	Air Force	Hickam AFB	Repair Airfield Pavements	4,550	4,550	4,550	4,550
138	Hawaii	Air Force	Hickam AFB	Alter Dormitory	3,100	3,100	3,100	3,100
139	Hawaii	Air Force	Hickam AFB	Alter Transient Dormitory	3,050	3,050	3,050	3,050
140	Idaho	Air Force	Mountain Home AFB	Idaho Training Range (North Site)	8,000	8,000	0	0
141	Idaho	Air Force	Mountain Home AFB	Large Aircraft Maintenance Hangar	0	0	8,000	8,000
142	Idaho	Air Force	Mountain Home AFB	Upgrade Storm Drainage System	800	800	800	800
143	Idaho	Air Force	Mountain Home AFB	Wastewater Treatment and Disposal Plant	9,850	9,850	9,850	9,850
144	Idaho	Air Force	Mountain Home AFB	Avionics Shop	0	0	4,900	0
145	Idaho	Air Force	Mountain Home AFB	Base Civil Engineering Warehouse	0	0	1,800	0
146	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Remove Underground Fuel Storage Tanks	320	320	320	320
147	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Maint Hangar Upgrade	0	0	4,000	4,000
148	Illinois	Navy	NTC Great Lakes	Uniform Issue Building	12,440	12,440	12,440	12,440
149	Illinois	Air Force	Scott AFB	Dormitory	8,000	8,000	8,000	8,000
150	Illinois	Air Force	Scott AFB	Global Reach Planning Center Visiting Quarters	4,700	4,700	4,700	4,700
151	Illinois	Army National Guard	ARNG Marseilles Training Area	TRNG Site, Util Upgrade	1,350	1,350	1,350	1,350
152	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Parking Apron	630	630	630	630
153	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add/Alter Squadron Operations Facility	970	970	970	970
154	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Maintenance Hangar	1,200	1,200	1,200	1,200
155	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aerial Port Training Facility	710	710	710	710

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(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
156	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Aircraft Deicing Facility	400	400	400	400
157	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aircraft Maintenance Shops	1,450	1,450	1,450	1,450
158	Illinois	Army Reserve	Ft Sheridan	Add/Alter RTS-Intelligence	3,300	3,300	3,300	3,300
159	Illinois	Army Reserve	USARC Arlington Heights	Battle Projection Center	4,860	4,860	4,860	4,860
160	Indiana	Navy	Crane Naval Surface Warfare Center	Hydroacoustics Test Complex	0	3,300	0	3,300
161	Indiana	Army National Guard	Stout Field (Indianapolis)	Combined Support Maintenance Shop	0	10,846	10,846	10,846
162	Indiana	Air National Guard	Hulman Field (Terre Haute)	Base Civil Engineer Maintenance Complex	0	4,100	0	4,100
163	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Station	0	4,250	0	4,250
164	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Training Facility	1,500	1,500	1,500	1,500
165	Iowa	Air National Guard	Sioux City Airport (185th ANG)	Runway Upgrade	0	4,050	4,000	4,000
166	Iowa	Air National Guard	Sioux City Gateway AP	Access Taxiway	0	0	750	0
167	Kansas	Army	Ft. Riley	Whole Barracks Renewal (Phase I)	0	0	15,300	7,000
168	Kansas	Air Force	McConnell AFB	Dormitory	0	6,500	0	0
169	Kansas	Air Force	McConnell AFB	Alter Dormitory	2,200	2,200	2,200	2,200
170	Kansas	Air Force	McConnell AFB	Deicing Pad	1,150	1,150	1,150	1,150
171	Kansas	Air Force	McConnell AFB	KC-135 Squadron Operations/AMU	6,100	6,100	6,100	6,100
172	Kansas	Army National Guard	Ft. Leavenworth	Corps Sim Center (Phase II)	4,400	4,400	4,400	4,400
173	Kansas	Air National Guard	McConnell AFB	Alter B-1 Squadron Operations Facility	800	800	800	800
174	Kansas	Air National Guard	McConnell AFB	B-1 Fuel Maintenance Hangar	0	0	7,900	7,900
175	Kansas	Air National Guard	Forbes Field	Medical Training Communications Facility	0	0	5,200	5,200
176	Kansas	Army Reserve	Olathe	Land Acquisition	539	539	539	539
177	Kansas	Army Reserve	USARC Topeka	USARC/OMS/AMSA	6,487	6,487	6,487	6,487
178	Kansas	Army Reserve	Wichita ARNG	HQ 89th ARCOM (Phase I)	0	0	8,389	8,389
179	Kansas	Air Force Reserve	McConnell AFB	KC-135 Operation/Training	0	0	4,980	4,980
180	Kentucky	Army	Ft. Campbell	Whole Barracks Renewal (Phase I)	0	0	10,000	10,000
181	Kentucky	Army	Ft. Knox	Close Combat Tactical Trainer Building	5,600	5,600	5,600	5,600
182	Kentucky	Army National Guard	W. Kentucky Training Range	Training Complex	0	0	4,656	4,656
183	Louisiana	Air Force	Barksdale AFB	B-52 Training Complex	2,500	2,500	2,500	2,500
184	Louisiana	Defense Agencies	Naval Support Activity, New Orleans	SOF Small Craft Breakwater	0	730	0	0
185	Louisiana	Defense Logistics Agency	DFSC, Barksdale AFB	Replace Hydrant Fuel System	13,100	13,100	13,100	13,100
186	Louisiana	Defense Medical Facilities Office	Barksdale AFB	Life Safety Upgrade	4,100	4,100	4,100	4,100
187	Louisiana	Army National Guard	Plaquemine	OMS (Rehab/Renovation)	0	0	776	0
188	Louisiana	Army National Guard	Ruston	OMS #2	0	0	1,638	1,638
189	Louisiana	Naval Reserve	Joint Reserve Base, NAS New Orleans	Bachelor Enlisted Quarters Addition	0	5,035	0	5,035
190	Louisiana	Naval Reserve	Naval Support Activity New Orleans	Bachelor Enlisted Quarters	0	6,100	0	6,100
191	Maryland	Navy	Naval Academy, Annapolis	Bachelor Enlisted Quarters	3,600	3,600	3,600	3,600
192	Maryland	Air Force	Andrews AFB	Dormitory	6,000	6,000	6,000	6,000
193	Maryland	Air Force	Andrews AFB	Underground Fuel Storage Tanks	6,886	6,886	6,886	6,886
194	Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Armed Forces Inst of Path Repository Add	1,550	1,550	1,550	1,550

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
195	Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Army Institute of Research (Phase III)	119,000	27,000	27,000	27,000
196	Maryland	Defense Medical Facilities Office	Bethesda NNMC	Potable Water Line Replacement	1,300	1,300	1,300	1,300
197	Maryland	National Security Agency	Ft. Meade	SPL Steam Generation Plant	632	632	632	632
198	Maryland	National Security Agency	Ft. Meade	Friendship Airport Annex II Purchase	14,800	14,800	14,800	14,800
199	Maryland	National Security Agency	Ft. Meade	Critical Utilities Control (Phase I)	3,301	3,301	3,301	3,301
200	Maryland	Army National Guard	Camp Frettard	OMS	0	0	2,700	2,700
201	Massachusetts	Air National Guard	Barnes Mun Airport (ANG)	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
202	Massachusetts	Air National Guard	Worcester ANG Station	Paint and Refueling Vehicle Maint Bays	350	350	350	350
203	Massachusetts	Naval Reserve	MCRTC Camp Edwards	Rescen/Combat Vehicle Maintenance Fac Addition	3,130	3,130	3,130	3,130
204	Michigan	Air National Guard	Alpena City RAP	Airfield Pavements Additions	0	0	6,400	6,400
205	Michigan	Air National Guard	Selfridge ANGB	Upgrade Heating Systems	2,900	2,900	2,900	2,900
206	Michigan	Air National Guard	Selfridge ANGB	Sanitary Sewer Upgrade	0	0	520	0
207	Minnesota	Air National Guard	Minneapolis St. Paul IAP	Upgrade Heating System	780	780	780	780
208	Minnesota	Air National Guard	Minneapolis St. Paul IAP	Aircraft Deicing Facility	400	400	400	400
209	Minnesota	Air National Guard	Camp Ripley	CSMS (Phase II)	0	0	8,150	0
210	Mississippi	Air Force	Columbus AFB	Fire Training Facility	1,150	1,150	1,150	1,150
211	Mississippi	Air Force	Keesler AFB	Dormitory	0	8,300	0	0
212	Mississippi	Air Force	Keesler AFB	Upgrade Student Dormitory	6,500	6,500	6,500	6,500
213	Mississippi	Army National Guard	Camp Shelby	Multipurpose Range Complex (Phase I)	0	0	5,000	5,000
214	Mississippi	Army National Guard	Gulfport	AVCRAD Equipment Electronic Test Facility	1,100	1,100	1,100	1,100
215	Mississippi	Air National Guard	Gulfport-Biloxi RAP	Road Relocation	0	0	10,200	5,100
216	Mississippi	Air National Guard	Thompson Field	Add/Alter Communications Facility	0	2,400	0	2,400
217	Mississippi	Air National Guard	Key Field ANGB	Add/Alter Base Communications Facility	0	1,500	0	1,500
218	Missouri	Army	Ft. Leonard Wood	Child Development Center	0	3,900	0	0
219	Missouri	Air Force	Whiteman AFB	B-2 Aircraft Maintenance Docks/Hydrant Fuel Sys	15,500	15,500	15,500	15,500
220	Missouri	Air Force	Whiteman AFB	B-2 Add to ACFT Apron/Convoy Road/Taxiway	1,500	1,500	1,500	1,500
221	Missouri	Air Force	Whiteman AFB	B-2 Add to Flight Simulator Training Facility	4,100	4,100	4,100	4,100
222	Missouri	Air Force	Whiteman AFB	B-2 Add/Alter Dock Fire Protection	3,500	3,500	3,500	3,500
223	Missouri	Defense Mapping Agency	DMA Aerospace Center	Replace Destroyed/Damaged Fac w/Land Acq	40,300	40,300	40,300	40,300
224	Missouri	Army National Guard	Jefferson City	Multipurpose Baffle Range	0	0	2,236	2,236
225	Missouri	Air National Guard	Jefferson Barracks	Upgrade Sewer Systems	0	0	2,700	2,700
226	Montana	Army National Guard	Ft. Harrison	Training Site Improvements	0	0	681	681
227	Montana	Army National Guard	Ft. Harrison	Training Site Support Facility	0	0	7,854	7,854
228	Montana	Army National Guard	Regional Airport Helena	Army Aviation Support Facility	0	0	12,506	12,506
229	Nebraska	Army National Guard	Camp Ashland	Admin/Education/Medical/Supply Facility	0	0	1,408	1,408
230	Nebraska	Army National Guard	Hastings Training Range	Instructional Facility	0	0	761	0
231	Nevada	Air Force	Nellis AFB	Upgrade Storm Drainage System	600	600	600	600
232	Nevada	Air Force	Nellis AFB	Visiting Quarters	9,900	9,900	9,900	9,900
233	Nevada	Air Force	Nellis AFB	Transient Housing	0	0	9,550	7,000

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234	Nevada	Army Reserve	Las Vegas	Armed Forces Reserve Center/OMS (Phase II)	0	0	9,000	9,000
235	New Hampshire	Army Reserve	Manchester	AMSA/OMS	0	0	17,893	12,376
236	New Jersey	Army	Picatinny Arsenal	Upgrade Electrical System (Phase II)	0	5,500	0	5,500
237	New Jersey	Navy	NAWCAD Lakehurst	Child Development Center	1,700	1,700	1,700	1,700
238	New Jersey	Air Force	McGuire AFB	Fire Training Facility	1,600	1,600	1,600	1,600
239	New Jersey	Air Force	McGuire AFB	Dining Facility	0	5,000	0	0
240	New Jersey	Air Force	McGuire AFB	KC-10 Squadron Operations/AMU	7,600	7,600	7,600	7,600
241	New Jersey	Air Force	McGuire AFB	Dormitory	0	7,300	7,300	7,300
242	New Jersey	Defense Logistics Agency	DFSC, McGuire AFB	Replace Hydrant Fuel System	12,000	12,000	12,000	12,000
243	New Jersey	Air National Guard	McGuire AFB	Fuel Cell and Corrosion Control Facility	5,700	5,700	5,700	5,700
244	New Jersey	Air National Guard	Warren Grove Range	Composite Range Operations Facility	1,100	1,100	1,100	1,100
245	New Jersey	Air National Guard	Atlantic City Airport (ANG)	Upgrade Sanitary and Water System	650	650	650	650
246	New Mexico	Army	WSMR - Stallion Range Center	Stallion Range Center Water Development	0	2,050	0	2,050
247	New Mexico	Air Force	Cannon AFB	Upgrade Storm Drainage System	620	620	620	620
248	New Mexico	Air Force	Cannon AFB	Wastewater Treatment and Disposal Plant	9,800	9,800	9,800	9,800
249	New Mexico	Air Force	Cannon AFB	Add/Alter Dormitory	0	3,000	0	3,000
250	New Mexico	Air Force	Holloman AFB	Academic Center	0	0	6,000	6,000
251	New Mexico	Air Force	Kirtland AFB	Upgrade Storm Drainage System	1,500	1,500	1,500	1,500
252	New Mexico	Air Force	Kirtland AFB	Upgrade Electrical Distribution System	7,656	7,656	7,656	7,656
253	New Mexico	Air National Guard	Kirtland AFB	Composite Engine and NDI Shop	2,700	2,700	2,700	2,700
254	New Mexico	Air National Guard	Kirtland AFB	LANTIRN Maintenance Facility	620	620	620	620
255	New Mexico	Air National Guard	Kirtland AFB	Aircraft Corrosion Control Facility	1,800	1,800	1,800	1,800
256	New Mexico	Air National Guard	Kirtland AFB	Alter Aircraft Maint Hangar and Shops	900	900	900	900
257	New York	Army	Ft. Drum	Shipping and Receiving Building	0	2,650	0	0
258	New York	Army	Ft. Drum	Anti-Armor Tracking and Live-Fire Range	0	5,000	0	5,000
259	New York	Army	Ft. Drum	Infantry Platoon Battle Course	0	3,800	0	3,800
260	New York	Army	USMA	Child Development Center	0	8,300	0	8,300
261	New York	Army	Watervliet ARS	Oil Runoff Containment Facility	680	680	680	680
262	New York	Air National Guard	Hancock Field (ANG)	Composite Medical Training Facility	1,990	1,990	1,990	1,990
263	New York	Air National Guard	Niagara Falls IAP	Upgrade Storm Water and Sanitary Sewer System	400	400	400	400
264	New York	Air National Guard	Niagara Falls IAP	Upgrade Runway Overrun	1,950	1,950	1,950	1,950
265	New York	Air National Guard	Stratton ANGB (Schenectady)	Maintenance Hangar and Shops	0	10,000	0	10,000
266	New York	Naval Reserve	NMCRC Buffalo	Reserve Training Building Addition	3,836	3,836	3,836	3,836
267	New York	Air Force Reserve	Niagara Falls ARS	Fuel System Maintenance Hangar	4,895	4,895	4,895	4,895
268	North Carolina	Army	Ft. Bragg	Staging Area Complex	11,200	11,200	11,200	11,200
269	North Carolina	Army	Ft. Bragg	Whole Barracks Complex Renewal	18,500	18,500	18,500	18,500
270	North Carolina	Navy	MCAS Cherry Point	Jet Engine Test Cell	7,730	7,730	7,730	7,730
271	North Carolina	Navy	MCAS Cherry Point	Missile Magazine	1,650	1,650	1,650	1,650
272	North Carolina	Navy	MCAS Cherry Point	Enclose Water Survival Training Tank	2,050	2,050	2,050	2,050

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(Dollars in Thousands)

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273	North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	14,650	14,650	14,650	14,650
274	North Carolina	Navy	MCB Camp LeJeune	Bachelor Enlisted Quarters	8,300	8,300	8,300	8,300
275	North Carolina	Navy	MCB Camp LeJeune	Infantry Platoon Battle Course	5,500	5,500	5,500	5,500
276	North Carolina	Navy	MCB Camp LeJeune	Wastewater Treatment Plant (Phase II)	45,500	45,500	45,500	45,500
277	North Carolina	Air Force	Pope AFB	Underground Fuel Storage Tanks	2,150	2,150	2,150	2,150
278	North Carolina	Air Force	Pope AFB	C-130 Squadron Ops/AMU and Audiovisual Svs Ctr	6,100	6,100	6,100	6,100
279	North Carolina	Air Force	Seymour Johnson AFB	Upgrade Storm Drainage System	830	830	830	830
280	North Carolina	Air Force	Seymour-Johnson AFB	Visiting Officers Quarters	0	2,000	0	0
281	North Carolina	Air Force	Seymour-Johnson AFB	Dining Hall and Troop Issue Warehouse	0	4,700	0	4,700
282	North Carolina	Special Operations	Ft. Bragg	SOF Group Headquarters Building	2,600	2,600	3,900	2,600
283	North Carolina	Defense Agencies	Ft. Bragg	COSCOM Health Clinic	0	13,200	0	13,200
284	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	8,000	0	8,000
285	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	0	5,500	0
286	North Carolina	Air National Guard	Charlotte ANGB	Aeromedical Evacuation Training Facility	0	1,900	0	1,900
287	North Carolina	Army Reserve	Hickory	USARC	2,713	2,713	2,713	2,713
288	North Dakota	Air Force	Grand Forks AFB	Dormitory	8,500	8,500	8,500	8,500
289	North Dakota	Air Force	Grand Forks AFB	KC-135 Squadron Operations/AMU	6,300	6,300	6,300	6,300
290	North Dakota	Air Force	Minot AFB	Underground Fuel Storage Tanks	1,550	1,550	1,550	1,550
291	North Dakota	Army National Guard	Camp Grafton (Devils Lake)	Combined Support Maintenance and Paint Shop	0	2,050	2,050	2,050
292	Ohio	Air Force	Wright-Patterson AFB	Upgrade Electrical Distribution System	4,100	4,100	4,100	4,100
293	Ohio	Defense Finance & Accounting Svc	Columbus Center	DFAS Operations Facility (Phase I)	72,403	37,400	37,400	37,400
294	Ohio	Army National Guard	Rickenbacker ANGB	Barracks	0	1,750	0	1,750
295	Ohio	Air National Guard	Blue Ash ANG Station	Replace Underground Fuel Storage Tanks	380	380	380	380
296	Ohio	Air National Guard	Camp Perry ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
297	Ohio	Air National Guard	Rickenbacker ANGB	Replace Underground Fuel Storage Tanks	310	310	310	310
298	Ohio	Air National Guard	Rickenbacker ANGB	Squadron Operations Building	0	0	6,100	0
299	Ohio	Air Force Reserve	Youngstown ARS	Add/Alter Electric Substation	4,230	4,230	4,230	4,230
300	Ohio	Air Force Reserve	Youngstown ARS	Upgrade Base Water Distribution System	1,000	1,000	1,000	1,000
301	Ohio	Air Force Reserve	Youngstown ARS	Construct Aircraft Parking Apron	3,350	3,350	3,350	3,350
302	Oklahoma	Army	Ft. Sill	Whole Barracks Complex Renewal	0	8,000	0	8,000
303	Oklahoma	Army	Ft. Sill	Central Vehicle Wash Facility	6,300	6,300	6,300	6,300
304	Oklahoma	Air Force	Altus AFB	Fire Training Facility	1,200	1,200	1,200	1,200
305	Oklahoma	Air Force	Altus AFB	Child Development Center	0	4,000	3,600	3,600
306	Oklahoma	Air Force	Tinker AFB	Add/Alter Dormitories	5,100	5,100	5,100	5,100
307	Oklahoma	Air Force	Tinker AFB	Corrosion Control Facility (B-2) (Phase I)	0	0	11,400	6,000
308	Oklahoma	Army National Guard	Ft. Sill	Organizational Maintenance Shop (MLRS)	2,400	2,400	2,400	2,400
309	Oklahoma	Air National Guard	Tulsa IAP	Composite Communications Facility	1,900	1,900	1,900	1,900
310	Oklahoma	Air National Guard	Will Rogers World Airport	Composite Fire Station	1,950	1,950	1,950	1,950
311	Oklahoma	Air National Guard	Will Rogers World Airport	Aerial Port Training Facility	2,550	2,550	2,550	2,550

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(Dollars in Thousands)

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312	Oklahoma	Air National Guard	Will Rogers World Airport	Petroleum Operations Facility	400	400	400	400
313	Oregon	Chemical Demilitarization	Umatilla Depot	Ammunition Demilitarization Facility (Phase II)	55,000	55,000	0	0
314	Oregon	Army National Guard	Camp Withycombe	CSMS	0	0	4,769	4,769
315	Oregon	Army National Guard	Salem	Airfield Operations Building	0	0	2,972	2,972
316	Oregon	Air National Guard	Klamath Falls	Operations/Training Facility	0	0	4,600	4,600
317	Pennsylvania	Navy	Philadelphia Naval Shipyard	Foundry Renovation and Modernization (Phase III)	0	6,000	0	6,000
318	Pennsylvania	Defense Logistics Agency	Def Dist New Cumberland - DDSP	Transport Control Facility	4,600	4,600	4,600	4,600
319	Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Mobility Storage Warehouse	1,200	1,200	1,200	1,200
320	Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Refueling Vehicle Shop	443	443	443	443
321	Pennsylvania	Army National Guard	Indiantown Gap Annville	Military Training/Barracks/Dining (Phase III)	0	0	9,877	9,877
322	Pennsylvania	Army National Guard	Scranton Regional Maintenance Facility	Regional Maintenance Shop	0	3,320	0	3,320
323	Pennsylvania	Air National Guard	Greater Pittsburgh IAP (ANG)	Fuel Systems Maintenance Facility	5,332	5,332	5,332	5,332
324	Rhode Island	Navy	Naval War College, Newport	Strategic Maritime Center (Phase II)	0	0	18,000	0
325	South Carolina	Army	Ft. Jackson	Whole Barracks Complex Renewal	32,000	32,000	32,000	32,000
326	South Carolina	Army	NWS Charleston	Army Strategic Maint Complex (Phase II)	16,500	16,500	16,500	16,500
327	South Carolina	Army	NWS Charleston	Wharf Additions	9,200	9,200	9,200	9,200
328	South Carolina	Navy	Beaufort MCAS	Bachelor Enlisted Quarters	0	15,000	15,000	15,000
329	South Carolina	Air Force	Shaw AFB	Upgrade Storm Drainage System	1,300	1,300	1,300	1,300
330	South Carolina	Air Force	Charleston AFB	Dormitory	5,600	5,600	5,600	5,600
331	South Carolina	Air Force	Charleston AFB	C-17 Squadron Operations/AMU	5,600	5,600	5,600	5,600
332	South Carolina	Air Force	Charleston AFB	C-17 Add to Flight Simulator Facility	1,300	1,300	1,300	1,300
333	South Carolina	Section 6 Schools	Ft. Jackson	Pierce Terrace Elem School Addition	576	576	576	576
334	South Carolina	Army National Guard	Eastover	Region C Leadership Brigade Facility	0	0	15,229	15,229
335	South Dakota	Air Force	Ellsworth AFB	Consolidated Admin. Support Complex	0	0	7,800	7,800
336	South Dakota	Army National Guard	Camp Rapid (Rapid City)	Combined Battalion Barracks/Mess/Admin. Area	0	2,650	2,631	2,631
337	South Dakota	Army National Guard	Rapid City	AASF Ramp	0	0	3,100	0
338	South Dakota	Air National Guard	Joe Foss Field (ANG)	Base Supply Complex	4,000	4,000	4,000	4,000
339	South Dakota	Air National Guard	Joe Foss Field (ANG)	Vehicle Maintenance and Storage Complex	0	0	4,400	0
340	Tennessee	Air Force	Arnold AFB	Upgrade Fire Protection Systems	2,700	2,700	2,700	2,700
341	Tennessee	Air Force	Arnold AFB	Upgrade Engine Test Facilities Refrigeration	2,300	2,300	2,300	2,300
342	Tennessee	Army National Guard	Johnson City	OMS/AMSA/VMF	0	1,937	1,937	1,937
343	Tennessee	Army National Guard	Tullahoma Training Site	Modified Record Fire Range	0	2,623	0	2,623
344	Tennessee	Air National Guard	McGhee Tyson Airport	PMEC School Training Quarters	4,400	4,400	4,400	4,400
345	Tennessee	Air National Guard	McGhee Tyson Airport	Squadron Operations Facility	0	0	4,400	4,400
346	Tennessee	Air National Guard	Memphis IAP	Add/Alter Security Police Operations Facility	1,100	1,100	1,100	1,100
347	Tennessee	Air National Guard	Memphis IAP	Add/Alter Base Engineer Maintenance Complex	990	990	990	990
348	Texas	Army	Ft. Bliss	Dining Facility	0	4,900	0	4,900
349	Texas	Army	Ft. Bliss	Child Development Center	0	4,000	0	4,000
350	Texas	Army	Ft. Bliss	Whole Barracks Complex Renewal	48,000	48,000	48,000	48,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
351	Texas	Army	Ft. Hood	Whole Barracks Complex Renewal	17,500	17,500	17,500	17,500
352	Texas	Army	Ft. Hood	Whole Barracks Renewal (Phase I)	0	15,000	15,000	15,000
353	Texas	Army	Ft. Sam Houston	IH-35 Overpass	0	7,000	0	7,000
354	Texas	Navy	Corpus Christi NAS	Bachelor Enlisted Quarters Expansion and Upgrade	0	4,400	0	4,400
355	Texas	Navy	Ingleside NS	Small Craft Berthing Pier	0	2,640	0	2,640
356	Texas	Navy	Kingsville NAS	Land Acquisition for Airfield Safety Clear Zones	0	2,710	0	2,710
357	Texas	Air Force	Dyess AFB	Add/Alter Dormitories	0	5,400	5,400	5,400
358	Texas	Air Force	Goodfellow AFB	Child Development Center Addition	0	1,000	0	1,000
359	Texas	Air Force	Kelly AFB	Wing Headquarters Facility	3,244	3,244	3,244	3,244
360	Texas	Air Force	Laughlin AFB	Fire Training Facility	1,400	1,400	1,400	1,400
361	Texas	Air Force	Randolph AFB	Fire Training Facility	1,200	1,200	1,200	1,200
362	Texas	Air Force	Randolph AFB	Upgrade Airfield Lighting	1,900	1,900	1,900	1,900
363	Texas	Air Force	Reese AFB	Fire Training Facility	1,200	1,200	1,200	0
364	Texas	Air Force	Sheppard AFB	Upgrade Airfield Lighting	1,500	1,500	1,500	1,500
365	Texas	Ballistic Missile Defense Org.	Ft. Bliss	Theater Area Defense Facilities	13,600	13,600	13,600	13,600
366	Texas	Defense Medical Facilities Office	Ft. Hood	Consolidated Troop Medical Clinic	5,500	5,500	5,500	5,500
367	Texas	Defense Medical Facilities Office	Lackland AFB	Add/Alter Emergency Department	6,100	6,100	6,100	6,100
368	Texas	Defense Medical Facilities Office	Reese AFB	Life Safety/Utility Upgrade	1,000	1,000	1,000	0
369	Texas	Air National Guard	Kelly AFB	Upgrade Heating and Cooling Systems	1,400	1,400	1,400	1,400
370	Utah	Air Force	Hill AFB	Consolidated Range/Dormitory/Operations Facility	0	0	8,900	8,900
371	Utah	Air Force	Hill AFB	Depot Fire Protection	0	0	3,700	0
372	Utah	Army National Guard	Camp Williams (Lehi)	Training Site, Storage Facility	340	340	340	340
373	Utah	Army National Guard	Camp Williams (Lehi)	Region V Barracks	0	5,197	0	0
374	Utah	Army National Guard	Camp Williams (Lehi)	Replace/Upgrade Potable Water Distribution Sys	0	800	800	800
375	Vermont	Air National Guard	Burlington IAP	Add/Alter Operations/Training Facility	0	0	2,650	2,650
376	Virginia	Army	Ft. Eustis	Deployment Training Facility	5,400	5,400	5,400	5,400
377	Virginia	Army	Ft. Eustis	Whole Barracks Complex Renewal	0	11,000	11,000	11,000
378	Virginia	Army	Ft. Myer	Army Museum Land Acquisition	17,000	17,000	0	0
379	Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Bachelor Enlisted Quarters	6,140	6,140	6,140	6,140
380	Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Electrical Distribution Sys Alterations	2,250	2,250	2,250	2,250
381	Virginia	Navy	Henderson Hall, Arlington	Land Acquisition	0	0	1,900	1,900
382	Virginia	Navy	MCCDC Quantico	Ammunition Storage Facility	3,500	3,500	3,500	3,500
383	Virginia	Navy	Naval Hospital, Portsmouth	Bachelor Enlisted Quarters	9,500	9,500	9,500	9,500
384	Virginia	Navy	Naval Station, Norfolk	Oily Waste Collection System (Phase I)	10,580	10,580	10,580	10,580
385	Virginia	Navy	NWS Yorktown	Explosive Ordnance Disposal Ops Fac	1,300	1,300	1,300	1,300
386	Virginia	Navy	Norfolk Naval Station	Bachelor Enlisted Quarters	0	18,000	0	0
387	Virginia	Air Force	Langley AFB	Upgrade Storm Drainage System	1,000	1,000	1,000	1,000
388	Virginia	Defense Logistics Agency	Defense Dist Depot - DDNV	General Purpose Whse Replacement	10,400	10,400	10,400	10,400
389	Virginia	Defense Medical Facilities Office	Portsmouth Naval Hospital	Hospital Replacement (Phase VII)	71,900	47,900	47,900	47,900

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
390	Virginia	Defense Medical Facilities Office	Northwest NAVSECGRUACT	Medical/Dental Clinic	4,300	4,300	4,300	4,300
391	Virginia	Special Operations	Dam Neck	SOF Amphibious Operations Support Building	4,500	4,500	4,500	4,500
392	Virginia	Special Operations	Little Creek	SOF Operations Support Facility	6,100	6,100	6,100	6,100
393	Virginia	Army National Guard	Danville	Expand Squire Armory	0	0	1,789	0
394	Virginia	Air National Guard	Camp Pendleton Mil Res	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
395	Virginia	Air National Guard	Richmond IAP (Byrd Field)	Add/Alter F-16 AC Maintenance Complex	2,700	2,700	2,700	2,700
396	Washington	Army	Ft. Lewis	Tank Trail Erosion Mitigation (Yakima)	2,000	2,000	2,000	2,000
397	Washington	Army	Ft. Lewis	Consolidated Fuel Station	3,400	3,400	3,400	3,400
398	Washington	Army	Ft. Lewis	Multi-Purpose Training Range (Yakima)	8,500	8,500	8,500	8,500
399	Washington	Army	Ft. Lewis	Tactical Equipment Shop	15,000	15,000	15,000	15,000
400	Washington	Army	Ft. Lewis	Rail Spur and Tank Trails (Yakima)	3,200	3,200	3,200	3,200
404	Washington	Navy	NUWC Division, Keyport	Metal Treatment Facility	5,300	5,300	5,300	5,300
401	Washington	Navy	Puget Sound NSY Bremerton	Fleet Support Facilities	6,870	6,870	6,870	6,870
402	Washington	Navy	Puget Sound Naval Shipyard	Physical Fitness Center	0	10,400	10,400	10,400
403	Washington	Navy	Puget Sound NSY Bremerton	Metal Preparation Fac Improvements	2,600	2,600	2,600	2,600
405	Washington	Air Force	Fairchild AFB	Alter Dormitories	7,500	7,500	7,500	7,500
406	Washington	Air Force	Fairchild AFB	Dormitory	0	8,200	0	8,200
407	Washington	Air Force	McChord AFB	Squadron Operations/AMU	5,600	5,600	5,600	5,600
408	Washington	Air Force	McChord AFB	Dormitory	4,300	4,300	4,300	4,300
409	West Virginia	Navy	NSGD Sugar Grove	Bachelor Enlisted Quarters	0	0	7,200	7,200
410	Wisconsin	Army National Guard	West Bend	Army Aviation Complex	0	0	5,235	0
411	Wisconsin	Air National Guard	Truax Field	Alter Munitions Facility	670	670	670	670
412	Wisconsin	Army Reserve	USARC Green Bay	USARC/OMS/AMSA	6,523	6,523	6,523	6,523
413	Wyoming	Air Force	F E Warren AFB	Upgrade Central Heat Plant	3,500	3,500	3,500	3,500
414	Wyoming	Air Force	F E Warren AFB	Alter Dormitories	5,500	5,500	5,500	5,500
415	Wyoming	Air Force	F.E. Warren AFB	Child Development Center	0	4,000	0	0
416	Wyoming	Army National Guard	Camp Guernsey	Utility Upgrade	0	0	6,055	6,055
417	Wyoming	Army National Guard	Cody	Organizational Maintenance Subshop	342	342	342	342
418	Wyoming	Army National Guard	Newcastle	Organizational Maintenance Subshop	348	348	348	348
419	CONUS Classified	Army	CONUS Classified	Classified Project	1,900	1,900	1,900	1,900
420	CONUS Classified	Air Force	Classified Location	Special Tactical Unit Detachment Facility	700	700	700	700
421	CONUS Classified	OSD	Classified Location	Classified Location	11,500	11,500	11,500	11,500
422	CONUS Various Loc	Navy	Various Locations	Supply Warehouse	1,200	1,200	1,200	1,200
423	Germany	Air Force	Vogelweh Annex	Child Development Center	2,600	2,600	2,600	2,600
424	Germany	Air Force	Spangdahlem AB	Dormitory	5,900	5,900	5,900	5,900
425	Germany	Air Force	Spangdahlem AB	Add to Missile Maintenance Facility	930	930	930	930
426	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	950	950	950	950
427	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	600	600	600	600
428	Germany	DODDS	Ramstein AFB	Elementary/Junior High School Additions	19,205	19,205	19,205	19,205

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
429	Greece	Air Force	Araxos RRS	Dormitory	1,950	1,950	1,950	1,950
430	Guam	Navy	NPWC Guam	Wastewater Treatment Plant Upgrades	16,180	16,180	16,180	16,180
431	Guam	Navy	NAVCAMS WESTPAC	Bachelor Enlisted Quarters Modernization	2,250	2,250	2,250	2,250
432	Guam	Special Operations	Naval Station, Guam	SOF Operations Support Facility	8,800	8,800	8,800	8,800
433	Italy	Navy	Naval Support Activity, Naples	Quality of Life Facilities (Phase III)	14,950	14,950	14,950	14,950
434	Italy	Navy	Naval Support Activity, Naples	Operations Support Center	10,000	10,000	10,000	10,000
435	Italy	Navy	NAS Sigonella	Fire Protection System	870	870	870	870
436	Italy	Navy	NAS Sigonella	Bachelor Enlisted Quarters	11,300	11,300	11,300	11,300
437	Italy	Air Force	Aviano AB	Communications Maintenance Facility	1,400	1,400	1,400	1,400
438	Italy	Air Force	Ghedi RRS	Dormitory	1,450	1,450	1,450	1,450
439	Italy	Air Force	Aviano AB	Squadron Operations Facility	950	950	950	950
440	Italy	Defense Medical Facilities Office	Naval Support Activity, Naples	Dispensary (Capodichino)	5,000	5,000	5,000	5,000
441	Italy	DODDS	NAS Sigonella	Elementary/High School Additions	7,595	7,595	7,595	7,595
442	Korea	Army	Camp Casey	Dining Facility	4,150	4,150	4,150	4,150
443	Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	7,300	7,300	7,300	7,300
444	Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	6,200	6,200	6,200	6,200
445	Korea	Army	Camp Pelham	Whole Barracks Complex Renewal	5,600	5,600	5,600	5,600
446	Korea	Army	Camp Stanley	Whole Barracks Complex Renewal	6,800	6,800	6,800	6,800
447	Korea	Army	Yongsan	Child Development Center	0	1,450	4,500	4,500
448	Puerto Rico	Navy	NAVSECGRUACT Sabana Seca	Road Improvements	2,200	2,200	2,200	2,200
449	Puerto Rico	Navy	Naval Station, Roosevelt Roads	Sanitary Landfill	11,500	11,500	11,500	11,500
450	Puerto Rico	Defense Logistics Agency	DFSP, Roosevelt Roads	Fuel Storage	6,200	6,200	6,200	6,200
451	Puerto Rico	Air National Guard	Puerto Rico IAP	Munitions Maintenance and Storage Complex	3,800	3,800	3,800	3,800
452	Puerto Rico	Air National Guard	Puerto Rico IAP	Add/Alter Composite Support Facility	510	510	510	510
453	Puerto Rico	Air National Guard	Puerto Rico IAP	Upgrade Security System	1,350	1,350	1,350	1,350
454	Spain	Defense Logistics Agency	DFSC Rota	Hydrant Fuel System	7,400	7,400	7,400	7,400
455	Turkey	Air Force	Incirlik AB	Child Development Center	1,600	1,600	1,600	1,600
456	Turkey	Air Force	Incirlik AB	Upgrade Sewage Treatment Plant	2,900	2,900	2,900	2,900
457	Turkey	Air Force	Ankara AS	Long Period Seismic Array	3,000	3,000	3,000	3,000
458	Turkey	Air Force	Ankara AS	Short Period Seismic Array	4,000	4,000	4,000	4,000
459	United Kingdom	Air Force	RAF Mildenhall	Add/Alter Child Development Center	2,250	2,250	2,250	2,250
460	United Kingdom	Air Force	RAF Lakenheath	Add to Missile Maintenance Facility	1,820	1,820	1,820	1,820
461	United Kingdom	National Security Agency	Menwith Hill Station	Warehouse Sprinklers	677	677	677	677
462	Overseas Classified	Army	Classified Location - Outside U.S.	Strategic Logistical Prepo Complex (Phase I)	48,000	48,000	48,000	48,000
463	Overseas Classified	Air Force	Classified Location - Outside U.S.	Vehicle Maintenance Facility	1,600	1,600	1,600	1,600
464	Overseas Classified	Air Force	Classified Location - Outside U.S.	War Readiness Material Warehouses	15,500	15,500	15,500	15,500
465	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Host Nation Support	20,000	20,000	20,000	20,000
466	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Unspecified Minor Construction - Army	9,000	9,000	9,000	9,000
467	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Planning and Design - Army	32,894	50,778	36,194	34,194

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
468	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,245)	0
469	Unspecified Worldwide	Army	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
470	Unspecified Worldwide	Special Operations	Unspecified Worldwide Locations	Planning and Design - Special Operations	5,407	5,407	5,407	5,407
471	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Unspecified Minor Construction - Navy	7,200	7,200	7,200	7,200
472	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Planning and Design - Navy	46,477	66,184	48,774	50,515
473	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
474	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Planning and Design - Air Force	30,835	49,021	34,980	30,835
475	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction - Air Force	9,030	9,030	9,030	9,030
476	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(16,005)	0
477	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
478	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Unspecified Minor Construction - OSD	23,007	23,007	23,007	23,007
479	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Contingency Construction Projects - OSD	11,037	11,037	11,037	11,037
480	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Energy Conservation	50,000	50,000	50,000	40,000
481	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Planning and Design - OSD	13,000	13,000	13,000	13,000
482	Unspecified Worldwide	Ballistic Missile Defense Office	Unspecified Worldwide Locations	Planning and Design - BMDO	500	500	500	500
483	Unspecified Worldwide	Defense Medical Facilities Office	Unspecified Worldwide Locations	Planning and Design - DMFO	28,330	28,330	28,330	28,330
484	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1991 Projects	0	0	(3,234)	0
485	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(8,131)	(8,131)
486	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,800)	0
487	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1993 Projects	0	0	(8,590)	0
488	Unspecified Worldwide	Homeowners Assistance Fund	Unspecified Worldwide Locations	Homeowners Assistance Fund	75,586	75,586	75,586	75,586
489	Unspecified Worldwide	NATO	Unspecified Worldwide Locations	NATO Security Investment Program	179,000	161,000	179,000	161,000
490	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Army National Guard	5,300	5,300	5,300	5,300
491	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Planning and Design - Army National Guard	2,900	15,200	5,000	5,100
492	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Air National Guard	4,100	4,100	4,100	4,100
493	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Planning and Design - Air National Guard	4,580	6,450	8,566	6,450
494	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Planning and Design - Army Reserve	3,694	3,694	5,344	4,482
495	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(6,700)	(6,700)
496	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - Army Reserve	1,700	1,700	1,700	1,700
497	Unspecified Worldwide	Naval Reserve	Unspecified Worldwide Locations	Planning and Design - Naval Reserve	954	1,554	954	954
498	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Planning and Design - Air Force Reserve	2,700	2,950	2,700	2,700
499	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - AF Reserve	4,169	4,169	4,169	4,169
500	Unspecified Worldwide	BRAC II	BRAC Act Part II	Base Realignment & Closure Part II	964,843	964,843	964,843	964,843
501	Unspecified Worldwide	BRAC III	BRAC Act Part III	Base Realignment & Closure Part III	2,148,480	2,148,480	2,148,480	2,148,480
502	Unspecified Worldwide	BRAC IV	BRAC Act Part IV	Base Realignment & Closure Part IV	784,569	784,569	685,869	784,569
503	Various Locations	Chemical Demilitarization	Various Locations	Planning and Design - Chemical Demilitarization	13,000	13,000	13,000	13,000
504	Various Locations	Defense Finance & Accounting Svc	Various Locations	Planning and Design - DFAS	8,600	8,600	8,600	8,600
505	Alabama	Army-FHC	Redstone Arsenal	Family Housing Replacement Construction (118 units)	0	12,000	0	0
506	Alaska	Army-FHC	Ft. Wainwright	Neighborhood Improvement (44 units)	0	0	7,300	0

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(Dollars in Thousands)

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507	Alaska	Air Force-FHC	Elmendorf AFB	Housing Office and Maintenance Facility	3,000	3,000	3,000	3,000
508	Arizona	Air Force-FHC	Davis-Monthan AFB	Replace 80 Military Family Housing Units	9,498	9,498	9,498	9,498
509	Arkansas	Air Force-FHC	Little Rock AFB	Replace 1 General Officer's Quarters Unit	210	210	210	210
510	California	Navy-FHC	MCB Camp Pendleton	Family Housing Construction (69 units)	0	20,080	0	10,000
511	California	Navy-FHC	MCB Camp Pendleton	Community Center	1,438	1,438	1,438	1,438
512	California	Navy-FHC	MCB Camp Pendleton	Housing Office	707	707	707	707
513	California	Navy-FHC	MCB Camp Pendleton	69 Units New Construction Family Housing	10,000	10,000	10,000	10,000
514	California	Navy-FHC	NAS Lemoore	Replace 240 Military Family Housing Units	34,900	34,900	34,900	34,900
515	California	Navy-FHC	PMTC, Point Mugu	Housing Office/Self Help (New Construction)	1,020	1,020	1,020	1,020
516	California	Navy-FHC	PWC San Diego	Replace 346 Military Family Housing Units	49,310	49,310	49,310	49,310
517	California	Air Force-FHC	Beale AFB	Construct Family Housing Management Office	842	842	842	842
518	California	Air Force-FHC	Edwards AFB	Replace 67 Military Family Housing Units	11,350	11,350	11,350	11,350
519	California	Air Force-FHC	Edwards AFB	Replace 60 Family Housing Units	0	9,400	0	9,400
520	California	Air Force-FHC	Vandenberg AFB	Replace 143 Military Family Housing Units	20,200	20,200	20,200	20,200
521	California	Air Force-FHC	Vandenberg AFB	Family Housing Management Office	900	900	900	900
522	Colorado	Air Force-FHC	Peterson AFB	Family Housing Office	570	570	570	570
523	District of Columbia	Air Force-FHC	Bolling AFB	Replace 32 Military Family Housing Units	4,100	4,100	4,100	4,100
524	Florida	Air Force-FHC	Eglin AFB	Construct Family Housing Management Facility	500	500	500	500
525	Florida	Air Force-FHC	Eglin Aux Field 9	Family Housing Office & Maintenance Facility	880	880	880	880
526	Florida	Air Force-FHC	Patrick AFB	Replace 70 Military Family Housing Units	7,947	7,947	7,947	7,947
527	Florida	Air Force-FHC	MacDill AFB	Construct Housing Office	646	646	646	646
528	Florida	Air Force-FHC	Tyndall AFB	Replace 52 Military Family Housing Units	5,500	5,500	5,500	5,500
529	Florida	Air Force-FHC	Tyndall AFB	Replace 30 Family Housing Units	0	4,300	0	4,300
530	Georgia	Air Force-FHC	Moody AFB	3 General and Senior Officer's Quarters	513	513	513	513
531	Georgia	Air Force-FHC	Robins AFB	Replace 83 Family Housing Units	0	0	9,800	9,800
532	Hawaii	Navy-FHC	Naval Complex, Oahu	Replace 252 Military Family Housing Units	48,400	48,400	48,400	48,400
533	Idaho	Air Force-FHC	Mountain Home AFB	Construct Housing Management Facility	844	844	844	844
534	Kansas	Air Force-FHC	McConnell AFB	Replace 39 Military Family Housing Units	5,193	5,193	5,193	5,193
535	Kentucky	Army-FHC	Ft. Knox	Family Housing Replacement Construction (150 units)	0	19,000	0	19,000
536	Louisiana	Air Force-FHC	Barksdale AFB	Replace 62 Military Family Housing Units	10,299	10,299	10,299	10,299
537	Maryland	Navy-FHC	US Naval Academy, Annapolis	Housing Office/Self Help (New Construction)	800	800	800	800
538	Maryland	Navy-FHC	NATC Patuxent River	Warehouse/Self Help (New Construction)	890	890	890	890
539	Massachusetts	Air Force-FHC	Hanscom Air Force Base	Replace 32 Family Housing Units	0	4,900	5,200	4,900
540	Mississippi	Air Force-FHC	Keesler AFB	Replace 98 Military Family Housing Units	9,300	9,300	9,300	9,300
541	Missouri	Air Force-FHC	Whiteman AFB	Construct 72 Military Family Housing Units	9,948	9,948	9,948	9,948
542	Nevada	Air Force-FHC	Nellis AFB	Family Housing Replacement (96 units)	0	21,000	0	15,000
543	Nevada	Air Force-FHC	Nellis AFB	Replace 6 Senior Officers Housing	1,357	1,357	1,357	1,357
544	Nevada	Air Force-FHC	Nellis AFB	45 Units	0	0	6,000	0
545	New Mexico	Army-FHC	White Sands	Whole Neighborhood House Improvements (36 units)	0	0	3,400	0

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement	
546	New Mexico	Air Force-FHC	Holloman AFB	Replace 1 General Officer's Housing	225	225	225	225	
547	New Mexico	Air Force-FHC	Kirtland AFB	Replace 105 Family Housing Units, Phase 2	11,000	11,000	11,000	11,000	
548	New York	Army-FHC	USMC West Point	Family Housing Replacement Construction (119 Units)	16,500	16,500	16,500	16,500	
549	North Carolina	Navy-FHC	MCAS Cherry Point	Community Center	1,003	1,003	1,003	1,003	
550	North Carolina	Air Force-FHC	Pope AFB	Construct 104 Military Family Housing Units	9,984	9,984	9,984	9,984	
551	North Carolina	Air Force-FHC	Seymour Johnson AFB	Replace 1 General Officers Quarters	204	204	204	204	
552	Ohio	Air Force-FHC	Wright Patterson AFB	66 Units	0	0	5,900	0	2
553	Pennsylvania	Navy-FHC	NSPCC Mechanicsburg	Housing Office (New Construction)	300	300	300	300	
554	South Carolina	Air Force-FHC	Shaw AFB	Housing Maintenance Facility	715	715	715	715	
555	Texas	Air Force-FHC	Dyess AFB	Construct Housing Maintenance Facility	580	580	580	580	
556	Texas	Air Force-FHC	Lackland AFB	Replace 67 Military Family Housing Units	6,200	6,200	6,200	6,200	
557	Texas	Air Force-FHC	Sheppard AFB	Construct Management Office	500	500	500	500	
558	Texas	Air Force-FHC	Sheppard AFB	Replace Family Housing Maintenance Facility	600	600	600	600	
559	Virginia	Army-FHC	Ft. Lee	Replace 135 Family Housing Units	0	19,500	0	19,500	
560	Virginia	Navy-FHC	NSWC Dahlgren	Housing Office/Self Help (New Const)	520	520	520	520	
561	Virginia	Navy-FHC	PWC Norfolk	Replace 320 Military Family Housing Units	42,500	42,500	42,500	42,500	
562	Virginia	Navy-FHC	PWC Norfolk	Housing Office/Warehouse	1,390	1,390	1,390	1,390	
563	Washington	Army-FHC	Ft. Lewis	Family Housing (84 Units)	10,800	10,800	10,800	10,800	
564	Washington	Navy-FHC	Bangor NSB	141 Units	0	0	4,890	0	3
565	Washington	Air Force-FHC	McChord AFB	Replace 50 Family Housing Units, Phase I	9,504	9,504	9,504	9,504	
566	West Virginia	Navy-FHC	Sugar Grove NSGD	23 Units	0	0	3,590	3,590	
567	Guam	Air Force-FHC	Andersen AFB	Housing Maintenance Facility	1,700	1,700	1,700	1,700	
568	Puerto Rico	Navy-FHC	Naval Station, Roosevelt Roads	Housing Office (New Construction)	710	710	710	710	
569	Turkey	Air Force-FHC	Incirlik AB	Replace 150 Military Family Housing Units	10,146	10,146	10,146	10,146	
570	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Planning/Army FH	2,000	2,000	2,340	2,000	
571	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Construction Improvements/Army FH	14,200	46,600	26,212	48,856	
572	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Construction Improvements/Navy FH	247,477	292,931	259,489	290,831	
573	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Planning/Navy FH	24,390	24,390	24,390	24,390	
574	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Planning/Air Force FH	8,989	8,989	9,039	8,989	
575	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Construction Improvements/Air Force FH	85,059	90,959	97,071	90,959	
576	Unspecified Worldwide	Defense Logistics Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/DLA FH	3,722	3,722	3,722	3,722	
577	Unspecified Worldwide	Def. Fam. Housing Impr. Fund-FHC	Unspecified Worldwide Locations	Private Sector Housing Ventures - FH	22,000	22,000	22,000	22,000	
578	Unspecified Worldwide	National Security Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/NSA FH	50	50	50	50	
579	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Leasing - AFH	243,840	243,840	243,840	243,840	
580	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Army FH	11	11	11	11	
581	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Operations/Army FH	459,453	455,453	459,453	459,453	
582	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Maintenance/Army FH	634,292	634,292	634,292	634,292	
583	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Navy FH	82	82	82	82	
584	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Leasing/Navy FH	103,582	103,582	103,582	103,582	

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
585	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Navy FH	534,023	534,023	534,023	534,023
586	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Operating Expenses/Navy FH	410,642	407,642	410,642	410,642
587	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Air Force FH	408,971	408,971	408,971	408,971
588	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Operating Expenses/Air Force FH	324,548	321,548	324,548	324,548
589	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Air Force FH	29	29	29	29
590	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Leasing/Air Force FH	115,665	115,665	115,665	115,665
591	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	VA Loan Buy Down Pilot Project	0	10,000	0	10,000
592	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	Authority to Convey Family Housing	0	0	5,000	0
593	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Leasing/DIA FH	13,638	13,638	13,638	13,638
594	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DIA FH	2,590	2,590	2,590	2,590
595	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DLA FH	566	566	566	566
596	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/DLA FH	574	574	574	574
597	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Leasing/NSA FH	11,236	11,236	11,236	11,236
598	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/NSA FH	223	223	223	223
599	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/NSA FH	1,640	1,640	1,640	1,640
				Totals	10,697,995	11,197,995	10,902,988	11,177,009

1 - Funded as 7,300 in Construction Improvements/Army FH.
2 - Funded as 5,900 in Construction Improvements/Air Force FH.
3 - Funded as 4,890 in Construction Improvements/Navy FH.

TITLE XXI—ARMY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,167,190,000 for Army military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,027,613,000 for this purpose.

The conferees recommend authorization of $2,147,427,000 for Army military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Army military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXI of this Act.

Planning and design, Army

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Army conduct planning and design activities for the following project:

Pohakuloa Training Site, Hawaii, Road Improvement—$2,000,000.

The conferees note that this project is required to correct hazardous road conditions which impact readiness. The conferees urge the Secretary to make every effort to include this project in the fiscal year 1997 budget request.

Aerial Port and Intermediate Staging Base, The National Training Center, Fort Irwin, California

The budget request included no military construction funds to expand the airport at Barstow-Daggett, California, to meet the operational and training requirements of the National Training Center, Fort Irwin, California.

The House bill would authorize $10.0 million for phase II of the Barstow-Daggett expansion project.

The Senate amendment included no funding for phase II of this project.

The conferees agree to authorize $10.0 million for phase II of the Barstow-Daggett expansion project, contingent upon the Secretary of Defense's certification that the project best meets the operational and training requirements of the National Training Center, Fort Irwin, California.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvements to military family housing units (sec. 2103)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Army execute the following projects:

Fort Wainwright, Alaska, Whole Neighborhood Revitalization—$7,300,000.

Fort Campbell, Kentucky, Whole Neighborhood Revitalization—$17,356,000.

Fort Bragg, North Carolina, Whole Neighborhood Revitalization—$10,000,000.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2105) that would rescind $6.25 million from the amount authorized for the Department of the Army in section 2105 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill amendment contained no similar provision.

The Senate recedes.

TITLE XXII—NAVY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,164,861,000 for Navy military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,077,459,000 for this purpose.

The conferees recommend authorization of $2,119,317,000 for Navy military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Navy military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel and military construction authorized by title XXII of this Act.

Planning and design, Navy

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Navy conduct planning and design activities for the following projects:

Naval Station, Mayport, Florida, Wharf Improvements—$2,340,000.

Naval Air Station, Fallon, Nevada, Galley—$50,000.

Naval Air Station, Fallon, Nevada, Child Development Center—$150,000.

The conferees note that the projects at Naval Air Station, Fallon, Nevada, are necessary to correct facility deficiencies which impact readiness, quality of life, and productivity. The conferees urge the Secretary to make every effort to include these projects in the fiscal year 1997 budget request.

Improvements to military family housing units (sec. 2203)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Navy execute the following projects:

Naval Station, Mayport, Florida, Whole House Revitalization—$7,300,000.

Public Works Center, Great Lakes, Illinois, Whole House Revitalization—$15,300,000.

Naval Education Training Command, Newport, Rhode Island, Whole House Improvements—$8,795,000.

Marine Corps Air Station, Beaufort, South Carolina, Whole House Rehabilitation—$6,784,000.

Naval Submarine Base, Bangor, Washington, Construction Improvements—$4,890,000.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of fiscal year 1995 authorization of appropriations to clarify availability of funds for large anechoic chamber, Patuxent River Naval Warfare Center, Maryland (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2204 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–307) to authorize the $10.0 million appropriated for the Large Anechoic Chamber Facility at the Naval Air Warfare Center, Patuxent River, Maryland in the Military Construction Appropriations Act for Fiscal Year 1995 (Public Law 103–307).

The Senate provision would permit the Navy to proceed with the award of a contract in the amount of $30.0 million for the first phase of the $61.0 million project.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to carry out land acquisition project, Hampton Roads, Virginia (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would amend section 2201(a) of the National Defense Authorization Act for Fiscal Year 1993 to authorize the Secretary of the Navy to acquire 191 acres of land in Hampton Roads, Virginia. This acquisition is in addition to the land acquisition at Dam Neck, Virginia, authorized in the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees direct the Secretary of Navy to make every possible attempt to acquire both parcels of land using the $4.5 million previously authorized. If additional funds are required, the conferees expect the Secretary to utilize cost variation and reprogramming procedures.

Acquisition of land, Henderson Hall, Arlington, Virginia (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would authorize the Secretary of the Navy to acquire a 0.75 acre parcel of land located at Henderson Hall, Arlington, Virginia. The parcel, which is currently occupied by an abandoned and vandalized mausoleum, is required to construct a public works complex to support the Headquarters Battalion, United States Marine Corps. The provision would authorize the demolition of the mausoleum and the use of appropriated funds to remove and provide appropriate disposal of the remains abandoned in the mausoleum.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Acquisition or construction of military family housing in the vicinity of San Diego, California (sec. 2208)

The conferees include a new section that would direct the Secretary of the Treasury to make available, upon request from the Secretary of the Navy, funds paid to the United States upon final settlement in the case of Rossmoor Liquidating Trust, initiated against the United States, in the United States District Court for the Central District of California. From those funds, the Secretary of the Navy would be authorized to acquire or construct no more than 150 military family housing units in the San Diego, California region for the Department of the Navy. The authority would be subject to the expiration of a 21-day period, beginning on the day on which the Secretary transmits to the congressional defense committees a report containing the details of the contract to acquire or construct the units authorized by this section.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1996

Overview

The House bill would authorize $1,727,557,000 for Air Force military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $1,724,699,000 for this purpose.

The conferees recommend authorization of $1,735,086,000 for Air Force military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Air Force military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXIII of this Act.

Improvements to military family housing units (sec. 2303)

The conferees direct that, within authorized amounts for construction improvements

of military family housing and facilities, the Secretary of the Air Force execute the following project:

Wright-Patterson Air Force Base, Ohio, Family Housing Improvements	$5,900,000

ITEMS OF SPECIAL INTEREST

Bonaire housing complex, Presque Isle, Maine

The conferees are aware of the economic impact and the difficult redevelopment effort facing Limestone, Maine, as a result of the closure of Loring Air Force Base. To ensure that the community has maximum flexibility in its redevelopment effort, the conferees direct the Secretary of the Air Force to obtain written concurrence of the designated local reuse authority, or its designee, before any land, tangible property or interest in the Air Force property known as the Bonaire housing complex in Presque Isle, Maine, is transferred to the Department of Interior, or to any other entity. The conferees believe that a cooperative effort should be maintained by all parties seeking property and that the designated local redevelopment authority is the most appropriate entity to coordinate reuse efforts.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois (sec. 2305)

The House bill contained a provision (sec. 2305) that would amend section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160) to permit the retention of accrued interest on funds previously transferred to the County of St. Clair, Illinois, for the purpose of constructing military family housing at Scott Air Force Base. Upon completion of construction all funds remaining, and any interest accrued thereon, shall be deposited in the general fund of the United States Treasury.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to submit to congressional defense committees an annual report describing the amount of interest accrued and retained by the County for the housing project. The Secretary would be required to submit the report by March 1 of each year, until the construction project is completed.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2305) that would rescind $16.0 million from the amount authorized for the Department of the Air Force in section 2305 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1996

Overview

The House bill would authorize $4,692,463,000 for Defense Agencies military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $4,456,883,000 for this purpose.

The conferees recommend authorization of $4,629,491,000 for Air Force military construction and family housing for fiscal year 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military family housing private investment (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to enter into agreements to construct, acquire, and improve family housing, for the purpose of encouraging private investment, in the amount of $22,000,000.

The Senate amendment contained a similar provision.

The House recedes.

Energy conservation projects (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized pursuant to the authorization of appropriations in section 2405.

The Senate amendment contained a similar provision.

The Senate recedes.

Limitations on use of Department of Defense Base Closure Account 1990 (sec. 2406)

The conferees include a new section that would prohibit the obligation of funds authorized for appropriation in section 2405 (a)(10) of this Act, to carry out a construction project with respect to military installations approved for closure or realignment in 1995, until after the date the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation would not preclude any activities associated with environmental cleanup activities or planning and design for such construction projects.

Modification of authority to carry out fiscal year 1995 projects (sec. 2407)

The House bill contained a provision (sec. 2406) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103–337) to provide for full authorization of projects to support chemical weapons and munitions destruction at Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon.

The Senate amendment contained a similar provision.

The Senate recedes.

Reduction in amounts authorized to be appropriated for fiscal year 1994 contingency construction projects (sec. 2408)

The Senate amendment contained a provision (sec. 2407) that would terminate authorization of appropriations for prior year projects including:

(1) $3.2 million from the amount authorized for the Department of Defense in section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101–510);

(2) $6.8 million from the amount authorized for the Department of Defense in section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (Division B of Public Law 102–190);

(3) $8.6 million from the amount authorized for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102–484).

The House bill contained no similar provision.

The House recedes with an amendment that would reduce $8.1 million from the amount authorized to be appropriated for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160).

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation of expenditures for a construction project at Umatilla Army Depot, Oregon

The House bill contained a provision (sec. 2407) that would prohibit the expenditure of funds prior to March 1, 1996, for the construction of a chemical weapons and munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATIONS INFRASTRUCTURE

FISCAL YEAR 1996

Overview

The House bill would authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1996.

The Senate amendment would authorize $179,000,000 for this purpose.

The conferees authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $161.0 million.

The Senate amendment contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $179.0 million.

The Senate recedes.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

FISCAL YEAR 1996

Overview

The House bill would authorize $284,924,000 for military construction and land acquisition for fiscal year 1996 for the National Guard and reserve components.

The Senate amendment would authorize $432,339,000 for this purpose.

The conferees recommend authorization of $436,522,000 for military construction and land acquisition for fiscal year 1996. This authorization would be distributed as follows:

Army National Guard	$134,802,000
Army Reserve	73,516,000
Naval/Marine Corps Reserve	19,055,000
Air National Guard	170,917,000
Air Force Reserve	36,232,000

Planning and design, Guard and Reserve Forces

The conferees direct that, within authorized amounts for planning and design, the Guard and Reserve Forces conduct planning and design activities for the following projects:

Army Reserve:	
Fort Dix, New Jersey, Intelligence Training Center	$788,000
Army National Guard:	
Lincoln, Nebraska, Medical Training Facility	$200,000
Fort Dix, New Jersey, Technical Training Facility	$750,000
Billings, Montana, Armed Forces Reserve Center	$1,200,000
Air National Guard:	
Robins Air Force Base, Georgia, B–1 Site and Utility Upgrades	$270,000
Hickam Air Force Base, Hawaii, Squadron Operations Facility	$790,000

The conferees note that these projects are required to accommodate new missions and to correct facility deficiencies that impact readiness, quality of life, and productivity. The conferees urge the service secretaries to make every effort to include these projects in the fiscal year 1997 budget request.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reduction in amount authorized to be appropriated for fiscal year 1994 Air National Guard Projects (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would rescind funds authorized for appropriation by the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) for land acquisition for the Idaho Training Range.

The House bill contained no similar provision.

The House recedes.

Correction in authorized uses of funds for Army National Guard projects in Mississippi (sec. 2603)

The House bill contained a provision (sec. 2602) that would clarify amounts authorized to be appropriated in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–360) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi. The House provision would direct the use of authorized funds for the addition, alteration, or new construction of armory facilities and an operations and maintenance shop, including the acquisition of land for such facilities at such locations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to submit a report to congressional defense committees that would describe the intended use of funds and to wait 21 days before any of the funds could be obligated.

TITLE XXVIII—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Damage to facilities from Hurricane Opal

The conferees note that, on October 5, 1995, military facilities in the Southeastern United States sustained damage as a direct result of Hurricane Opal. The conferees direct the Secretary of Defense to conduct a comprehensive assessment of infrastructure and facilities at installations affected by Hurricane Opal, to include: Fort Benning and Fort McPherson in Georgia; Fort Rucker, Fort McClellan, and Anniston Army Depot in Alabama; Tyndall Air Force Base, Eglin Air Force Base, and Hulbert Field and facilities in and around Naval Air Station, Pensacola, Florida. The Secretary shall submit a report on the Department's findings to the congressional defense committees, no later than February 15, 1996.

The assessment should include:

(1) a report on all property damage;

(2) the estimated cost to repair or replace damaged or destroyed facilities;

(3) the impact on operations and readiness caused by any loss of facilities;

(4) any actions taken to repair or replace damaged or destroyed facilities; and

(5) recommendations for funding the required facility repairs or replacements.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Housing Privatization Initiative

Alternative authority for construction and improvement of military housing (sec. 2801)

The House bill contained a provision (sec. 2801) that would authorize a series of authorities, as alternative methods of acquiring and improving family housing and support facilities for the armed forces. Such authorities would include the ability to contract and lease family housing. Use of the authorities would be targeted at installations where there is a shortage of suitable family housing. For housing acquired under the authorities provided in this section, the unit size and type limitations in current law would be waived to encourage private sector development of military family housing. The Department of Defense (DOD) would be authorized to contribute up to 35 percent of the investment cost in any project. Such investment could take a number of forms, including cash, existing housing, and/or real property. The provision would also establish the Defense Family Housing Improvement Fund as the sole source of funding for projects constructed or renovated under the authorities of this provision. The provision would require DOD to submit a 21-day notice-and-wait announcement to Congress before entering into contract agreements associated with these new authorities and would require DOD to submit a 30-day notice-and-wait announcement before transferring funds from the family housing construction accounts to the Fund. Each of the authorities contained in this provision would expire on September 30, 2000.

The Senate amendment contained a similar provision (sec. 2811) that would expand the authorities to include acquisition or renovation of unaccompanied housing on or near military installations. The provision would also establish a Department of Defense Housing Improvement Fund, for use as the sole source to finance costs associated with the acquisition of housing and support facilities.

The House recedes with an amendment that would establish the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement Fund as the sources to finance costs associated with the acquisition of housing and supporting facilities, including costs defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). The provision would also establish certain reporting requirements for the DOD and would limit the transfer of funds previously authorized and appropriated to funds associated with the construction of family housing or unaccompanied housing. The provision would also limit the obligation of funds by DOD to $850.0 million for family housing and $150.0 million for unaccompanied housing.

Expansion of authority for limited partnerships for development of military family housing (sec. 2802)

The Senate amendment contained a provision (sec. 2807) that would provide each of the military services with the limited partnership authority provided to the Department of the Navy by section 2803 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The provision would also extend the expiration of the authority to September 30, 2000.

The House bill contained a similar provision.

The House recedes with a technical amendment.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

Special threshold for unspecified minor construction projects to correct life, health, or safety deficiencies (sec. 2811)

The Senate amendment contained a provision (sec. 2801) that would amend 2805 of title 10, United States Code, to include as a minor military construction project any military construction project intended solely to correct a life, health, or safety deficiency, if the approved cost is equal to or less than $3.0 million. The provision would authorize the expenditure of operation and maintenance funds to carry out projects to correct a life, health, or safety deficiency costing no more than $1.0 million.

The House bill contained a similar provision.

The House recedes.

Clarification of scope of unspecified minor construction authority (sec. 2812)

The Senate amendment contained a provision (sec. 2802) that would amend section 2805(a)(1) of title 10, United States Code, to clarify the definition of minor military construction.

The House bill contained a similar provision.

The House recedes.

Temporary authority to waive net floor area limitation for family housing acquired in lieu of construction (sec. 2813)

The Senate amendment contained a provision (sec. 2803) that would waive, for a five year period, beginning in fiscal year 1996, the net floor area limitation established in section 2826 of title 10, United States Code, if existing family housing is acquired in lieu of construction.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretionary authority to waive the floor limitation.

Reestablishment of authority to waive net floor area limitation on acquisition by purchase of certain military family housing (sec. 2814)

The Senate amendment contained a provision (sec. 2804) that would make permanent section 2826(e) of title 10, United States Code, that allows a waiver for a 20 percent increase in the square footage limitation when acquiring, through purchase, military family housing units for members of the Armed Forces in pay grades below 0–6.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Temporary authority to waive limitations on space by pay grade for military family housing units (sec. 2815)

The Senate amendment contained a provision (sec. 2805) that would waive section 2826 of title 10, United States Code, for housing authorized for construction for five years, beginning in fiscal year 1996. The waiver would permit the construction of family housing units without regard to space limitations, as long as the total number of housing units is the same as authorized by law.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretion to waive the authority for five years beginning in fiscal year 1996.

Rental of family housing in foreign countries (sec. 2816)

The House bill contained a provision (sec. 2805) that would authorize an increase in the number of high-cost family housing units that may be leased in foreign countries.

The Senate amendment contained a similar provision.

The Senate recedes.

Clarification of scope of report requirement on cost increases under contracts for military family housing construction (sec. 2817)

The Senate amendment contained a provision (sec. 2808) that would amend section 2853

to title 10, United States Code, by eliminating the requirement for congressional notification on cost increases that exceed established limitations when the increase is related to settlement of a court ordered contract claim.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to convey damaged or deteriorated military family housing (sec. 2818)

The Senate amendment contained a provision (sec. 2809) that would authorize the secretaries of the military departments to sell, at fair market value, family housing facilities at non-base closure installations that have deteriorated beyond economical repair, or are no longer required. The sale may include the parcel of land on which the family housing facilities are located.

The provision directs that the proceeds from the sale of the property be used to replace or revitalize housing at the existing installation, or at another installation. The provision also requires the secretary concerned to notify Congress before proceeding with conveyance of family housing facilities under this authority.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Energy and water conservation savings for the Department of Defense (sec. 2819)

The Senate amendment contained a provision (sec. 2810) that would amend section 2865 of title 10, United States Code, to include water conservation in the Department of Defense's comprehensive energy conservation plan.

The House bill contained no similar provision.

The House recedes.

Extension of authority to enter into leases of land for special operations activities (sec. 2820)

The Senate amendment contained a provision (sec. 2812) that would make permanent the authority provided in section 2680 of title 10, United States Code, which grants the Secretary of Defense the authority to lease property required for special operations activities conducted by the Special Operations Command.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to lease property required for special operations until September 30, 2000.

Disposition of amounts recovered as a result of damage to real property (sec. 2821)

The House bill contained a provision (sec. 2804) that would authorize the military departments to retain the proceeds recovered as a result of damages to real property instead of depositing those proceeds into the miscellaneous receipts account in the United States Treasury. Such proceeds would be made available for repair or replacement of damages to real property.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations (sec. 2822)

The House bill contained a provision (sec. 2806) that would authorize a three-year pilot program to provide additional housing assistance to military personnel. Under the program, as administered by the Secretary of Veterans Affairs (VA), the VA would buy down the interest rate on VA home loans for qualified applicants. The Secretary of Defense would reimburse the VA for the costs of the interest rate buy down. Authorization of the program would be limited to $10.0 million and could only be utilized at military installations which the Secretary of Defense considers to have a military family housing deficit.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the scope of the program to active duty enlisted members, warrant officers, and officers at a pay grade of 0–3 and below.

Subtitle C—Defense Base Closure and Realignment

Deposit of proceeds from leases of property located at installations being closed or realigned (sec. 2831)

The House bill contained a provision (sec. 2812) that would authorize the Secretary of Defense to deposit proceeds from leases of property located at installations being closed or realigned into the relevant account established in the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510).

The Senate amendment contained a similar provision.

The Senate recedes.

In-kind consideration for leases at installations to be closed or realigned (sec. 2832)

The Senate amendment contained a provision (sec. 2821) that would permit the service secretaries to accept in-kind services (improvements, maintenance, protection, repair, or restoration services performed on any portion of the installation) from a lessee in lieu of cash rental payments for leases of property that will be disposed of as a result of a base closure or realignment.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Interim leases of property approved for closure or realignment (sec. 2833)

The Senate amendment contained a provision (sec. 2830B) that would facilitate the use of limited term leases (one to five years) by the Department of Defense in connection with reuse of military installations selected for closure. The provision would make it clear that any environmental impact analysis prepared in connection with an interim lease of Department of Defense property approved for closure or realignment shall be limited to the scope of environmental consequences related to the lease activities.

The House bill contained no similar provision.

The House recedes.

The conferees agree that under current law the Department of Defense has been reluctant to enter into limited term leases before an environmental review has been completed, pursuant to the National Environmental Policy Act (42 U.S.C. 4321, et. seq.), that would address the disposal of the entire installation. Such concerns have impeded private sector use of base closure property for short term capital investments.

Authority to lease property requiring environmental remediation at installations approved for closure or realignment (sec. 2834)

The Senate amendment contained a provision (sec. 2824) that would allow the Department of Defense to enter into long-term lease agreements at military installations selected for closure, while environmental restoration is ongoing. Specifically, the section would provide that section 120(h)(3)(B) of the Comprehensive Environmental response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9620(h)(3)(B)) does not apply to leases at Department of Defense installations. The provision would also provide for Environmental Protection Agency consultation on the determination that property is suitable for lease in those instances involving long term leases at installations approved for closure under a base closure law.

The House bill contained no similar provision.

The House recedes.

The conferees agree that the provision is necessary to ensure that the Department may enter into long-term leases while cleanup is ongoing. The provision addresses a recent federal district court decision that could undermine reuse plans at military installations selected for closure with similar reuse plans. The provision serves to clarify the legislative intent on this issue.

Final funding for Defense Base Closure and Realignment Commission (sec. 2835)

The Senate amendment contained a provision (sec. 2825) that would amend section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, 10 U.S.C. 2657) to authorize the Secretary of Defense to transfer unobligated funds from the Department of Defense Base Closure Account to fund the operations of the Defense Base Closure and Realignment Commission until December 31, 1995.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the transfer authority to $300,000.

Exercise of authority delegated by the Administrator of General Services (sec. 2836)

The Senate amendment contained a provision (sec. 2827) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to expand the authority of the Secretary of Defense, with the concurrence of the Administrator of the General Services Administration, to prescribe general policies and issue regulations for utilizing excess property and disposing of surplus property. The provision would also make certain technical changes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Lease back of property disposed from installations approved for closure or realignment (sec. 2837)

The Senate amendment contained a provision (sec. 2828) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to allow base closure property that is still needed by the Department of Defense or another federal agency to be transferred to the local redevelopment authority, providing that the redevelopment authority leases back the property to the Department of Defense or federal agency. Such a lease should not exceed 50 years and could not require rental payments by the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Improvement of base closure and realignment process regarding disposal of property (sec. 2838)

The House bill contained a provision (sec. 2814) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10

U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687). The provision would preclude consideration of Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) in the transfer or disposal of real property located at military installations closed or realigned under the base closure law.

The Senate amendment contained a provision (sec. 2826) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687) to authorize the Secretary of Defense to approve local redevelopment authorities' base reuse plans. Before making any property disposal decisions, the Secretary of Defense would be required to consult with the Secretary of Housing and Urban Development to determine if the needs of the homeless were appropriately considered. In reviewing disposal plans, the Secretary of Defense could give deference to local communities' plans in making the final property disposal decisions.

The House recedes with a technical amendment that would recognize the preeminence of local redevelopment authorities' plans for reuse of properties and facilities on installations closed or realigned under the base closure procedures. The amendment would further enhance the ability of the Secretary of Defense to give final approval of local communities' base reuse plans.

Agreements for certain services at installations being closed (sec. 2839)

The House bill contained a provision (sec. 2813) that would clarify current law that authorizes the Secretary of Defense to enter into agreements with local governments for the provision of police, security, fire protection, air field operations, or other community services provided by such governments at military installations scheduled to be closed.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Authority to transfer property at military installations to be closed to persons who construct or provide military family housing (sec. 2840)

The House bill contained a provision (sec. 2811) that would authorize the Secretary of Defense to enter into an agreement to transfer property or facilities at a closed installation, or an installation designated to be closed, under current law, to a person who agrees to provide, in exchange for the property or facilities, housing units located at another military installation where there is a shortage of suitable housing. Under the provision, the Secretary would not be permitted to select property or facilities for transfer that have been identified in the redevelopment plan for the installation as essential for base reuse and development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Use of single base closure authorities for disposal of property and facilities at Fort Holabird, Maryland (sec. 2841)

The Senate amendment contained a provision (sec. 2830) that would consolidate disposal of all property affected by the 1988 and 1995 base closure actions at Fort Holabird, Maryland under the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

Transfer of jurisdiction, Fort Sam Houston, Texas (sec. 2851)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, approximately 53 acres, with improvements, to the Secretary of Veterans Affairs. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the reversionary interest of the Secretary of the Army in the property.

Transfer of jurisdiction, Fort Bliss, Texas (sec. 2852)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Army to transfer to the Secretary of Veteran Affairs jurisdiction of approximately 22 acres, comprising a portion of Fort Bliss, Texas. The property transferred would be used as an addition to the Fort Bliss National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the Secretary of the Army's reversionary interest in the property.

Tranfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts (sec. 2853)

The House bill contained a provision (sec. 2831) that would require the Secretary of the Army to convey to the Secretary of the Interior, without reimbursement, a portion of the Fort Devens Military Reservation, Massachusetts, at any time after the date on which the property is determined to be excess to the needs of the Department of Defense. The property is to be conveyed for inclusion in the Oxbow National Wildlife Refuge. The cost of any surveys necessary for the conveyance shall be borne by the Secretary of the Interior.

This section would also require the Secretary of the Army to convey to the Town of Lancaster, Massachusetts, without reimbursement, a parcel of real property consisting of approximately 100 acres of the parcel available for transfer to the Secretary of the Interior. The cost of any surveys necessary for the conveyance would be borne by the town.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Fort Belvoir, Virginia (sec. 2854)

The Senate amendment contained a provision (sec. 2863) that would require the Secretary of the Army to submit a report to the Senate Armed Services Committee and the House National Security Committee on the status of the negotiations related to the land conveyance at the Engineer Proving Grounds, Fort Belvoir, Virginia authorized by subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189).

The House bill contained no similar provision.

The House recedes with an amendment that would delete the reporting requirement and would amend section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 to authorize the Secretary of the Army to convey to the County of Fairfax, Virginia, all right, title and interest of the United States in and to all or a portion of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground. In consideration, the County shall construct facilities for the Department of the Army; grant title, free of liens and other encumbrances, to the facilities and, if not already owned by the Department, to the underlying land; and make infrastructure improvements for the Department of the Army, as may be specified by the Secretary of the Army. The value of the consideration provided by the County shall not be less than the fair market value of the property conveyed to the County, as determined by the Secretary. The amendment would prohibit the Secretary from entering into any agreement under this provision until the expiration of 60 days following the date on which the Secretary transmits to the congressional defense committees a report containing details of the agreement between the Army and the County.

Land exchange, Fort Lewis, Washington (sec. 2855)

The House bill contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey to Weyerhaeuser Real Estate Company, Tacoma, Washington two parcels of real property at Fort Lewis, Washington totaling 1.26 acres. As consideration the Weyerhaeuser Real Estate Company would convey 0.39 acres located within the boundaries of Fort Lewis together with other considerations acceptable to the Secretary. The total consideration conveyed to the United States would be no less than the fair market value of the property conveyed by the Army.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Land exchange, Army Reserve Center, Gainsville, Georgia (sec. 2856)

The Senate amendment contained a provision (sec. 2846) that would authorize the Secretary of the Army to convey to the City of Gainesville, Georgia, a 4.2 acre parcel of real property, including a reserve center, located on Shallowford Road in Gainsville, Georgia. As consideration, the City of Gainesville would convey to the Secretary approximately 8 acres of real property located in the Atlas Industrial Park in Gainesville. The City would construct replacement facilities in accordance with the requirements of the Secretary of the Army for training activities of the Army Reserve, and fund the costs of relocating the Reserve units to the new location. The City's contribution of land and facilities would be no less than the fair market value of the property conveyed by the Secretary.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee (sec. 2857)

The House bill contained a provision (sec. 2829) that would authorize the Secretary of the Army to convey to the City of Mount Carmel, Tennessee, without reimbursement, a parcel of real property consisting of approximately 6.5 acres. The property would be conveyed for expansion of the existing Mount Carmel Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana (sec. 2858)

The House bill contained a provision (sec. 2825) that would authorize the Secretary of the Army to convey to the State of Indiana,

without consideration, a parcel of real property, with improvements, consisting of approximately 1,125 acres. The property to be conveyed would be used for recreational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Fort Ord, California (sec. 2859)

The House bill contained a provision (sec. 2824) that would authorize the Secretary of the Army to convey to the City of Seaside, California, at fair market value, all right, title, and interest in approximately 477 acres of real property (comprising the Black House and Bayonet gold courses and a portion of the Hayes Housing Facilities) comprising a portion of the former Fort Ord Military Complex. From the amount paid by the City in consideration for the conveyance, the Secretary would deposit in the Morale, Welfare, and Recreation Fund (MWR) account of the Department of the Army an amount equal to the fair market value of the golf courses conveyed under this section. The balance of the amount paid by the City would be deposited in the Department of Defense Base Closure Account 1990.

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense, within 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 1996, to provide to Congress a report that would describe the disposal plans for the 477 acres of property at the former Fort Ord Military Complex.

The Senate recedes to Senate amendment, section 2841. The Senate recedes with an amendment to House bill section 2824. The amendment to section 2824 would direct the Secretary to deposit into the MWR account only those proceeds from the sale of golf courses that are required to support MWR activities in the vicinity of Fort Ord for the next five years. The amount deposited into the MWR account would not exceed the fair market value of golf courses conveyed to the City. The amendment would also require the Secretary to certify his findings on the disposition of the proceeds in a report to Congress 90 days after the date of the conveyance.

Land conveyance, Parks Reserve Forces Training Area, Dublin, California (sec. 2860)

The House bill contained a provision (sec. 2828) that would authorize the Secretary of the Army to convey to the County of Alameda, California, approximately 31 acres, with improvements, located at the Parks Reserve Forces Training Area, Dublin, California. The conveyance shall not include any oil, gas, or mineral interests of the United States, and shall be subject to the condition that the County would pay for road improvements, utility upgrades, and construction improvements at the portion of the Army Training Area retained by the Army.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Army Reserve Center, Youngstown, Ohio (sec. 2861)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey to the City of Youngstown, Ohio, without consideration, a parcel of real property. The property is located at 399 Miller Street in Youngstown, Ohio, and comprises the vacant Kefurt Army Reserve Center.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve property, Fort Sheridan, Illinois (sec. 2862)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising two Army Reserve areas. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from Fort Sheridan and in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to construct replacement facilities and infrastructure, and pay the cost of relocating the Army personnel. The Secretary of the Army would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Land conveyance, property underlying Cummins Apartment Complex, Fort Holabird, Maryland (sec. 2863)

The Senate amendment contained a provision (sec. 2830A) that would authorize the Secretary of the Army to convey to the owner of the Cummins Apartment Complex, at fair market value, six acres of real property at Fort Holabird, Maryland that underlies the Cummins Apartment Complex.

The House bill contained no similar provision.

The House recedes.

Modification of existing land conveyance, Army property, Hamilton Air Force Base, California (sec. 2864)

The House bill contained a provision (sec. 2837) that would modify section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102–396), which permitted the Secretary of the Army to sell certain parcels of property at the former Hamilton Air Force Base, California, as described in the Agreement and Modification, dated September 25, 1990, between the Department of the Defense, the General Services Administration, and the purchaser. The House provision would authorize the Secretary of the Army to convey to the City of Novato, California, any unpurchased property described in section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102–396), for use in establishing schools and park areas. Under this provision, the City would be required to provide any proceeds received from subsequent sale of the property, within the next ten years, to the Secretary of the Army.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendment.

PART II—NAVY CONVEYANCES

Transfer of jurisdiction, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2865)

The House bill contained a provision (sec. 2823) that would authorize the Secretary of the Navy to transfer to the Secretary of Veterans Affairs, without reimbursement, approximately 150 acres at the Naval Weapons Industrial Reserve Plant, Calverton, New York. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public Law 103–335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public Law 103–335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California (sec. 2867)

The House bill contained a provision (sec. 2833) that would amend section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993, (Division B of Public Law 103–160) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103–337) to authorize the Secretary of the Navy to convey to the City of Oakland, California, the Port of Oakland, California, or the City of Alameda, California, without consideration, in lieu of an existing lease, property at the Naval Supply Center, under such terms as the Secretary considers appropriate. The exact acreage of the real property that would be conveyed would be determined by a survey that is satisfactory to the Secretary, and the cost for such survey shall be borne by the recipient of the property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the City of Richmond, California as an authorized recipient of the property to be conveyed.

Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas (sec. 2868)

The House bill contained a provision (sec. 2830) that would authorize the Secretary of the Navy to convey to the City of McGregor, Texas, without consideration, all right, title, and interest of the United States in a parcel of real property, including improvements

thereon, containing the Naval Weapons Industrial Reserve Plant. The conveyed property would be used for purposes of economic redevelopment. Until the real property is conveyed by deed, the Secretary would be permitted to lease the facility of the City in exchange for security, fire protection, and maintenance services. The Secretary would be authorized to convey other fixtures located on the property if such equipment can be reinstituted after the conveyance.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Naval Surface Warfare Center, Memphis, Tennessee (sec. 2869)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Navy to convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee, 26 acres of land, including a 1250 ton stiff leg derrick crane, located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, President's Island, Memphis, Tennessee. As consideration for the conveyance, the Port Commission shall grant a restrictive easement consisting of approximately 100 acres that is adjacent to the Memphis Detachment. If the value of the easement granted by the Port is less than the fair market value of the real property conveyed by the Navy, the Secretary and the Port would jointly determine the appropriate additional compensation. The Secretary would deposit any cash proceeds received as part of the transaction, into the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Navy property, Fort Sheridan, Illinois (sec. 2870)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Navy to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from the Great Lakes Naval Training Center, Illinois, and located in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to: construct replacement housing, support facilities, and infrastructure; pay the cost of relocating the Navy personnel; and provide for the education of dependents in schools that meet, and would continue to meet, standards established by the Secretary of the Navy, even after the enrollment of dependents, regardless of the receipt of federal impact aid by such schools or school districts. The Secretary of the Navy would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with technical amendment.

Land conveyance, Naval Communications Station, Stockton, California (sec. 2871)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy, with the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, to convey to the Port of Stockton, California, all right, title, and interest in approximately 1,450 acres of real property at the Naval Communications Station, Stockton, California. The conveyance may be as a public benefit conveyance if the Port satisfies the criteria established in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). If the Port does not satisfy such criteria, the conveyance would be for fair market value. As a condition for the conveyance, the Port would be required to agree to maintain, under current terms and conditions, existing Federal leases of property at the Station. The Secretary would be authorized to lease the property to the Port until the property is conveyed by deed.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement that the conveyance be subject to the concurrence of the Administrator of General Service and the Secretary of Housing and Urban Development. The conferees intend that the Secretary would not carry out the conveyance unless it is determined that no department or agency of the Federal Government will accept the transfer of the property.

Lease of property, Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2872)

The conferees include a new section that would authorize the Secretary of the Navy to enter into a lease agreement with the City of San Diego, California, that would provide for the City's use of land at the Naval Air Station or Marine Corps Air Station Miramar, California, as a municipal solid waste landfill, and for other purposes related to the management of solid waste. The provision would also allow the Secretary to receive in-kind consideration under the lease, and to use any rental money received to carry out environmental programs or improvement projects to enhance quality of life programs for personal stationed at the Naval Air Station or Marine Corps Air Station. This provision would provide the sole authority for entering into the described lease with the City of San Diego.

PART III—AIR FORCE CONVEYANCES

Land acquisition or exchange, Shaw Air Force Base, South Carolina (sec. 2874)

The House bill contained a provision (sec. 2822) that would authorize the Secretary of the Air Force to acquire, by means of an exchange of property, acceptance as a gift, or other means that would not require the use of appropriated funds, all right, title, and interest in a parcel of real property, with improvements, consisting of approximately 1,100 acres adjacent to Shaw Air Force Base, Sumter, South Carolina.

The Senate amendment contained an identical provision. The conference agreement includes this provision.

Land conveyance, Elmendorf Air Force Base, Alaska (sec. 2875)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Air Force to sell to a private person a parcel of real property consisting of approximately 32 acres located at Elmendorf Air Force Base, Alaska. As consideration for the sale, the purchaser would be required to provide approximate maintenance for the apartment complex located on the property to be conveyed and used by members of the armed forces and their dependents stationed at the Elmendorf Air Force Base. The cost of any surveys necessary for the sale of real property would be borne by the purchaser.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Land conveyance, Radar Bomb Scoring Site, Forsyth, Montana (sec. 2876)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to convey to the City of Forsyth, Montana, without consideration, approximately 58 acres, with improvements, comprising the support complex and recreational facilities of the former Radar Bomb Scoring Site, Forsyth, Montana. The conveyance would be subject to the condition that the City use the property for housing and recreational purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Radar Bomb Scoring Site, Powell, Wyoming (sec. 2877)

The Senate amendment contained a provision (sec. 2840) that would authorize the Secretary of the Air Force to convey to the Northwest College Board of Trustees, without consideration, approximately 24 acres, with improvements, comprising the support complex, recreational areas, and housing facilities at the former Radar Bomb Scoring Site, Powell, Wyoming. The conveyance would be subject to the condition that the Board use the property conveyed for housing and recreational purposes, and for such other purposes as the Secretary and the Board jointly determine appropriate.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Avon Park Air Force Range, Florida (sec. 2878)

The House bill contained a provision (sec. 2827) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property, with improvements, within the boundaries of the Avon Park Air Force Range near Sebring, Florida to Highlands County, Florida. The property would be conveyed for the operation of a juvenile or other correctional facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle E—Land Conveyances Involving Utilities

Conveyance of resources recovery facility, Fort Dix, New Jersey (sec. 2881)

The House bill contained a provision (sec. 2841) that would authorize the Secretary of the Army to convey to Burlington County, New Jersey, a parcel of real property at Fort Dix, New Jersey, consisting of approximately two acres and containing the Fort Dix resource recovery facility.

The Senate amendment contained a similar provision.

The Senate recedes with an amendment that would increase the acreage to be conveyed to six acres and would make other technical corrections.

Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia (sec. 2882)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey to the City of Augusta, Georgia, all rights, title, and interest of the United States in several parcels of real property consisting of approximately seven acres each and containing water and wastewater treatment plants and distribution and collection systems. In consideration of the conveyance, the City of Augusta would accept the water and wastewater treatment plants and distribution and collection systems in their existing condition and provide water and

sewer service to Fort Gordon, Georgia at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of electricity distribution system, Fort Irwin, California (sec. 2883)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to the Southern California Edison Company, California, all right, title, and interest of the United States in the electrical distribution system located at Fort Irwin, California. In consideration for the conveyance, the Southern California Edison Company would be required to accept the electrical distribution system in its existing condition and provide electrical service to Fort Irwin at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of water treatment plant, Fort Pickett, Virginia (sec. 2884)

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, without reimbursement, the water treatment plant located at Fort Pickett, Virginia. In exchange, the town would provide water and sewer services to Fort Pickett, at a rate negotiated by the Secretary of the Army and approved by the appropriate federal and state regulatory authorities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, the water treatment plant located at Fort Pickett, Virginia. The amendment would also modify paragraph (c) by clarifying that the water rights granted to the town would be determined pursuant to the law of the Commonwealth of Virginia.

SUBTITLE F—OTHER MATTERS

Authority to use funds for certain educational purposes (sec. 2891)

The Senate amendment contained a provision (sec. 2813) that would amend section 2008 of title 10, United States Code, to authorize the Department of Defense to continue the use of appropriated funds for repair, maintenance, and construction of Department of Education school facilities located on military installations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Department of Defense Laboratory Revitalization Demonstration Program (sec. 2892)

The Senate amendment contained a provision (sec. 2861) that would establish a test program to allow the heads of selected defense laboratories greater flexibility to undertake facility modernization initiatives. For test program laboratories, the provision would raise the minor construction threshold, from $1.5 million to $3.0 million, for projects that the Secretary of Defense may carry out without specific authorization. The provision would also raise the threshold for minor military construction projects requiring prior approval of the Secretary of Defense, from $500,000 to $1.5 million. finally, the provision would raise, for the selected laboratories, the threshold, from $300,000 to $1.0 million, for the value of any unspecified military construction project for which operation and maintenance funds may be used.

The provision would provide for the expiration of the test authority on September 30, 2000. It would also require the Secretary of Defense to designate participating laboratories before the test may begin, establish a review procedure for each project to be funded under this section, and report to Congress on the lessons learned from the test program one year before the program is terminated.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for Port Authority of State of Mississippi to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi (sec. 2893)

The House bill contained a provision (sec. 2852) that would authorize the Secretary of the Navy to enter into an agreement with the Port Authority of the State of Mississippi to permit joint use of real property and associated improvements comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi. The requirement would be for a period not to exceed 15 years, and the Port Authority would be required to pay fair market rental value as determined by the Secretary. The Secretary could not enter into any agreement until after the end of a 21-day period beginning on the date on which the Secretary submits a report to Congress explaining the terms of the proposed agreement and describing the consideration that the Secretary would expect to receive under the agreement.

The Senate amendment contained a similar provision.

The Senate recedes.

Prohibition on joint use of Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2894)

The House bill contained a provision (sec. 2853) that would prohibit the Secretary of the navy from entering into any agreement that would provide for the regular use of Naval Air Station, Miramar, California, by civil aircraft.

The Senate amendment contained a similar provision.

The Senate recedes with a clarifying amendment.

Report regarding Army water craft support facilities and activities (sec. 2895)

The House bill contained a provision (sec. 2854) that would require the Secretary of the Army to submit, not later than February 15, 1996, a report describing the Army's water craft support facilities and activities. The report would include actions that can be taken to close the Army Reserve Facility located in Marcus Hook, Pennsylvania.

The Senate amendment contained a similar provision.

The Senate recedes.

Residual value reports (sec. 2896)

The Senate amendment contained a provision (sec. 2864) that would require the Secretary of Defense, in coordination with the Director of the Office of Management and Budget, to submit to the congressional defense committees a status report on the results of residual value negotiations between the United States and Germany. The report would be provided within 30 days after the Office of Management and Budget receives the results of the negotiations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Sense of Congress and report regarding Fitzsimmons Army Medical Center, Colorado (sec. 2897)

The Senate amendment contained a provision (sec. 2830C) that would express the Sense of Congress that the Secretary of the military departments should consider the expedited transfer of facilities to local redevelopment authorities while the facilities are still operational. The provision would also require the Secretary of the Army to provide a report, within 180 days of enactment of the National Defense Authorization Bill for Fiscal Year 1996, on the actions taken to convey the Fitzsimmons Army Medical Center, Colorado.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that this section is intended to support current efforts to redevelop the Fitzsimmons Army Medical Center. The conferees agree that this section is not intended to circumvent the 1995 recommendations of the Defense Base Closure and Realignment Commission, or other applicable laws.

LEGISLATIVE PROVISIONS NOT ADOPTED

Land conveyance, Naval Air Station, Pensacola, Florida

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey to West Florida Developers, Inc. a parcel of unimproved real property, consisting of approximately 135 acres. As consideration for the conveyance of real property, West Florida Developers, Inc. would agree to restrict the use of all lands located within the Accident Potential Zone of Naval Air Station Pensacola, owned by West Florida Developers, Inc. The cost of any surveys necessary for the conveyance shall be borne by West Florida Developers, Inc.

The Senate amendment contained no similar provision.

The House recedes.

Expansion of authority to sell electricity

The House bill contained a provision (sec. 2851) that would amend section 2483(a) of title 10, United States Code, to expand the authority of the Department of Defense to permit the military departments to take advantage of changing electric power marketing conditions by increasing the available option to outsource for energy on military installations.

The Senate amendment contained no similar provision.

The House recedes.

Clarification of funding for environmental restoration at installations approved for closure or realignment in 1995

The Senate amendment contained a provision (sec. 2823) that would authorize the Department of Defense to fund environmental restoration at installations selected for closure by the 1995 Defense Base Closure and Realignment Commission with funds authorized for the Defense Environmental Restoration Account for fiscal year 1996. After fiscal year 1996, environmental restoration for these installations would be funded using the Defense Base Closure and Realignment Account.

The House bill contained no similar provision.

The Senate recedes.

Report on the disposal of property, Fort Ord Military Complex, California

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense to submit a report to the Congress describing the plans for the disposal of a parcel of real property consisting

of approximately 477 acres at the former Fort Ord Military Complex.

The House bill contained no similar provision.

The Senate recedes.

Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota

The Senate amendment contained a provision (sec. 2845) that would authorize the Administrator of the General Services Administration to convey to the Job Development Authority of the City of Rolla, without consideration, approximately 9.77 acres of real property, comprising the former Army-owned William Langer Jewel Bearing Plant, Rolla, North Dakota. The property and facility are to be used for economic development in order to replace economic activity lost at the plant.

The House bill contained no similar provision.

The Senate recedes.

Renovation of the Pentagon Reservation

The Senate amendment contained a provision (sec. 2865) that would require the Secretary of Defense to take such actions necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1.1 billion.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that, as required by section 8149 of the Fiscal Year 1995 Department of Defense Appropriations Act (Public Law 103–335), the Secretary of Defense certified on December 19, 1994 that the total cost of the renovation would not exceed $1.2 billion. Although the department is in the fifth year of a 15 year renovation of the Pentagon, the conferees reiterate their view that this project should be executed at the lowest cost possible. Earlier this year, the Secretary of Defense appointed a steering committee to review the ongoing renovation project. The Secretary of Defense is directed to submit a report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the findings of the steering committee review and on opportunities to achieve further savings.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Title XXIX—Land Conveyances involving Joliet Army Ammunition Plant, Illinois

The Senate amendment contained provisions (secs. 2851–2857) that would authorize the Secretary of the Army to transfer to the Secretary of Agriculture approximately 19,000 acres of land located at the Joliet Army Ammunition Plant to establish the Midewin Tallgrass Prairie. The provision would also authorize the Secretary of the Army to convey, without compensation, to the Secretary of Veterans Affairs 910 acres of land at Joliet Army Ammunition Plant to establish a national cemetery.

The provision would further authorize the Secretary of the Army to convey to the County of Will, Illinois, without consideration, 425 acres of land at Joliet Army Ammunition Plant to be used for a landfill. As a part of this conveyance, the County of Will would be required to permit Federal Government use of the landfill at no cost.

The provision would also authorize the Secretary of the Army to convey, at fair market value, 1,900 acres and 1,100 acres of land located at the Joliet Army Ammunition Plant to the Village of Elwood, Illinois, and the City of Wilmington, Illinois, respectively, to establish industrial parks. All proceeds from any future sale of these parcels or portions of these parcels would be remitted to the Secretary of the Army.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the language contained in H.R. 714, an act that would establish the Midewin National Tallgrass Prairie in the State of Illinois, as passed by the House of Representatives in the 104th Congress. The House amendment would modify H.R. 714 to:

(1) make technical corrections;

(2) authorize the Secretary of the Army to transfer 982 acres of real property to the Secretary of Veterans Affairs to establish a national cemetery;

(3) authorize the Secretary of the Army to convey to Will County, Illinois, without consideration, 455 acres of real property for use as a landfill;

(4) authorize the Secretary of the Army to convey to the State of Illinois, at fair market value, 3,000 acres of real property to the State of Illinois for economic redevelopment. The State of Illinois would be required to pay the Army fair market value for the property within twenty years after the date of the conveyance;

(5) require the Governor of the State of Illinois to consult with the Mayors of the Village of Elwood, Illinois, and the City of Wilmington, Illinois, in establishing a redevelopment authority to oversee the development of the real property conveyed to the State; and

(6) clarify the responsibility of the Department of the Army, and other parties to the conveyance, for environmental remediation and restoration of the real property comprising the Joliet Army Ammunition Plant.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

OVERVIEW

The budget request for fiscal year 1996 contained an authorization of $11,178.5 million for the Department of Energy National Security Programs. The House bill would authorize $10,403.6 million. The Senate amendment would authorize $11,178.7 million. The conferees recommended an authorization of $10,618.2 million. The funding level was largely due to a reduced funding in Environmental Restoration and Waste Management. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400
Defense Environmental Restoration and Waste Manage	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000
Total Defense Nuclear Activities	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
ATOMIC ENERGY DEFENSE ACTIVITIES							
WEAPONS ACTIVITIES							
A. Stockpile stewardship							
1. Core stockpile stewardship							
Operating expenses	948,548	-948,548	0	-948,548	0	-948,548	0
Capital equipment	67,355	-67,355	0	-67,355	0	-67,355	0
Subtotal	1,015,903	-1,015,903	0	-1,015,903	0	-1,015,903	0
Operations & Maintenance	0	1,098,403	1,098,403	1,305,308	1,305,308	1,078,403	1,078,403
Construction:							
GPD -101 General plant projects, various locations	12,500	-12,500	0	-12,500	0	-12,500	0
96-D-102 Stockpile stewardship facilities revitalization, phase VI, various locations	2,520	0	2,520		2,520	0	2,520
96-D-103 ATLAS, Los Alamos National laboratory	8,400	0	8,400		8,400	0	8,400
96-D-104 Process and environmental technology laboratory, SNL	1,800	0	1,800		1,800	0	1,800
96-D-105 Contained firing facility addition, LLNL	6,600	0	6,600		6,600	0	6,600
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL	9,940	0	9,940		9,940	0	9,940
94-D-102 Nuclear weapons research, development and testing facilities revitalization, phase V, VL	12,200	0	12,200		12,200	0	12,200

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-102 Nevada support facility, NV	15,650	0	15,650		15,650	0	15,650
90-D-102 Nuclear weapons research, development and testing facilities revitalization, phase III, various locations	6,200	0	6,200		6,200	0	6,200
88-D-106 Nuclear weapons research, development and testing facilities revitalization, phase II, VL	17,995	10,000	27,995	0	17,995	0	17,995
Total, Construction	93,805	-2,500	91,305	-12,500	81,305	-12,500	81,305
Total, Core stockpile stewardship	1,109,708	80,000	1,189,708	276,905	1,386,613	50,000	1,159,708
2. Inertial fusion							
Operating expenses	195,349	-195,349	0	-195,349	0	-195,349	0
Capital equipment	7,918	-7,918	0	-7,918	0	-7,918	0
Operations & Maintenance		203,267	203,267	193,267	193,267	203,267	203,267
Construction:							
96-D-111 National ignition facility, TBD	37,400	0	37,400	0	37,400	0	37,400
Total, Inertial fusion	240,667	0	240,667	-10,000	230,667	0	240,667
3. Technology transfer/education							
Operating expenses		25000	25000		0	0	0
Technology transfer	225405	-225405	0	-225405	0	-75,405	150,000
Education	20000	-20000	0	-20000	0	-10,000	10,000
Total, Operating expenses	245405	-220405	25000	-245405	0	-85,405	160000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Capital equipment	4,000	-4,000	0	-4,000	0	-4,000	0
Total, Technology transfer/education	249,405	-224,405	25000	-249,405	0	-89,405	160,000
4. Marshall island/Dose reconstruction							
Operating expenses	6,330	-6,330	0	-6,330	0	-6,330	0
Capital equipment	470	-470	0	-470	0	-470	0
Operations and Maintenance	0	6,800	0	6,800	6800	6,800	6,800
Total, Marshall island/Dose reconstruction	6,800	0	0	0	6,800	0	6,800
Total, Stockpile stewardship	1,606,580	-144,405	1462175	17,500	1,624,080	-39,405	1,567,175
B. Stockpile management							
Operating expenses	1,762,168	-1,762,168	0	-1,762,168	0	-1,762,168	0
Capital equipment	33,290	-33,290	0	-33,290	0	-33,290	0
Subtotal	1,795,458	-1,795,458	0	-1,795,458	0	-1,795,458	0
Operations & Maintenance	0	2,028,458	2,028,458	1,911,858	1,911,858	1,911,458	1,911,458
Construction:							
Core stockpile management							
Stockpile support facilities:							
GPD-121 General plant projects, various locations	10,000	-10,000	0	0	10,000	-10,000	0
Production Base							
88-D-122 Facilities capability assurance Program (FCAP), various locations	8,660	0	8,660	0	8,660	0	8,660
96-D-126 Tritium Loading Line Modifications,							

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah River Site, South Carolina	0	12,200	12,200	12,200	12,200	12,200	12,200
Total Production Base	18,660	2,200	20,860	12,200	30,860	2,200	20,860
Environmental, safety and health							
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant	600	0	600	0	600	0	600
96-D-123 Retrofit HVAC and chillers, for ozone protection, Y-12 plant	3,100	0	3,100	0	3,100	0	3,100
95-D-122 Sanitary sewer upgrades, Y-12 plant	6,300	0	6,300	0	6,300	0	6,300
94-D-124 Hydrogen fluoride supply system, Y-12 plant	8,700	0	8,700	0	8,700	0	8,700
94-D-125 Upgrade life safety, Kansas City plant	5,500	0	5,500	0	5,500	0	5,500
94-D-127 Emergency notification system, Pantex plant	2,000	0	2,000	0	2,000	0	2,000
94-D-128 Environmental safety and health analytical laboratory, Pantex plant	4,000	0	4,000	0	4,000	0	4,000
93-D-122 Life safety upgrades, Y-12 plant	7,200	0	7,200	0	7,200	0	7,200
Total, Environmental, safety and health	37,400	0	37,400	0	37,400	0	37,400

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Safeguards and Security							
88-D-123 Security enhancement, Pantex plant	13,400	0	13,400	0	13,400	0	13,400
Nuclear Weapons Incident Response							
96-D-125 Washington measurement operations facility, Andrew Air Force Base, MD	900	0	900	0	900	0	900
Reconfiguration							
93-D-123 Non-nuclear reconfiguration various locations	41,065	0	41,065	0	41,065	0	41,065
Total, Construction	111,425	2,200	113,625	12,200	123,625	2,200	113,625
Total, Stockpile management	1,906,883	235,200	2,142,083	128,600	2,035,483	118,200	2,025,083

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
C. Program Direction							
Weapons program direction - OE	136,169	-136,169	0	-136,169	0	-136,169	0
Capital equipment	1,887	-1,887	0	-1,887	0	-1,887	0
Operations & Maintenance	0	118,000	118,000	118,000	118,000	115,000	115,000
Total, Program direction	138,056	-20,056	118,000	-20,056	118,000	-23,056	115,000
Subtotal, Weapons activities	3,651,519	70,739	3,722,258	126,044	3,777,563	55,739	3,707,258
Adjustments							
Use of prior year balances	-86,344	0	-86,344	0	-86,344	-123,400	-209,744
Streamline DOE Contractors (undistributed)	-25,000	0	-25,000	0	-25,000	-12,200	-37,200
Total, Adjustments	-111,344	0	-111,344	0	-111,344	-135,600	-246,944
TOTAL, WEAPONS ACTIVITIES	3,540,175	70,739	3,610,914	126,044	3,666,219	-79,861	3,460,314

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT							
A. Corrective Activities							
Construction:							
93-D-103 Environment, safety and health improvements, weapons R&D complex, LANL	3,406	0	3,406	0	3,406	-3,406	0
Total, Corrective activities	3,406	0	3,406	0	3,406	-3,406	0
B. Environmental Restoration							
Operating Expenses	1,575,973	0	1,575,973	-25,047	1,550,926	60,000	1,635,973
C. Waste management							
Operating expenses	2,196,766	-2,196,766	0	-2,196,766	0	-2,196,766	0
Capital equipment	91,500	-91,500	0	-91,500	0	-91,500	0
Subtotal	2,288,266	-2,288,266	0	-2,288,266	0	-2,288,266	0
Operations & Maintenance	0	2,168,994	2,168,994	2,151,266	2,151,266	2,295,994	2,295,994
Construction:							
GP-D-171 General plant projects, various locations	30,728	-30,728	0	-15,000	15,728	-30,728	0
96-D-400 Replace industrial waste piping, Kansas City Plant, Kansas City, MO	200	-200	0	0	200	-200	0
96-D-401 Comprehensive treatment & management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, CO	1,400	-1,400	0	0	1,400	-1,400	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-402 Comprehensive treatment & management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, CO	1,500	-1,500	0	0	1,500	-1,500	0
96-D-403 Tank farm service upgrades, Savannah River, S	3,315	-3,315	0	0	3,315	-3,315	0
96-D-405 T-Plant secondary containment & leak detection upgrades, Richland, WA	2,100	-2,100	0	0	2,100	-2,100	0
96-D-406 K-Basin operations program, Richland, WA	26,000	0	26,000	15,000	41,000	16,000	42,000
96-D-407 Mixed waste, low level waste treatement projects, Rocky Flats, CO	0	2,900	2,900	0	0	2,900	2,900
96-D-408 Waste Management upgrades/various locations	0	5,615	5,615	0	0	5,615	5,615
96-D-409 Advance mixed waste treatment facility, Idaho National Engineering Lab, Idaho	0	0	0	5,000	5,000	0	0
96-D-410 Specific manufacturing characterization facility assesment and upgrade, Idaho National Engineering Laboratory, Idaho	0	0	0	2,000	2,000	0	0
95-D-402 Install permanent electrical service, WIPP, New Mexico	4,314	0	4,314	0	4,314	0	4,314
95-D-405 Industrial landfill V and construction/							

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
demolition landfill VII, Y-12 Plant, Oak Ridge, TN	4,600	0	4,600	0	4,600	0	4,600
95-D-406 Road 5-01 reconstruction, area 5, NV	1,023	0	1,023	0	1,023	0	1,023
95-D-407 219-S Secondary containment upgrade, Richland, WA	0	0	0	0	0	1,000	1,000
94-D-400 High explosive wastewater treatment system, LANL	4,445	0	4,445	0	4,445	0	4,445
94-D-402 Liquid waste treatment system, NTS	282	0	282	0	282	0	282
94-D-404 Melton Valley storage tank capacity increase, ORNL	11,000	0	11,000	0	11,000	0	11,000
94-D-407 Initial tank retrieval systems, Richland, WA	9,400	0	9,400	0	9,400	2,600	12,000
94-D-411 Solid waste operation complex, Richland, WA	5,500	0	5,500	0	5,500	1,106	6,606
94-D-417 Intermediate-level and low-activity waste vaults, Savannah River, SC	2,704	0	2,704	0	2,704	-2,704	0
93-D-178 Building 374 liquid waste treatment facility, Rocky Flats Plant, CO	3,900	0	3,900	0	3,900	0	3,900
93-D-181 Radioactive liquid waste line replacement, Richland, WA	0	0	0	0	0	5,000	5,000

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-182 Replacement of cross-site transfer system, Richland, WA	19,795	0	19,795	0	19,795	0	19,795
93-D-183 Multi-function waste remediation facility, Richland, WA	31,000	0	31,000	0	31,000	-31,000	0
93-D-187 High level waste removal from filled waste tanks, Savannah River, SC	19,700	0	19,700	15,000	34,700	0	19,700
92-D-171 Mixed waste receiving and storage facility, LANL	1,105	0	1,105	0	1,105	0	1,105
92-D-188 Waste management ES&H, and compliance activities, various locations	1,100	0	1,100	0	1,100	0	1,100
90-D-172 Aging waste transfer line, Richland, WA	2,000	0	2,000	0	2,000	0	2,000
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	1,428	0	1,428	0	1,428	0	1,428
90-D-178 TSA retrieval enclosure, ID	2,606	0	2,606	0	2,606	0	2,606
89-D-173 Tank farm ventilation upgrade, Richland, WA	800	0	800	0	800	0	800
89-D-174 Replacement high level waste evaporator, Savannah River, SC	11,500	0	11,500	0	11,500	0	11,500

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	8,885	0	8,885	0	8,885	0	8,885
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	1,000	0	1,000	0	1,000	0	1,000
Total, Construction	213,330	-30,728	182,602	22,000	235,330	-38,726	174,604
Total, Waste management	2,501,596	-150,000	2,351,596	-115,000	2,386,596	-30,998	2,470,598
D. Technology development		390,510	390,510	505,510	505,510	440,510	440,510
Operating expenses	367,587	-367,587	0	-367,587	0	-367,587	0
Capital equipment	22,923	-22,923	0	-22,923	0	-22,923	0
Construction:	0	0	0	0	0	0	0
Total, Technology development	390,510	0	390,510	115,000	505,510	50,000	440,510
E. Transportation management	0	10,158	10,158	16,158	16,158	13,158	13,158
Operating expenses	15,918	-15,918	0	-15,918	0	-15,918	0
Capital equipment	240	-240	0	-240	0	-240	0
Total, Transportation management	16,158	-6,000	10,158	0	16,158	-3,000	13,158
F. Program direction							
Operating expenses	0	0	0	0	0	0	0
Capital equipment	0	0	0	0	0	0	0
Total, Program direction	0	0	0	0	0	0	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
G. Nuclear materials and facilities stabilization							
Operating expenses	1,413,987	-1,413,987	0	-1,413,987	0	-1,413,987	0
Capital equipment	53,397	-53,397	0	-53,397	0	-53,397	0
Subtotal	1,467,384	-1,467,384	0	-1,467,384	0	-1,467,384	0
Operations & Maintenance	0	1,427,108	1,427,108	1,463,384	1,463,384	1,447,108	1,447,108
Construction:							
GP-D-171 General plant projects, var. locations	34,724	-34,724	0	-20,000	14,724	-34,724	0
96-D-457 Thermal treatment system, Richland, WA	0	0	0	0	0	1,000	1,000
96-D-458 Site drainage control, Mound Plant, Miamisburg, OH	885	0	885	0	885	0	885
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	1,539	0	1,539	0	1,539	0	1,539
96-D-462 Health physics instrument laboratory, Idaho National Engineering Laboratory, ID	1,126	0	1,126	0	1,126	-1,126	0
96-D-463 Central facilities area (CFA) craft shop Idaho National Engineering Laboratory, ID	724	-724	0	0	724	-724	0
96-D-464 Electrical & utility systems upgrades, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	4,952	0	4,952	0	4,952	0	4,952
96-D-465 200 Area sanitary sewer system, Richland, W	1,800	-1,800	0	0	1,800	-1,800	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-468 Residue Elimination Project, Rocky Flats, CO	0	0	0	0	0	33,100	33,100
96-D-470 Environmental monitoring laboratory, Savannah River Site, Aiken , SC	3,500	0	3,500	0	3,500	-3,500	0
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken,SC	1,500	0	1,500	0	1,500	0	1,500
96-D-472 Plant engineering & design, Savannah River Site, Aiken, SC	4,000	-4,000	0	0	4,000	-4,000	0
96-D-474 Dry Fuel Storage Facility, INEL	0	0	0	15,000	15,000	0	0
96-D-475 High Level Waste Volume Reduction Demo (Pentaborane), INEL	0	0	0	5,000	5,000	0	0
96-D-473 Health physics site support facility, Savannah River, South Carolina	2,000	0	2,000	0	2,000	-2,000	0
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	2,900	0	2,900	0	2,900	0	2,900
95-D-156 Radio trunking system, Savannah River, SC	6,000	0	6,000	4,000	10,000	0	6,000
95-D-454 324 Facility compliance/renovation, Richland, WA	3,500	0	3,500	0	3,500	0	3,500
95-D-456 Security facilities consolidation, Idaho							

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Chemical Processing Plant, INEL, Idaho	8,382	0	8,382	0	8,382	0	8,382
94-D-122 Underground storage tanks, Rocky Flats Plant, CO	5,000	0	5,000	0	5,000	0	5,000
94-D-401 Emergency response facility, INEL, ID	5,074	0	5,074	0	5,074	0	5,074
94-D-412 300 area process sewer piping system upgrade, Richland, WA	1,000	0	1,000	0	1,000	0	1,000
94-D-415 Idaho national engineering laboratory medical facilities, INEL, ID	3,601	0	3,601	0	3,601	0	3,601
94-D-451 Infrastructure replacement, Rocky Flats Plant, CO	2,940	0	2,940	0	2,940	0	2,940
93-D-147 Domestic water system upgrade, Phase I & II, Savannah River, South Carolina	7,130	0	7,130	0	7,130	0	7,130
93-D-172 Idaho national engineering laboratory electrical upgrade, INEL, ID	124	0	124	0	124	-124	0
92-D-123 Plant fire/security alarm system replacement, Rocky Flats Plant, Golden, CO	9,560	0	9,560	0	9,560	0	9,560
92-D-125 Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, CO	7,000	0	7,000	0	7,000	0	7,000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
92-D-181 Idaho national engineering laboratory fire and life safety improvements, INEL, ID	6,883	0	6,883	0	6,883	0	6,883
91-D-127 Criticality alarm & plant annunciation utility replacement, Rocky Flats plant, Golden, CO	2,800	0	2,800	0	2,800	0	2,800
Total, Construction	128,644	-41,248	87,396	4,000	132,644	-13,898	114,746
Total, Nuclear materials and fac. stabilization	1,596,028	-81,524	1,514,504	0	1,596,028	-34,174	1,561,854
H. Compliance and program coordination							
Operating expenses	65,551	-65,551	0	-65,551	0	-65,551	0
Capital equipment	700	-700	0	-700	0	-700	0
Subtotal	66,251	-66,251	0	-66,251	0	-66,251	0
Operations & Maintenance	0	16,251	16,251	66,251	66,251	31,251	31,251
Construction:							
95-E-600 Hazardous materials training center, Richland, Washington	15,000	0	15,000	0	15,000	0	15,000
Total, Compliance and program coordination	81,251	-50,000	31,251	0	81,251	-35,000	46,251
I. Analysis, education, and risk management		77,022	77,022	80,022	80,022	78,522	78,522
Operating expenses	155,616	-155,616	0	-155,616	0	-155,616	0
Capital equipment	1,406	-1,406	0	-1,406	0	-1,406	0
						0	
Total, Analysis, education, and risk management	157,022	-80,000	77,022	-77,000	80,022	-78,500	78,522
Subtotal, Defense environment restoration & waste mgmt	6,321,944	-367,524	5,954,420	-102,047	6,219,897	-75,078	6,246,866

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	-37,000	0	-37,000	0	-37,000	0	-37,000
Use of prior year balances	-276,942	-375,000	-651,942	0	-276,942	-375,392	-652,334
TOTAL, DEFENSE ENVIRONMENTAL REST. & WASTE MG	6,008,002	-742,524	5,265,478	-102,047	5,905,955	-450,470	5,557,532
A. Other national security programs							
1. Verification and control technology							
a. Nonproliferation and verification R&D	0	163,500	163,500	226,142	226,142	224,905	224,905
Operating expenses	212,642	-212,642	0	-212,642	0	-212,642	0
Capital equipment	13,500	-13,500	0	-13,500	0	-13,500	0
Total, Nonproliferation & verification R&D	226,142	-62,642	163,500	0	226,142	-1,237	224,905
b. Arms control	0	147,364	147,364	162,364	162,364	160,965	160,965
Operating expenses	138,391	-138,391	0	-138,391	0	-138,391	0
Capital equipment	23,973	-23,973	0	-23,973	0	-23,973	0
Total, Arms Control	162,364	-15,000	147,364	0	162,364	-1,399	160,965
c. Intelligence	0	42,336	42,336	42,336	42,336	42,336	42,336
Operating expenses	40,936	-40,936	0	-40,936	0	-40,936	0
Capital equipment	1,400	-1,400	0	-1,400	0	-1,400	0
Total, Intelligence	42,336	0	42,336	0	42,336	0	42,336
Total, Verification and Control Technology	430,842	-77,642	353,200	0	430,842	-2,636	428,206
2. Nuclear safeguards and security	0	83,395	83,395	83,395	83,395	83,395	83,395
Operating expenses	86,121	-86,121	0	-86,121	0	-86,121	0
Capital equipment	3,395	-3,395	0	-3,395	0	-3,395	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Total, Nuclear Safeguards and Security	89,516	-6,121	83,395	-6,121	83,395	-6,121	83,395
3. Security investigations - OE	33,247	-8,247	25,000	-8,247	25,000	-13,247	20,000
4. Security evaluations - OE	14,707	0	14,707	0	14,707	0	14,707
5. Office of Nuclear Safety	0	15,050	15,050	15,050	15,050	17,679	17,679
Operating expenses	24,629	-24,629	0	-24,629	0	-24,629	0
Capital equipment	50	-50	0	-50	0	-50	0
Total, Office of Nuclear Safety	24,679	-9,629	15,050	-9,629	15,050	-7,000	17,679
6. Worker and community transition	100,000	-25,000	75,000	0	100,000	-17,500	82,500
7. Fissile materials control and disposition	0	70,000	70,000	70,000	70,000	70,000	70,000
Operating expenses	69,500	-69,500	0	-69,500	0	-69,500	0
Capital equipment	500	-500	0	-500	0	-500	0
Total, Fissile Materials Control and Disposition	70,000	0	70,000	0	70,000	0	70,000
8. Emergency Management	0	23,321	23,321	0	0	23,321	23,321
Total, Other National Security Programs	762,991	-103,318	659,673	-23,997	738,994	-23,183	739,808
B. Naval reactors							
1. Naval reactors development	0	659,168	659,168	659,168	659,168	652,568	652,568
a. Plant development - OE	127,000	-127,000	0	-127,000	0	-127,000	0
b. Reactor development - OE	327,851	-327,851	0	-327,851	0	-327,851	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
c. Reactor operation and evaluation - OE	135,517	-135,517	0	-135,517	0	-135,517	0
d. Capital equipment	43,000	-43,000	0	-43,000	0	-43,000	0
e. Construction:							
GPN-101 General plant projects, various locations	6,600	-6,600	0	-6,600	0	0	6,600
95-D-200 Laboratory systems and hot cell upgrades, various locations	11,300	0	11,300	0	11,300	0	11,300
95-D-201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID	4,800	0	4,800	0	4,800	0	4,800
93-D-200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY	3,900	0	3,900	0	3,900	0	3,900
90-N-102 Expended core facility dry cell project, Naval Reactor Facility, ID	3,000	0	3,000	0	3,000	0	3,000
Total, Construction	29,600	-6,600	23,000	-6,600	23,000	0	29,600
f. Program direction - OE	19,200	-19,200	0	-19,200	0	-19,200	0
Total, Naval Reactors Development	682,168	0	682,168	0	682,168	0	682,168
2. Enrichment materials - OE	0	0	0	0	0	0	0
Total, Naval Reactors	682,168	0	682,168	0	682,168	0	682,168

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	0	0	0	0	0	0	0
Use of prior year balances	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
Total, Adjustments	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
TOTAL, OTHER DEFENSE ACTIVITIES	1,432,159	-103,318	1,328,841	-23,997	1,408,162	-80,183	1,351,976
DEFENSE NUCLEAR WASTE DISPOSAL							
Defense nuclear waste disposal	198,400	0	198,400	0	198,400	50,000	248,400
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	11,178,736	-775,103	10,403,633	0	11,178,736	-560,514	10,618,222

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

Weapons Activities (sec. 3101)

The budget request included $3.540 billion for weapons activities. The House bill contained a provision (sec. 3101) that would authorize $3.599 billion for operating expenses, plant projects, and capital equipment for activities necessary to carry out the Department of Energy stockpile stewardship and stockpile management programs.

The Senate amendment contained a provision (sec. 3101) that would authorize Department of Energy weapons activity funding for fiscal year 1996 in the amount of $3.654 billion.

The conferees agree to authorize $3.460 billion for weapons activities, a reduction of $80.0 million from the requested amount. This overall net reduction is the result of a $55.7 million increase to the requested amount for all authorized weapons activities, combined with $135.6 million in adjustment reductions. The adjustment reductions are primarily based on larger amounts of prior year balances than those proposed in the Department of Energy (DOE) budget request. The $55.7 million increase in weapons activities is necessary to fund the requirements levied on the DOE as a result of the Nuclear Posture Review. The increase is required for two major reasons: to fund a modern stockpile refabrication capacity sized to the requirements of the Nuclear Posture Review and to fund a means to assure confidence in stockpile reliability and safety without full-scale, underground nuclear testing. The increase is also appropriate given the historic downward trend in funding for weapons activities (75% from fiscal year 1985 to fiscal year 1995).

The conferees remain concerned about the near-term viability of U.S. strategic deterrence, particularly if the United States refrains from remanufacturing the weapons in the nuclear stockpile with the most efficient fabrication techniques. In relation to the needs of nuclear weapons refabrication and recertification, the conferees recommend that the DOE laboratories and plants enter into appropriate industrial partnerships of mutual benefit.

The budget request included $1.016 billion for core stockpile stewardship. The conferees agree to authorize $1.078 billion for core stockpile stewardship. The conferees authorize the use of stockpile stewardship funds, as follows: (1) accelerated strategic computing initiative, $40.0 million (2) hydronuclear experiment preparation, $30.0 million; (3) dual revalidation, $10.0 million.

Of the $150.0 million authorized for a redirected technology transfer program, the conferees recommend the following amounts: (1) advanced design & production technology (ADAPT), $20.0 million; (2) AMTEX, $10.0 million; (3) enhanced stockpile surveillance, $20.0 million; (4) industrial partnerships in direct support of stockpile stewardship program, $25.0 million; (5) industrial partnerships in direct support of stockpile management program, $25.0 million; (6) completion of highest priority CRADA's that remain from fiscal year 1995, $50.0 million.

The budget request included $1.907 billion for the stockpile management program. The conferees agree to authorize $2.025 billion for the stockpile management program. The conferees authorize the following: (1) manufacturing infrastructure/technology modernization at the four production plants, $143.0 million; (2) fellowship program (four plants), $10.0 million; (3) radiological/nuclear accident response, $70.9 million; (4) tritium source, $50.0 million.

The conferees agree to authorize an additional $118.2 million for stockpile management activities. The increase is necessary to remedy weapons refabrication planning deficiencies identified at the DOE production complex. These remedies are required to begin meeting the objectives of the Nuclear Posture Review.

The conferees recommend that in following fiscal years the Department request the full amount required to meet Department of Defense and programmatic requirements for weapons activities. The conferees find that the DOE Five Year National Security Budget Plan, which assigns major, arbitrary, out-year budget cuts to weapons activities, and to other critical programs within Atomic Energy Defense Activities, does not adequately address the budget requirements necessary to implement the Nuclear Posture Review.

Environmental restoration and waste management (sec. 3102)

The budget request included $6.008 billion for environmental restoration and waste management.

The House bill contained a provision (sec. 3102) that would authorize $5.265 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $5.906 billion.

The conferees authorized $5.557 billion for defense environmental restoration and waste management activities, a reduction of $451.0 million from the request. The reduction would be partially offset by the availability of prior year funds that have not been obligated, or if obligated, have not been expended and would not be needed for the projects that were the basis for obligation.

The conferees support the recent Department of Energy strategic realignment initiatives, taken in connection with the Department's headquarters functions, to include the consolidation of space, the elimination of duplication between field and headquarters activities, and the reduction of headquarters support service contractors. The conferees direct that funding cuts, to the maximum extent possible, continue to be absorbed through reduction of headquarters personnel and activities. With limited budgets, it is critical that every available dollar be used for actual cleanup activities in the field and that the Department continue its efforts to reduce bureaucratic layers and organizational redundancies at headquarters.

The conferees understand that the Department has employed support service contractors to perform inherently governmental or core governmental functions at the headquarters level. The conferees direct the Department to discontinue that practice and to transfer savings to filed operations. The conferees recognize that in some cases it may be more cost effective to seek outside technical expertise rather than employ permanent government personnel.

the conferees authorize an additional $60.0 million above the budget request in the environmental restoration sub-account to initiate an accelerated cleanup program at sites where such action could result in long-term cost savings to the Department. The conferees intend for the Department to carefully evaluate opportunities for such savings at all Department of Energy sites. Guidelines for selection of sites that are eligible for accelerated cleanup are discussed elsewhere in this report.

The conferees are particularly concerned about the projected use of several Department of Energy facilities for additional responsibilities with respect to the processing, treatment, and interim storage of foreign and domestic source spent fuel rods. Therefore, the conferees direct, elsewhere in this statement of managers, the initiation of several projects to mitigate these effects. The conferees also direct the initiation of the preconstruction design and engineering for dry storage and advanced mixed waste treatment facilities at the Idaho National Engineering Laboratory. In this regard, the conferees agree to authorize additional funding for the spent nuclear fuels canister storage and stabilization facility at Hanford, Washington.

Prior to, and during conference, the Department submitted to the Congress several separate amendments (additions and deletions) to the list of projects included in the original budget request. Consistent with the amended budget submission, the conferees agree to provide additional funding for certain projects and to delete a number of other projects. Given the lead times associated with budget preparation, the conferees recognize that it is difficult to accurately project the status or requirements for every activity. However, the conferees encourage the Department to refrain from submitting multiple amendments to budget requests during conference.

In an effort to track carryover balances, the conferees direct the Department to submit a report to the congressional defense committees, contemporaneous with the fiscal year 1997 budget request. The report should contain the following: (1) an end of current fiscal year projection of uncosted and unobligated carryover balances; (2) target end of current fiscal year carryover balances, by program, based on a model of the minimum amount necessary for program operations and continuity; (3) a comparison of the differences between the projected and target carryover balances, by program; (4) a justification for the difference between the projected and targeted carryover balances; and (5) the amount of unjustified carryover balances, based on the calculation in (2). The conferees direct the Department to report the carryover balances within the Environmental Restoration and Waste Management Program, and those balances across all Atomic Energy Defense Activities accounts. The conferees believe that unjustified carryover balances should be applied to reduce the Department's budget request for the next fiscal year.

Other Defense Activities (sec. 3103)

The budget request included $1.432 billion for Other Defense Activities of the Department of Energy (DOE) for fiscal year 1996. The House bill contained a provision (sec. 3104) that would authorize $1.329 billion for Other Defense Activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $1.408 billion for this group of programs, a decrease of $24.0 million below the requested amount.

The conferees agree to authorize $1.352 billion for these programs.

The conferees also direct that the five-year plans for the following activities be provided, not later than January 15, 1996, to the congressional defense committees: security investigations; nuclear safeguards and security; nuclear safety; worker and community transition; fissile materials disposition; naval reactors; nonproliferation; and arms control.

Naval Reactors

The conferees urge the Naval Reactors Program to maintain the high health and safety standards that have resulted in both an unprecedented record of safe operation and have become the standard for safe nuclear power operations around the world.

The conferees also support the program's continued use of the Advanced Test Reactor (ATR). This facility is completely unique in the United States and is essential to the continuation of the advanced materials subprogram. This subprogram provides experimental data that is the basis for both present safety standards and future power plant designs.

Other National Security Programs

Nuclear Safeguards and Security

The conferees believe that the Secretary of Energy should carefully balance investment within the sub-programs of the Nuclear Safeguards and Security Program to safeguard Department of Energy nuclear weapons, nuclear materials, and facilities against theft, sabotage, and terrorist activity. Such a balanced approach should remain the highest priority of the program. The conferees authorize additional funding for declassification activities elsewhere in this statement of managers, but this should not be construed as an indication that the Congress in any way is indifferent to the protection of these DOE properties. In view of the growing severity of domestic and international terrorism, the conferees urge the DOE to take increased steps to safeguard the weapons grade material and weapons under its control.

Office of Security Investigations

As a result of recent major incidents of domestic and international terrorism, the conferees believe that the Office of Security Investigations should determine the need for more frequent reinvestigations of individuals with actual access to weapons grade material. The conferees direct that the Secretary provide the congressional defense committees with a description of the determination rendered, not later than March 30, 1996. The Secretarial submission should include the Department's recommendations and the rationale for the determination. The conferees also recommend a more detailed treatment of any new initiatives and emphases in the fiscal year 1997 budget submission.

Office of Security Evaluations

The conferees believe that the Office of Security Evaluations should reevaluate its present policies, and evaluate and develop new policies and actions, if required, to improve the effectiveness of its program. The conferees direct that the Secretary provide an explanation of the results of this reevaluation to the appropriate congressional defense committees, not later than March 30, 1996. The conferees also recommend a more detailed treatment of the results of its policies in the fiscal year 1997 budget submission.

Office of Nuclear Safety

The conferees believe that the Office of Nuclear Safety should implement the program with an overall cost/benefit analysis applied as a major consideration. That approach would ensure that available resources would be used in a fiscally responsible manner, and provide reductions in significant risks to employees. Resources should not be used to fund marginal improvements that provide minimal safety benefits. The conferees direct the Secretary to implement cost/benefit performance as a criterion for the Office of Nuclear Safety.

Workers and Community Transition

The conferees direct the Worker and Community Transition program to provide more detailed information on the effectiveness of its activities, through the end of fiscal year 1995, in the fiscal year 1997 budget request.

Fissile Materials Control and Disposition

The conferees are concerned that the Fissile Materials Control and Disposition Program does not have a wide range of technology and cost effectiveness assessments in its programmatic environmental impact statement (PEIS). Specific direction is provided in this Act to consider a variety of nuclear reactors in this regard. The committees of jurisdiction intend to explore these issues in greater depth with the Department of Energy during future congressional hearings.

Emergency Response

The conferees direct that the funds for the Office of Emergency Response, within the Office of Non-proliferation and National Security, shall be allocated within the Other Defense Programs category, not from within any other part of the Atomic Energy Defense Activities. The conferees further direct that in fiscal year 1997, and subsequent fiscal years, the funding requested for Atomic Energy Defense Activities Program Direction should be allocated separately within each of the four top level categories of that account, and not aggregated within one such category, as was done in the fiscal year 1996 budget request.

Nonproliferation and verification research and development and arms control

The budget request included $226.1 million for nonproliferation and verification research and development, and $162.3 million for arms control.

The House bill would authorize $163.5 million for nonproliferation and verification research and development, a $62.6 million reduction to the budget request; and $147.4 million for arms control, a $14.9 million reduction to the budget request.

The Senate amendment would authorize the budget request.

The conferees authorize $224.9 million for nonproliferation and verification research and development, consistent with the amended budget request from the Department of Energy, and $161.0 million for arms control.

Due to the increase in international terrorism and attempts to acquire weapons grade nuclear materials by criminal organizations, the conferees authorize $3.0 million be available from nonproliferation and verification research and development for the development of forensics capability to detect and track shipments abroad. Further, the conferees direct the Secretary of Energy to broaden involvement in this area to include the entire Department of Energy weapons complex, including the Savannah River Site, Pacific Northwest Laboratory, Idaho National Engineering Laboratory, and industry.

The conferees direct the Secretary of Energy to submit a five-year nonproliferation research and development program plan to Congress by March 30, 1996. The plan shall include a program strategy, description of the program and project objectives, deliverables, and milestones for each project within the program. The plan shall also identify the specific organization customers for each project and subprogram.

The conferees concur with recommendations in the Senate report (S. Rept. 104–112) that the Department of Energy, in coordination with the International Atomic Energy Agency (IAEA), should conduct a study on nuclear reactor safety issues in the Ukraine and report, with recommendations, to Congress on the safety issues that need to be addressed. The conferees direct that the report be broadened to include nuclear reactors in Russia. However, the conferees agree that funding to conduct a study on nuclear reactor safety study in Ukraine and Russia would more appropriately be funded in the international affairs budget and the civilian nuclear reactor portion of the energy budget and the civilian nuclear reactor portion of the energy budget, and therefore, no funds are authorized to conduct this study from nonproliferation and verification research and development or any other Atomic Energy Defense Activities account.

Defense nuclear waste disposal (sec. 3104)

The budget request included $198.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

The House bill contained a provision (sec. 3105) that would authorize $198.4 million for this purpose.

The Senate amendment contained an identical provision.

The conference agreement includes a provision that would authorize $248.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program concerned, or in excess of $1.0 million above the amount authorized for the program unless the Secretary of Energy notifies the congressional defense committees and a period of 30 days has elapsed subsequent to the receipt of notification. Should the Department demonstrate that it has improved its procedures for handling reprogramming requests, the Armed Services Committee of the Senate and the National Security Committee of the House would consider a return to a more flexible reprogramming process.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would limit the initiation of ''general plant projects'' authorized by the bill if the current estimated cost for any project exceeds $2.0 million. However, the provision would require the Secretary of Energy to provide the congressional defense committees with notification and an explanation for a general plant project cost variation that raises the cost of any project above $2.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on construction projects (sec. 3123)

The House bill contained a provision (sec. 3123) that would permit initiation and continuation of a Department of Energy construction project if the estimated cost for the project does not exceed 125 percent of the higher of: (1) the funds authorized for the project; or (2) the most recent total estimated cost presented to the Congress as justification for such project. The Secretary of Energy would submit a detailed report to the congressional defense committees for any project that exceeds such limits, and the report would be submitted within the 30 legislative days following a decision to initiate or continue such a project.

The House provision would also specify that the 125 percent limitation would not apply to any project with an estimated cost below $5.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Fund transfer authority (sec. 3124)

The Senate amendment contained a provision (sec. 3124) that would authorize the transfer of Department of Energy funds to other agencies of the government for performance of work for which the funds were

authorized and appropriated. The provision would permit another agency to merge the transferred funds with that agency's authorized and appropriated funds.

The provision would also authorize the Department to transfer funds internally among its appropriations accounts, up to a limit of five percent of the authorized amount.

The House bill contained a similar provision.

The House recedes with an amendment that would stipulate that, for any such internal transfers or reprogrammings pursuant to this section, weapons activities shall be regarded by the Department as having higher priority than environmental management activities or other defense activities.

Authority for conceptual and construction design (sec. 3125)

The House bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary has certified a conceptual design. If the cost of the conceptual design exceeds $3.0 million, the Secretary must request the amount from Congress before submitting a request for the construction project. The Secretary may carry out construction design services if their cost is less than $0.6 million. Greater costs for construction design would be required to be authorized by law.

The Senate amendment contained a similar provision.

The Senate recedes.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would permit the Secretary of Energy to utilize available funds to perform planning and design for any unauthorized Department of Energy national security program construction project based on the Secretary's determination that the design must proceed expeditiously for the protection of public health, safety, and property, or to meet the needs of the national defense.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The House bill contained a provision (sec. 3127) that would authorize amounts appropriated for management and support activities and for general plant projects to be made available for use, when necessary, in connection with all national security programs of the Department of Energy.

The Senate amendment contained a similar provision.

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

The Senate amendment contained a similar provision.

The Senate recedes.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Authority to conduct a program relating to fissile materials (sec. 3131)

The House bill contained a provision (sec. 3131) that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require notification to the Congress prior to obligation of funds.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require the Secretary to provide a semi-annual report to Congress on the obligation of funds for the preceding six month period and on the plans for obligation of those funds.

The conferees direct that each report shall include the following: a forecast of planned expenditures, broken out by major program elements and program achievements; and a description of procedures to ensure that funds are used for the purposes and activities for which they were authorized. The report shall be submitted in classified and unclassified forms.

National Ignition Facility (sec. 3132)

The House bill contained a provision (sec. 3132) that would limit the expenditure of funds appropriated for the National Ignition Facility (NIF) until the Secretary of Energy determines that the NIF does not impede U.S. nuclear non-proliferation objectives and then notifies the Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the expenditure of construction funds for the NIF until the Secretary makes the determination and notifies the Congress.

Tritium Production Program (sec. 3133)

The House bill contained a provision (sec. 3133a) that would authorize $50.0 million, for a project that would provide a long-term source of tritium, subsequent to the Secretary of Energy's completion of a record of decision on the tritium production program and the conclusion of congressional hearings.

The Senate amendment contained a provision (sec. 3131) that would authorize $50.0 million to conduct an assessment of various types of reactors and an accelerator. The provision would ensure that any new tritium production facility would be located at the Savannah River Site. It would also authorize $5.0 million from weapons activity funds for tritium target work in reactors.

The Senate recedes with an amendment that would provide for: $50.0 million to establish a program to provide a tritium production source; $5.0 million for tritium target work to be administered by the Idaho National Engineering Laboratory; a new tritium facility at the Savannah River Site; the Secretary's cost/benefit comparison between performance of the tritium production mission and the fissile materials disposition mission with a single multi-purpose reactor project and performance of these missions with two separate projects; and a long-term tritium production funding plan to Congress within 45 days of enactment of this Act.

The conferees direct the Secretary of Energy to establish both headquarters and field offices for the national tritium production program within Defense Programs. The conferees direct that these offices be adequately staffed by Federal technical experts in accelerators, reactors, and other relevant areas of science and technology. The conferees further direct that the Savannah River Operations Office be designated as the tritium production field office.

Payment of penalties assessed against Rocky Flats site (sec. 3134)

The House bill contained a provision (sec. 3103) that would authorize the Secretary of Energy to pay for civil penalties assessed in accordance with a federal facility agreement and consent order against the Rocky Flats site in Colorado.

The Senate amendment contained a similar provision (sec. 3105).

The Senate recedes.

As indicated in the Senate report (S. Rept. 104–112), the conferees are concerned about the diversion of Department of Energy funds for payment of fines and penalties. The conferees agree that this is an issue that warrants continued monitoring.

Fissile materials disposition (sec. 3135)

The budget request included $70.0 million for the fissile materials disposition program.

The Senate amendment contained a provision (sec. 3132) that would authorize $70.0 million for the storage and disposition of fissile materials that are excess to U.S. national security needs. Of this amount, $10.0 million would be available for a plutonium resource assessment.

The House bill contained a provision (sec. 3133(b)) that would authorize $70.0 million for plutonium storage and disposition, including the multipurpose advanced light water reactor. Of that amount, $5.0 million would be available for evaluating the conversion of plutonium to oxide fuel material for the multipurpose reactor. Sufficient funds would also be made available to fully assess the multipurpose reactor in the Department of Energy's (DOE's) programmatic environmental impact statement on fissile materials disposition.

The Senate recedes with an amendment.

The conferees authorize $70.0 million be made available for evaluation and implementation of interim- and long-term storage and disposition of plutonium, highly enriched uranium, and other fissile materials that are excess to the national security needs of the U.S. The conferees direct that the evaluation include full consideration of light water and gas turbine reactors. The conferees further direct that sufficient funds be made available for the complete consideration of multipurpose reactors in the DOE programmatic environmental impact statement on fissile materials disposition. The conferees endorse the views expressed in the House Report (H. Rept. 104–131) regarding the National Resource Center for Plutonium.

Tritium recycling (sec. 3136)

The Senate amendment contained a provision (sec. 3133) that would require Department of Energy weapons program tritium recycling to be carried out at the Savannah River Site. The Senate provision would allow the Los Alamos National Laboratory to conduct the following activities related to tritium: (1) research on tritium properties; (2) inertial confinement fusion tritium research; (3) technical assistance for the Savannah River Site regarding the weapons surveillance program, as directed by the Savannah River Site Office. Except as noted above, the Savannah River Site Office and its on-site contractor would be responsible for all tritium-related national security activities of the U.S. Department of Energy.

The House bill contained no similar provision.

The House recedes.

Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile (sec. 3137)

The Senate amendment included a provision (sec. 3134) that would authorize $143.0 million to carry out a program to meet the manufacturing infrastructure requirements of the President's Nuclear Posture Review through near-term modernization of technology at the four production plants cited in this section.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees require that this initiative provide for enhanced stockpile surveillance, advanced manufacturing, and core stockpile

management activities at these plants. This requirement includes fundamental initiatives in advanced manufacturing, and additional emphasis on advanced computerized manufacturing and revalidation techniques at these plants. The conferees direct the Secretary of Energy to ensure that requirements for primary pit refabrication are addressed in the on-going Programmatic Environmental Impact Statement (PEIS) on Stockpile Stewardship and Management. Should it be determined, based on the PEIS, that there is a need for such a capacity, the conferees require the Secretary to undertake a conceptual design study of an appropriately sized weapon primary pit refabrication, manufacturing and reuse facility and to consider the Savannah River Site for that role. Up to $5.0 million would be available for this study from the stockpile management program resources.

The conferees direct the Secretary to treat this initiative as a high weapons activity program priority with new budget authority. Further, the conferees authorize $118.2 million above the DOE Stockpile Management budget request to pursue this initiative in fiscal year 1996 at the four production plants, without an impact on the current planned program activities at these plants. The conferees further direct that the remaining $24.8 million required for this initiative be made available from core stockpile management, reconfiguration and materials surveillance funds. The conferees recommend that the rate of expenditure for this initiative at each plant be proportionate to the plant's allocation of the entire initiative.

Hydronuclear experiments (sec. 3138)

The Senate amendment contained a provision (sec. 3135) that would authorize $50.0 million in fiscal year 1996 to prepare the Nevada Test Site for hydronuclear experiments that would yield four pounds (TNT equivalent) or less. The experiments would be conducted to maintain confidence in the safety and reliability of the nuclear weapons stockpile. Zero yield experiments could be included in the fiscal year 1996 experiments as part of the test site preparation.

The House bill contained no similar provision.

The House recedes with an amendment providing $30.0 million for such purposes.

Limitation on authority to conduct hydronculear tests (sec. 3139)

The Senate amendment contained a provision (sec. 3108) that would limit this Act by confirming that nothing in this Act authorizes hydronuclear tests and that nothing in this Act amends or repeals the Exon-Hatfield Amendment (section 507 of Public Law 102–377) which places limitations on U.S. nuclear testing.

The House bill contained no similar provision.

The House recedes with an amendment.

Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex (sec. 3140)

The Senate amendment contained a provision (sec. 3136) that would provide $10.0 million from Stockpile Management funds to begin a science and engineering fellowship program for the Pantex Plant, the Kansas City Plant, the Savannah River Site and the Y–12 Plant. The program would provide educational and research assistance to attract scientists and engineers with the skills most relevant to plant employment opportunities and mission requirements.

The House bill contained no similar provision.

The House recedes.

Limitation on use of funds for certain research and development purposes (sec. 3141)

The Senate amendment contained a provision (sec. 3138) that would limit the obligation of fiscal year 1996 Atomic Energy Defense Activity funds for the Department of Energy laboratory directed research and development (LDRD) program and the Department of Energy technology transfer programs, unless such activities support the national security missions of the Department.

The House bill contained no similar provision.

The House recedes.

The conferees believe the scientific and engineering challenges embodied in the emerging stockpile stewardship and stockpile management programs are more than sufficient to maintain the laboratories' preeminence in science and engineering. Therefore, the laboratories should expeditiously begin to focus the program resources on the pressing needs of the nuclear weapons program.

Processing and treatment of high level nuclear waste and spent nuclear fuel rods (sec. 3142)

The Senate amendment contained a provision (sec. 3139) that would recommend $2.5 million for the electrometallurgical processing activities at the Idaho National Engineering Laboratory. This amendment would also recommend $45.0 million to develop technologies for the processing of spent fuel rods at the Savannah River Site and at the Idaho National Engineering Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $45.0 million for the development of a program to respond effectively to the new management requirements for spent fuel. These new requirements are the result of a decision set forth in the Department of Energy's Record of Decision, dated May 30, 1995, prepared in relation to the Department's spent nuclear fuel management program. That decision provided for the consolidation at the Savannah River Site and at the Idaho National Engineering Laboratory of spent nuclear fuel that has been transported from various sites in the United States, spent fuel from naval reactors, and spent fuel from foreign reactors. The conferees authorize $30.0 million for the Savannah River Site for the development of a program for the processing and interim storage of aluminum clad spent fuel rods and foreign spent fuel rods. The conferees authorize $15.0 million for the Idaho National Engineering Laboratory for a similar program for nonaluminum clad spent fuel rods, foreign spent fuel rods, and naval spent fuel. The conferees require the Secretary of Energy to submit to Congress a detailed five-year implementation plan that would provide cost estimates, completion dates, and technological requirements for completion of the program.

The conferees also authorize, from technology development program funds within Environmental Restoration and Waste Management, $25.0 million for the development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

Protection of workers at nuclear weapons facilities (sec. 3143)

The Senate amendment contained a provision (sec. 3142) that would authorize $10.0 million from the operations and maintenance resources of the Environmental Restoration and Waste Management Program to carry out activities related to worker protection at nuclear weapons facilities.

The House bill contained no similar provision.

The House recedes.

Department of Energy declassification productivity initiative (sec. 3144)

The budget request did not identify funding for the Declassification Productivity Initiative that began in fiscal year 1995.

The Senate amendment contained a provision (sec. 3140) that would authorize $3.0 million from other national security programs for the Declassification Productivity Initiative (DPI) at the Department of Energy.

The House bill contained no similar provision.

The House recedes.

The conferees note that Executive Order 12958, signed by the President on April 9, 1995, mandates that millions of classified documents be declassified by the year 2000. While it remains paramount that the Department maintain the integrity of its national security information, the conferees agree that substantial savings can be realized by reducing the volumes of unduly classified documents, and by modifying unnecessary and overly-burdensome classification policies. The conferees authorize $3.0 million for the DPI and recommend that the Department request appropriate funding for the initiative in future budget submissions.

Subtitle D—Other Matters

Report on foreign tritium purchases (sec. 3151)

The House bill contained a provision (sec. 3141) that would require the President to submit a report to Congress by February, 1996, on the feasibility, cost, and ramifications of purchasing tritium for the nuclear weapons program from foreign suppliers.

The Senate amendment contained a similar provision (sec. 3163) that would require the President to submit the same report to the congressional defense committees by May 30, 1997.

The Senate recedes with an amendment that would require the report by May 1, 1996.

Study on nuclear test readiness postures (sec. 3152)

The House bill contained a provision (sec. 3142) that would require the Secretary of Energy to submit a report to Congress by February 15, 1996. The report would address cost and other issues related to the Department of Energy's capability to conduct underground nuclear testing within 6 months, 18 months, and 36 months from the date that the President determines that such testing is necessary to ensure the national security of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Master plan for the certification, stewardship, and management of warheads in the nuclear weapons stockpile (sec. 3153)

The House bill contained a provision (sec. 3143) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to submit a plan to Congress that would describe in detail the proposed means of demonstrating the capability to refabricate and certify old warheads and to design and build new warheads. The provision would require submission of the report not later than March 15, 1996.

The Senate amendment contained a provision (sec. 3165) that would require the Secretary of Energy to produce, by March 15, 1996, and every year thereafter, a plan for maintaining the enduring nuclear weapons stockpile. That plan would involve at least six specific elements, to include a plan for the manufacturing infrastructure, necessary to maintain the nuclear weapons stockpile stewardship and management programs.

The House recedes with an amendment that would explicitly incorporate the requirements of the House provision into the manufacturing infrastructure requirements section of the Senate provision. Both sets of requirements are based on the Department of Energy infrastructure requirements section of the Nuclear Posture Review.

Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified (sec. 3154)

The House bill included a provision (sec. 3144) that would prohibit international inspections of Department of Energy facilities unless the Secretary of Energy certifies that sensitive and/or restricted data has been adequately safeguarded.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would prohibit an inspection of a nuclear weapons facility by the International Atomic Energy Agency (IAEA) until the Secretary of Energy certifies to Congress that no restricted data would be revealed during the inspection.

The conferees direct the Secretary to ensure that the certification to Congress is made prior to the inspection. If the Secretary of Energy cannot provide certification in advance of an inspection because of a short-notice (24-hour) request, the Secretary shall provide certification no later than seven days after the inspection has been conducted. The certification shall also describe the steps taken by the Secretary to ensure the protection of the restricted data during the inspection.

Review of certain documents before declassification and release (sec. 3155)

The conference agreement includes this provision to strongly urge the President to immediately review and revise Executive Order 12958, which provides for the automatic declassification and public release of documents containing National Security Information within five years, regardless of prior review. Included under this order are Department of Energy documents that potentially contain restricted data on nuclear weapons design, production and testing, and Department of Defense documents that potentially contain information on nuclear weapons operations and support. Automatic declassification thereby creates the risk of releasing nuclear weapons information to potential proliferators. This would constitute a grave risk to U.S. national security and to non-proliferation efforts.

The conferees believe that the automatic declassification of national security records that contain restricted data would constitute a violation of the legal protections for restricted data, mandated by the Atomic Energy Act of 1954, as amended. The conferees recognize that the Executive Order provides an exemption for the automatic declassification of restricted data. However, the conferees are concerned that some classified documents may contain restricted data information without reflecting that fact on the classification records. Therefore, there is no practical means to ensure the protection of restricted data and apply an automatic declassification system.

Acclerated schedule for environmental management activities (sec. 3156)

The House bill contained a provision (sec. 3145) that would permit the Secretary of Energy to accelerate the schedule for environmental management activities and projects for any specific Department of Energy defense nuclear facility site, if such efforts would yield substantial long-term cost savings and speed up the release of land for development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The amended provision would require the Secretary of Energy to submit a report to Congress by May 1, 1996 regarding site selection for the accelerated program.

Sense of Congress on certain environmental restoration requirements (sec. 3157)

The Senate amendment contained a provision (sec. 3107) that would express the sense of Congress that individuals in the executive branch should not be held personally liable for failure to comply with an environmental cleanup requirement when the failure to comply is due to congressional appropriations decisions.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that no individual acting within the scope of employment with a Federal agency or department should be personally subject to civil or criminal sanctions for any failure to comply with an environmental cleanup requirement that is the result of inadequate funding.

Responsibility for defense programs emergency response program (sec. 3158)

The Senate amendment contained a provision (sec. 3161) that would require the Assistant Secretary of Energy for Defense Programs to retain the responsibility for the Defense Programs Radiological/Nuclear Accident Response Program. That program includes the seven emergency response assets needed to carry out the mission: the Aerial Measuring System; the Atmospheric Release Advisory Capability; the Accident Response Group; the Federal Radiological Monitoring and Assessment Center; the Nuclear Emergency Search Team; the Radiological Assistance Program; and the Radiation Emergency Assistance Center/Training Site.

The House bill contained no similar provision.

The House recedes.

Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996 (sec. 3159)

The Senate amendment contained a provision (sec. 3162) that would require the Department of Energy (DOE) to remedy past and present items of congressional criticism related to the clarity of the Department's budget submission. The Senate provision would require the Department to explicitly relate its budget submission to the requirements of the Nuclear Posture Review.

The House bill contained no similar provision.

The House recedes.

Report on hydronuclear testing (sec. 3160)

The Senate amendment contained a provision (sec. 3164) that would require the Secretary of Energy to direct the Los Alamos and Lawrence Livermore National Laboratories to prepare a report that would assess the advantages and disadvantages of permitting alternative limits for nuclear test yields, from at least four pounds to 20 tons, as related to the safety and reliability of the nuclear weapons stockpile. In addition to the yields explicitly cited, the report would address other yields, as appropriate, but would remain focused on the advantages and disadvantages of sub-kiloton testing, as related to stockpile safety and reliability.

The House bill contained no similar provision.

The House recedes with an amendment that adjusts the nuclear test yields of interest.

Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico (sec. 3161)

The Senate amendment contained a provision (sec. 3166) that would amend and specify certain requirements of the Atomic Energy Community Act of 1955 for the community of Los Alamos, New Mexico.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding shipments of spent nuclear fuel (sec. 3162)

THe Senate amendment contained a provision (sec. 3167) that would express a sense of the Senate that the Secretary of Defense, the Secretary of Energy, and the Governor of the State of Idaho should continue good faith negotiations for the purpose of reaching an agreement on the issue of shipments of spent nuclear fuel from naval reactors.

The House bill included no similar provision.

The House recedes with an amendment that would express the sense of Congress that: (1) the Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement reached between the United States and the State of Idaho regarding shipment, examination, and storage of naval spent nuclear fuel at Idaho; and (2) that funds requested by the President to carry out the settlement agreement and consent order should be appropriated for that purpose.

LEGISLATIVE PROVISIONS NOT ADOPTED

Education program for personnel critical to the nuclear weapons complex

The Senate amendment contained a provision (sec. 3137) that would authorize $10.0 million from the Stockpile Stewardship Program to conduct an education program designed to establish a long-term supply of personnel with skills critical to the nuclear weapons complex. The program would: (1) encourage and assist students in the study of science, mathematics, and engineering; (2) enhance teaching skills in critical areas; and (3) increase scientific understanding of the general public.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize $10.0 million from the Stockpile Stewardship Program. The conferees note that because existing legislation authorizes such activities, up to $10.0 million would be authorized for this purpose, without a separate authorization provision.

Authority to reprogram funds for disposition of certain spent nuclear fuel

The Senate amendment contained a provision (sec. 3141) that would authorize the Secretary of Energy to reprogram up to $5.0 million in fiscal year 1996 funds available to the Department for the disposition of spent nuclear fuel in the Democratic People's Republic of Korea (DPRK), in order to meet International Atomic Energy Agency (IAEA) safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK.

The House bill did not contain a similar provision.

The Senate recedes.

In order to meet International Atomic Energy Agency safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK, the conferees recommend $3.6 million for the disposition of spent nuclear fuel. In authorizing these funds, the conferees make no judgment regarding the merits of the October 1994 agreement.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $17.0 million for the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

the conferees recommend $17.0 million for the Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Disposals and Use of Funds

Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic (sec. 3303)

The House bill contained a provision (sec. 3302) that would require the granting of right of first refusal to domestic ferroalloy upgraders, for certain disposals.

The Senate amendment contained a similar provision (sec. 3403).

The House recedes with a technical amendment regarding the definition of a domestic ferroalloy upgrader.

Restrictions on disposal of manganese ferro (sec. 3304)

The House bill contained a provision (sec. 3303) that would require that certain grade manganese ferro not be disposed of from the National Defense Stockpile until the disposal of lower grade inventory material had been completed. The provision would also require that certain grade manganese ferro only be sold for remelting in a submerged arc ferromanganese furnace.

The Senate amendment contained a similar provision (sec. 3404) that would require certain grade manganese ferro to be sold only for remelting by a domestic ferroalloy producer.

The House recedes.

Titanium initiative to support battle tank upgrade program (sec. 3305)

The House bill contained a provision (sec. 3304) that would direct the transfer of titanium sponge from the National Defense Stockpile to the Army for use in the weight reduction portion of the main battle tank upgrade program. The transfer would be without cost to the Army, except for transportation and similar costs.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Programmatic Change

Transfer of excess defense-related materials to stockpile for disposal (sec. 3311)

The Senate amendment contained a provision (sec. 3405) that would direct the transfer of suitable, uncontaminated Department of Energy inventory items to the National Defense Stockpile for disposal.

The House bill contains no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile

The Senate amendment contained a provision (sec. 3402) that would authorize the disposal of materials from the National Defense Stockpile.

The House bill contained no similar provision.

The Senate recedes.

The defense committees and the conferees have recommended that new disposal authority be granted in the reconciliation process, rather than authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Administration of Naval Petroleum Reserves

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize fiscal year 1996 appropriations for the operation of the Naval Petroleum Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

Price requirement on sale of certain petroleum during fiscal year 1996 (sec. 3402)

The House bill contained a provision (sec. 3402) that would require that the sale of any oil produced at the Naval Petroleum Reserves be transacted for a price that is not less than 90 percent of the sales price of comparable petroleum from the same area, as estimated by the Secretary of Energy.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Sale of Naval Petroleum Reserve'

Future of Naval Petroleum and Oil Shale Reserves (secs. 3411–3416)

The House bill contained a provision (sec. 3403) that would provide for the sale of the Naval Petroleum Reserve Numbered 1 (NPR–1), also known as Elk Hills located in Kern County, California. The House bill also contained a provision (sec. 3404) that would require the Secretary of Energy to conduct a study to determine what should be done with the other five remaining reserves in the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained similar provisions (secs. 3301 and 3302).

The conference agreement includes several provisions related to the future of the Naval Petroleum and Oil Shale Reserves that would provide for the sale of NPR–1 by competitive bid within one year of enactment. The agreement would also require the Secretary of Energy to submit a report that would recommend a course of action that would maximize the value of the five remaining reserves to the federal government.

The conferees believe that the sale of NPR–1 can be justified based on the fact that there is no longer a military need for these reserves. Since the Arab oil embargo, the likelihood of a sustained interruption in supply has fallen and the market has shown itself to be responsive in pricing and allocating oil during periods of uncertain supply.

In addition, the conferees are concerned about the long-term implications of government participation in what has become a commercial oil business. The conferees believe that producing and selling oil and natural gas should be performed within the private sector. That belief is shared by the administration which also proposed the sale of the reserve.

The sale of NPR–1 will help save the federal government over a billion dollars in operating costs and several hundred million dollars in interest payments. These savings are in addition to the increased tax revenues and the $1.5 to $2.5 billion in receipts that will result from the sale. Even after deducting the lost annual revenues resulting from the sale, these savings and receipts will result in a substantial net increase to the Treasury.

The conference agreement contains a number of safeguards so that the sale of NPR–1 will ensure the government realizes the maximum amount of revenues possible. The provisions would require the Secretary of Energy to obtain credible appraisals of the value of the reserve before setting a minimum acceptable sales price. In addition, the valuation must include all existing infrastructure, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive if the reserve was not sold. The Secretary could not accept bids lower than the minimum acceptable price and could not enter into contracts for sale until the end of a 31-day period following notification to Congress. The proceeds from the sale would be deposited in the Treasury.

In addition, if the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that the sale of NPR–1 is proceeding in a manner that is inconsistent with the best interests of the United States, the Secretary may suspend the sale. The Secretary must then wait for further legislation authorizing the continuation of the sale. The conferees believe the Secretary should suspend the sale only after all efforts have been made to ameliorate any difficulties in the sale of the reserve.

In the event the Secretary is not able to comply with the deadlines included in these provisions, the Secretary and the Director of the OMB would be required to notify Congress and submit a plan of alternative action.

The conference agreement provides for the transfer of a current environmental permit (50 CFR 13.25) in order to allow the purchaser to continue the operation of the field with all the environmental safeguards provided by the federal government. In addition, the conferees expect that this will ensure that the value of the field will not be diminished by the uncertain timing of obtaining a new permit.

In response to a potential legal claim by the State of California, on behalf of the California State Teachers Retirement Fund, the provisions would set aside nine percent of the net proceeds in a contingent fund. These funds would be available, subject to appropriations, for the payment of any valid claims resulting from a settlement between the Secretary of Energy and the State of California or a judgement by a court of competent jurisdiction. The conferees expect that California's release of its claim would be contingent upon an appropriation of funds per any settlement agreement or court decision.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Panama Canal Commission (Title XXXV)

The House call contained several provisions (secs. 3501–3503) that would provide the authorization of expenditures for the Panama Canal Commission revolving fund.

The Senate amendment contained similar provisions (secs. 3501–3502).

The Panama Canal Commission does not draw from U.S. taxpayer funds for operation of the Canal, but operates on a self-sustaining basis, utilizing tolls and other revenues to cover its operating, administrative, and capital improvements expenses. The Senate amendment would provide for slightly greater allowances for official representation expenses than the House bill. The Senate amendment would also limit the cost of vehicles purchased for use by the Commission. The House bill contained a requirement that the vehicles be built in the United States.

The House recedes on these items. However, the conferees note that the Commission has in the past purchased vehicles built in the United States and would encourage that practice to continue.

The House bill included additional provisions (secs. 3521–3531), not in the Senate amendment, that would facilitate the transition and the operation of the Canal as an autonomous entity after it is transferred to Panama at the end of 1999. Section 3522 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) required that the President review and report on possible changes that would ease the transition process. The legislative provisions

contained in sections 3521–3531 of the House bill would implement, with only minor clarifying changes, the administration's recommendations contained in the report transmitted to the Congress on April 12, 1994.

The Senate recedes with an amendment that would delete section 3524 of the House bill entitled ''International Advisors''.

The conferees agree that the Canal's governing board of supervisors can consult with and obtain expert advice from those in the international shipping and financial community without the necessity of a legislative provision.

DIVISION D—FEDERAL ACQUISITION REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

Acquisition reform provisions with government-wide application were included in title VIII of the House bill. Subsequently, the House passed H.R. 1670, a freestanding bill which addressed many of the same, as well as, other issues. The Senate amendment contained a number of acquisition policy provisions. The conferees considered all of these provisions before agreeing to include the following legislation in the conference agreement. The following is a section-by-section description of the provisions adopted by the conferees.

TITLE XLI—COMPETITION

Efficient competition (sec. 4101)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41. United States Code. The provision would direct that the Federal Acquisition Regulation ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the government's requirements. This provision makes no change to the requirement for full and open competition or to the definition of full and open competition.

Efficient approval procedures (sec. 4102)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41, United States Code, by raising the dollar thresholds for contracts that require the approval of the use of other than competitive procedures by higher level agency officials.

Efficient competitive range determinations (sec. 4103)

The conference agreement includes a provision that would allow a contracting officer, in procurements involving competitive negotiations, to limit the number of proposals in the competitive range to the greatest number that would permit an efficient competition among the most highly rated competitors. The conferees intend that the determination of the competitive range be made after the initial evaluation of the proposals, on the basis of the rating of those proposals. The rating shall be made on the basis of price, quality and other factors specified in the solicitation for the evaluation of the proposals.

Preaward debriefings (sec. 4104)

The conference agreement includes a provision that would require that, prior to a contract award, a contracting officer provide a debriefing to any interested offerors on the reasons for that offeror's exclusion from the competitive range in a competitive negotiation. The provision would specify information that must be provided to an unsuccessful offeror upon written request for a debriefing, as well as limitations on the types of information that may be provided. The provision also would require the Federal Acquisition Regulation to include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest.

Design-build selection procedures (sec. 4105)

The conference agreement includes a provision that would authorize the use of two-phase selection procedures for entering into contracts for the design and construction of a public building, facility, or work. The provision details the considerations that would be used by a contracting officer to determine whether to use two-phase selection procedures and describes the process to be followed under the two-phase selection procedure. The provision would also limit the number of proposals to be considered in the second phase to no more than five, unless the agency determines that a greater number is in the government's interest. This provision is not intended to modify the Brooks Architect-Engineers Act.

TITLE XLII—COMMERCIAL ITEMS

Commercial item exception to requirement for cost or pricing data (sec. 4201)

The conference agreement includes a provision that would amend section 2306a of title 10 and section 254b of title 41, United States Code, to exempt suppliers of commercial items under contracts and subcontracts with federal agencies from the requirement to submit certified cost and pricing data. The provision would include the requirement that, in the cases of such contracts or subcontracts, contracting officers shall require the submission of data other than certified cost or pricing data to the extent necessary to determine price reasonableness. In recognition of the authority of the General Accounting Office to audit contractor records, the conferees have removed the specific audit authorities in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that relate to information supplied by commercial suppliers in lieu of certified cost and pricing data.

Application of simplified procedures to certain commercial items (sec. 4202)

The conference agreement includes a provision that would allow the use of simplified procedures for the acquisition of commercial items with a purchase value of $5.0 million or less when a contracting officer reasonably expects that offers in response to a solicitation would only include commercial items. The provision would specify that implementing regulations provide that all responsible offerors in procurements conducted under this authority be permitted to submit a bid, proposal, or quotation that shall be considered by the agency. The conferees intend that the flexible notice provision be implemented in a manner that would provide offerors with a reasonable opportunity to respond. The provision would also prohibit sole source procurement unless the need is justified in writing in accordance with section 2304 of title 10 or section 253 of title 41, United States Code. The authority for the use of simplified procedures under this section would expire at the end of the three-year period, beginning on the date of the issuance of the final implementing regulations.

Inapplicability of certain procurement laws to commercially available off-the-shelf items (sec. 4203)

The conference agreement includes a provision that would require that the Federal Acquisition Regulation include a list of provisions that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. The list would be required to include each provision of law that, in the opinion of the Administrator of the Office of Federal Procurement Policy, imposes on persons who have been awarded contracts by the federal government for the procurement of commercially available off-the-shelf products government-unique policies, procedures, requirements, or restrictions for the procurement of property or services unless the Administrator determines that to do so would not be in the best interest of the United States. The list would include provisions of law uniquely applicable to government contractors, but would not include generally applicable provisions of law. The provision would specifically preclude several categories of statutes from being included on the list, such as any provision of law that provides for civil or criminal penalties. The provision would define commercially available off-the-shelf items as commercial items that are sold in substantial quantities to the general public and that are offered to the federal government in the same form in which they have been sold to the general public. The provision would specifically exclude from that definition bulk cargo such as agricultural products and petroleum products.

Amendment to commercial items definition (sec. 4204)

The conference agreement includes a provision that would make a clarifying amendment to the definition of ''commercial services'' in section 403(12)(F) of title 41, United States Code. For the purpose of this section, market prices are current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated from sources independent of the offeror.

Inapplicability of cost accounting standards to contracts and subcontracts for commercial items (sec. 4205)

The conference agreement includes a provision that would exempt contracts and subcontracts for commercial items from the application of the cost accounting standards promulgated under section 422 of title 41, United States Code. The Cost Accounting Standards Board, in consultation with the Director of the Defense Contract Audit Agency, shall establish guidance, consistent with commercial accounting systems and practices, to ensure that contractors appropriately assign costs to contracts (other than firm, fixed-price contracts) that are covered by the exemption for contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public. The conferees direct that the Board issue standards to implement this provision.

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Substitle A-Additional Acquisition Reform Provisions

Elimination of certain certification requirements (sec. 4301)

The conference agreement includes a provision that would eliminate a number of statutory certification requirements for contractors and subcontractors with the federal government. The conferees note that the underlying requirement to comply with the specified statutes is not affected by the elimination of the contractor or subcontractor certification requirements. The conferees have included a general requirement that the Administrator of the Office of Federal Procurement Policy (OFPP) amend the Federal Acquisition Regulation to remove regulation-based certification requirements after a suitable period for public notice and comment. The provision would mandate the heads of executive agencies to follow a similar process. The provision also includes a

prohibition on the imposition of future contractor and subcontractor certification requirements, unless such certification is imposed by statute or is justified in writing and approved by the Federal Acquisition Regulatory Council and the Administrator of OFPP.

Authorities conditioned on Federal Acquisition Computer Network (FACNET) capability (sec.4302)

The conference agreement includes a provision that would amend section 5061 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–484) to allow a test of alternative procurement procedures. The amendment would remove a requirement that the test of alternative procurement procedures be contingent on the implementation of full federal acquisition computer network (FACNET) electronic commerce procedures. The Provision would also amend subsection (e) of section 427 of title 41, United States Code, to limit the linkage between full FACNET implementation and federal agency use of simplified acquisition procedures to a requirement that an agency must deploy a full FACNET capability by December 31, 1999 or revert back to a threshold of $50,000 on the value of procurements below which simplified procedures are authorized.

International competitiveness (sec. 4303)

The conference agreement includes a provision that would amend section 21(e)(2) of the Arms Export Control Act to allow the President to waive recoupment charges for non-recurring research and development costs on foreign military sales of major defense equipment under certain conditions. The provision would authorize the presidential waiver if it is determined that the levy of charges would likely result in the loss of a sale or the elimination of charges would result in savings to the government in the form of lower per unit costs for a particular item of equipment. Under this provision, the President would also be authorized to waive any portion of a recoupment charge attributable to a correction in an earlier estimate of a production quantity base used to calculate the pro rata recoupment charges for a particular item. The provision includes language that would render the use of the waiver subject to the President's identification and Congressional appropriation of an offset for any revenue lost as a result of the waiver authority, from fiscal year 1997 through fiscal year 2005.

Procurement integrity (sec. 4304)

The conference agreement includes a provision that would amend section 423 of title 41, United States Code, to revise the restrictions on obtaining or disclosing contractor bid or proposal information or source selection information. The provision would prohibit, except as provided by law, present or former federal employees from knowingly obtaining or disclosing such information before the award of a contract to which information relates. This provision would authorize criminal penalties for a violation of such prohibition when such information is exchanged for something of value or for the purpose of allowing anyone to obtain a competitive advantage in the award of a federal contract. The provision would authorize civil and administrative penalties for such violations as well.

The provision would also replace the current agency-specific recusal and post-employment restrictions applicable to agency employees involved in certain specified procurement actions with uniform standards applicable to all federal agencies. The post-employment restrictions would apply to designated officials involved in procurements over $10.0 million for a one-year period.

The recusal requirements apply to employees who are participating personally and substantially in a procurement. These requirements cover employees who participate personally and substantially in one or more of the following activities: the drafting of a specification developed for that procurement; the review and approval of a specification developed for that procurement; the preparation or issuance of a procurement solicitation in that procurement; the evaluation of bids or proposals for that procurement; the selection of sources for that procurement; the conduct of negotiations in the procurement; the review and approval of the award, modification, or extension of a contract in that procurement; such other specific procurement actions as may be specified in implementing regulations.

The provision also would provide civil and administrative penalties for contractors as well as for agency employees who violate the recusal requirements or the post-employment restrictions.

Further acquisition streamlining provisions (sec. 4305)

The conference agreement includes a provision that would consolidate a number of provisions in the Office of Federal Procurement Policy Act concerning findings, policies, and purposes. The provision would also repeal the reporting requirements in section 8 of the Act as well as make clarifying changes to section 11 of the Act regarding the permanent authorization of appropriations for the Office of Federal Procurement Policy.

Value engineering for federal agencies (sec. 4306)

The conference agreement includes a provision that would amend the Office of Federal Procurement Policy Act by adding a new section that would require federal agencies to establish and maintain cost-effective value engineering procedures and processes.

Acquisition workforce (sec. 4307)

The conference agreement includes a provision that would establish a series of policies and procedures for the management of the acquisition workforce in executive agencies other than the Department of Defense. The provision would require the head of each executive agency, after consultation with the Administrator of the Office of Federal Procurement Policy, to establish procedures and policies for the accession, educating, training, and career development and performance incentives for the acquisition workforce of the agency. The provision would place primary management authority for the acquisition workforce under the control of the senior procurement executive of each agency. The provision would establish statutory standards for the executive agencies in areas such as career development and worker qualification requirements. The provision would also require each agency to establish separate funding levels for acquisition workforce education and training, and would authorize tuition reimbursement programs for personnel serving in acquisition positions.

Demonstration projects relating to certain personnel management policies and procedures (sec. 4308)

The conference agreement includes a provision that would encourage the Secretary of Defense to embark on a demonstration program, or programs, to test the feasibility and desirability of proposals to improve personnel management policies or procedures for the Department of Defense acquisition workforce. The provision would modify authority under section 4703 of title 5, United States Code, with respect to a demonstration project carried out under this section for the three-year period, beginning on the date of enactment of this Act.

Cooperative purchasing (sec. 4309)

The conference agreement includes a provision that would suspend the authority the Administrator of General Services under section 481(b)(2) of title 40, United States Code, to allow state and local governments to use the federal supply schedules. The provision would suspend the authority until the later of the period ending 18 months after the date of enactment of this Act or the period ending 30 days after the date after the Administrator has reviewed a General Accounting Office report that assesses the effects of state and local governments use of the federal supply schedules and has submitted the report and comments on the report to Congress. The conferees direct that the General Accounting Office include an assessment of the impact on costs to federal agencies from the use of federal supply schedules by state and local governments.

Procurement notice technical amendment (sec. 4310)

The conference agreement includes a provision that would make a clarifying amendment to section 18(c)(1)(E) to the Office of Federal Procurement Policy Act.

Micro-purchases without competitive quotations (sec. 4311)

The conference agreement includes a provision that would amend section 428 of title 41, United States Code, to provide greater flexibility to executive agencies in determining who may make purchases below $2,500 without being required to receive competitive quotations.

Subtitle B—Technical Amendments

Amendments related to Federal Acquisition Streamlining Act of 1994 (sec. 4321)

The conference agreement includes a provision that would make a series of technical and clarifying changes to the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

Miscellaneous amendments to federal acquisition laws (sec. 4322)

The conference agreement includes a provision that would make a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

Effective date and applicability (sec. 4401)

The conference agreement includes a provision that would provide that amendments made by this division would take effect on the date of enactment except as otherwise provided. The provision would provide that amendments made by this division apply to solicitations issued, unsolicited proposals received, any contract entered into pursuant to such a solicitation or proposal, and ongoing contracting actions, on or after the date 30 days after final implementing regulations are published but no later than January 1, 1997.

Implementing regulations (sec. 4402)

The conference agreement includes a provision that would establish a regulatory implementation schedule for the amendments within this division.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

The Senate amendment contained provisions with government-wide acquisition and management issues related to information technology. The House bill also contained

provisions relating to bid protest jurisdictions. The conferees considered all of these provisions before agreeing to include Division E in the conference agreement.

The conferees agree that:

(1) federal information systems are critical to the lives of every American;

(2) the efficiency and effectiveness of the federal government is dependent upon the effective use of information;

(3) the federal government annually spends billions of dollars operating obsolete information systems;

(4) the use of obsolete information systems severely limits the quality of the services that the federal government provides, the efficiency of federal government operations, and the capabilities of the federal government to account for how taxpayer dollars are spent;

(5) the failure to modernize federal government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered;

(6) despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement;

(7) poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of $200,000,000,000 on information systems during the decade preceding the enactment of this Act;

(8) the federal government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations;

(9) many federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions;

(10) federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the federal government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry;

(11) buying, leasing, or developing information systems should be a top priority for federal agency management because of the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public; and,

(12) structural changes in the federal government, including elimination of the Brooks Act (section 111 of the Federal Property and Administrative Services Act of 1949, as amended), are necessary in order to improve federal information management and to facilitate federal government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of federal government operations.

The conferees agree that action is necessary on the part of Congress in order to:

(1) create incentives for the federal government to strategically use information technology in order to achieve efficient and effective operations of the federal government, and to provide cost effective and efficient delivery of federal government services to the taxpayers;

(2) provide for the cost effective and timely acquisition, management, and use of effective information technology solutions;

(3) transform the process-oriented procurement system of the federal government, as it relates to the acquisition of information technology, into a results-oriented procurement system;

(4) increase the responsibility and authority of officials of the Office of Management and Budget and other federal government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions;

(5) ensure that federal government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector;

(6) promote the development and operation of multiple-agency and government-wide, inter-operable, shared information resources to support the performance of federal government missions;

(7) reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, federal government information systems;

(8) increase the capability of the federal government to restructure and improve processes before applying information technology;

(9) increase the emphasis placed by federal agency managers on completing effective capital planning and process improvement before applying information technology to the executing of plans and the performance of agency missions;

(10) coordinate, integrate, and, to the extent practicable, establish uniform federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of federal government programs and the delivery of services to the public;

(11) strengthen the partnership between the federal government and state, local, and tribal governments for achieving federal government missions, goals, and objectives;

(12) provide for the development of a well-trained core of professional federal government information resources managers; and,

(13) improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

The following is a section-by-section description of the provisions adopted by the conferees. Section 5001 sets forth a short title ''The Information Technology Management Reform Act of 1995'' and Section 5002 sets forth definitions.

TITLE LI—RESPONSIBILITY FOR ACQUISITION OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

Repeal of central authority of the Administrator of General Services (sec. 5101)

The conference agreement includes a provision that would repeal section 111 of the Federal Property and Administrative Services Act of 1949, as amended.

Subtitle B—Director of the Office of Management and Budget

Responsibility of Director (sec. 5111)

The conference agreement includes a provision that would require the Director of the Office of Management and Budget to comply with this title. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees agree that in undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

The conferees encourage the establishment of interagency groups to support the Director by examining areas of information technology, to include: telecommunications, software engineering, common administrative and programmatic applications, computer security and information policy, all of which would benefit from a government-wide or multi-agency perspective; the promotion of cooperation among agencies in information technology matters; the review of major or high risk information technology acquisitions; and the promotion of the efficient use of information technology that supports agency missions. The interagency groups should: identify common goals and requirements; develop a coordinated approach to meeting certain agency requirements, such as budget estimates and procurement programs; identify opportunities to share information that would improve the agency performance and reduce costs of agency programs; make recommendations regarding protocols and other standards for information technology, including security standards; and make recommendations concerning interoperability among agency information systems. The conferees also encourage the establishment of temporary special advisory groups, composed of experts from industry, academia, and the Federal Government, to review government-wide information technology programs, major or high risk information technology acquisitions, and information technology policy.

Capital planning and investment control (sec. 5112)

The conference agreement includes a provision that would describe the Director's responsibilities under 44 USC 3504(h) that relate to promoting and sustaining responsibility and accountability for improvement of the acquisition, use, and disposal of information technology by executive agencies.

The conferees agree that the Director, in developing a process related to major agency capital investments, should: ensure that the process identifies opportunities for interagency cooperation; ensure the success of high risk and high return investments; develop requirements for agency submission of investment information needed to execute the process; ensure that agency information resources management plans are integrated into the agency's program plans, financial management plans, and budgets for the acquisition and use of information technology designed to improve agency performance and the accomplishment of agency missions; and identify three categories of information systems investments—(1) high risk—those projects that, by virtue of their size, complexity, use of innovative technology, or other factors, have an especially high risk of failure; (2) high return—those projects that by virtue of their total potential benefits, in proportion to their costs, have particularly unique value to the public; and (3) cross-cutting—those projects of individual agencies, with shared benefit to or impact on other federal agencies and state or local governments, that require enforcement of operational standards or elimination of redundancies. Finally, the conferees also agree that the Director, to encourage the use of best business and administrative practices, should identify and collect information regarding best practices, to include information on the development and implementation of best practices by the executive agencies. The Director should provide the executive agencies with information on best practices, and advice and assistance regarding the use of best practices.

Performance-based and results-based management (sec. 5113)

The conference agreement includes a provision that would require the Director to encourage performance and results-based management for agency information technology programs. The Director is required to review agency management practices based on the performance and results of its information technology programs and investments. The Director is required to issue clear and concise directions to ensure that agencies have effective and efficient capital planning processes that are used to select, control, and evaluate the results of major information systems investments and to ensure that agency information security is adequate.

The conferees agree that the Director's direction to agencies regarding performance and results-based management of information technology resources shall contain the following: (1) that each executive agency and its major subcomponents institute effective and efficient capital planning processes for selecting, controlling, and evaluating the results of all of its major information systems investments; (2) that the agency maintain a current and adequate information resources management plan, and to the maximum extent practicable, specifically identify the method for acquisition of information technology expected to improve agency operations, and otherwise benefit the agency; (3) that the agency provide for adequate integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and the agency budgets for the acquisition and use of information technology and other information resources. In addition, the conferees agree that OMB shall provide the needed oversight, through the budget process and other means, to ensure that executive agencies assume responsibility, and effectively implement suitable performance and results-based management practices.

Subtitle C—Executive Agencies

Responsibilities (sec. 5121)

The conference agreement includes a provision that would require the head of each executive agency to comply with this subtitle. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees encourage the establishment and support of independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the agency head, to advise an agency head about information systems programs.

Capital planning and investment control (sec. 5122)

The conference agreement includes a provision that would require agencies to develop a process for furthering their responsibilities under 44 U.S.C. 3506(h). The head of the agency is required to design and develop a process for maximizing the value and assessing and managing the risk of the agency's information technology acquisitions.

Performance and results-based management (sec. 5123)

The conference agreement includes a provision that would require agencies to establish goals for and report on the progress of improving efficiency and effectiveness of agency operations through use of information technology, as required by 44 U.S.C. 3506(h). The head of an executive agency must ensure that performance measures are established to support evaluating the results and benefits of information technology investments.

The conferees agree that, in fulfilling the responsibilities under this section, agency heads should ensure that: (1) before investing in information technology to support a function, the agency determines whether that function should be performed in the private sector or by an agency of the federal government; (2) the agency adequately provides for the integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and adequately prepares budgets for the acquisition and use of information technology; (3) the agency maintains a current and adequate information resources management plan, and to the maximum extent practicable, specifically identifies how acquired information technology would improve agency operations and otherwise benefit the agency; and (4) the agency invests in efficient and effective interagency and government-wide information technology to improve the accomplishment of common agency missions or functions.

Acquisitions of information technology (sec. 5124)

The conference agreement includes a provision that would authorize the head of an executive agency to acquire information technology and, upon approval of the Director of OMB, enter into multi-agency information technology investments. The conferees intend that the requirements and limitations of the Economy Act, and other provisions of law, apply to these multiagency acquisition. This section also authorizes the General Services Administration (GSA) to continue the management of the FTS–2000 program and coordinate the follow-on effort to FTS–2000.

Agency chief information officer (sec. 5125)

The conference agreement includes a provision that would amend the Paperwork Reduction Act of 1995 by replacing the ''senior information resources management official position'' established within each executive agency with an agency Chief Information Officer (CIO). The agency CIO is responsible for providing information and advice regarding information technology and information resources management to the head of the agency, and for ensuring that the management and acquisition of agency information technology is implemented consistent with the provisions of this law.

The conferees anticipate that agencies may establish CIOs for major subcomponents or bureaus, and expect agency CIOs will possess knowledge of, and practical experience in, information and information technology management practices of business or government entities. The conferees also intend that deputy chief information officers be appointed by agency heads that have additional experience in business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities. The conferees intend that CIOs, in agencies other than those listed in 31 U.S.C. 901(b), perform essentially the same duties as CIOs in agencies listed in 31 U.S.C. 901(b).

The conferees expect that an agency's CIO will meet periodically with other appropriate agency officials to advise and coordinate the information technology and other information resources management activities of the various agencies.

Accountability (sec. 5126)

The conference agreement includes a provision that would require the head of each agency, in consultation with agency Chief Information Officers and Chief Financial Officers, to ensure the integration of financial and information systems. The conferees intend that the information resources management plan, required under 44 U.S.C. 3506 (b)(2), support the performance of agency missions through the application of information technology and other information resources, and include the following: (1) a statement of goals to improve the extent to which information resources contribute to program productivity, efficiency, and effectiveness; (2) the development of methods to measure progress toward achieving the goals; (3) the establishment of clear roles, responsibilities, and accountability to achieve the goals; (4) a description of an agency's major existing and planned information technology components (such as information systems and telecommunications networks); (5) the relationship among the information technology components, and the information architecture; and (6) a summary of the project's status and any changes in name, direction or scope, quantifiable results achieved, and current maintenance expenditures for each ongoing or completed major information systems investment from the previous year. The conferees also intend that agency heads will periodically evaluate and improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

Significant deviations (sec. 5127)

The conference agreement includes a provision that would require agencies to identify in their information resources management plans any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

Interagency support (sec. 5128)

The conference agreement includes a provision that would authorize the utilization of funds for interagency activities in support of the Information Technology Reform Act.

Subtitle D—Other Responsibilities.

Responsibilities regarding efficiency, security, and privacy of federal computer systems (sec. 5131)

The conference agreement includes a provision that would set forth the authority for the Secretary of Commerce, in consultation with the National Institute of Standards and Technology, to promulgate standards to improve the operation, security, and privacy of Federal information technology systems.

Sense of Congress (sec. 5132)

The conference agreement includes a provision stating that agencies, over the next five years, should achieve a five percent per year decrease in costs incurred for operation and maintenance of information technology, and a five percent increase in operational efficiency through improvements in information resources management.

Subtitle E—National Security Systems

The conference agreement includes a provision that would exclude national security systems from provisions of this Act, unless otherwise provided in this Act.

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Procurement procedures (sec. 5201)

The conference agreement includes a provision that would direct the Federal Acquisition Regulatory Council to ensure, to the maximum extent practicable, that the information technology process is simplified, clear, and understandable. The process should specifically address the management of risk, incremental acquisitions, and the

need to incorporate commercial information technology in a timely manner.

The conferees agree that, in performing oversight of information technology acquisitions, the Director of the Office of Management and Budget, agency heads, and agency inspectors general should emphasize program results and established performance measurements, rather than reviews of the acquisition process.

Incremental acquisition of information technology (sec. 5202)

The conference agreement includes a provision that would provide for procedures in the Federal Acquisition Regulations for the incremental acquisition of major information technology systems by the Department of Defense and the civilian executive agencies.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

The conference agreement includes provisions that would authorize the Administrator of Office of Federal Procurement Policy, in consultation with the Administrator of Office of Information and Regulatory Affairs, to: conduct pilot programs to test alternative acquisition approaches for information technology; conduct no more than two pilots, not to exceed $750 million for a period not to exceed five years; require agency heads to develop evaluation and test plans; prepare and submit test plans to Congress prior to implementation; report on results within 180 days after completion; and make recommendations for legislation.

Subtitle B—Specific Pilot Programs

The conference agreement includes provisions that would provide for two specific pilot programs, the share-in-savings pilot program and the solutions-based contracting pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

On-line multiple award schedule contracting (sec. 5401)

The conference agreement includes a provision that would require the Administrator of General Services to provide for on-line access to multiple award schedules for information technology. The system would provide basic information on prices, features, and similar matters, allow for information updates, enable comparison of product information, enable on-line ordering and invoicing, permit on-line payment, and archive order data. The provision would also authorize a pilot program to test streamlined procedures for the automated system. The conference agreement directs the Administrator of General Services to incorporate its information technology multiple award schedules into Federal Acquisition Computer Network (FACNET) by January 1, 1998, and would make the pilot program discretionary. The conferees agree that the procedures established by the Administrator for use of FACNET be consistent with the Federal Property and Administrative Services Act requirements regarding the multiple award schedule (41 U.S.C. 259(B)(3)). If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection 259(b)(1) and meets the requirement of subsection 259(b)(2).

Disposal of excess computer equipment (sec. 5402)

The conference agreement includes a provision that would require agencies to inventory all agency computer equipment and to identify excess or surplus property. The conferees direct that the Administrator of General Services, in exercising current authority under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), donate federal surplus personal property to public organizations. The conferees direct the Administrator to prescribe regulations that establish a priority for the donation of surplus computer equipment in the following sequence: (1) elementary and secondary schools, and schools funded by the Bureau of Indian Affairs; (2) public libraries; (3) public colleges and universities; and (4) other entities eligible for donation of federal surplus personal property under title II of that Act.

Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code (sec. 5403)

The conference agreement includes a provision that would ensure that, for agency information systems that disseminate information to the public, an index of information is included in the Government Printing Office (GPO) directory established under 44 U.S.C. 4101.

In 1993, Congress directed the GPO to create an online directory, of federal public information in electronic form (Public Law 103–40). Today, that system is accessible to the general public directly and through the Federal Depository Libraries. Yet, in the two years since enactment of the GPO access bill, technology has moved forward dramatically in its ability to support location and search of the physically-distributed, locally-maintained databases. Congress recognized this shift in the Paperwork Reduction Act of 1995 (Public Law 104–13). That Act requires Federal agencies to ensure access to agency public information by ''encouraging a diversity of public and private sources''. It also directs the Office of Management and Budget to establish a distributed, electronic, agency-based Government Information Locator Service (GILS) to identify the major information dissemination products of each agency. As the Senate report noted (S. Rept. 104–112), GILS: ''* * * will provide multiple avenues for public access to government information by pointing to specific agency information holdings. To make this possible, agencies' systems must be compatible. Thus, agency GILS information should be available to the public through the Government Printing Office Locator System (established pursuant to Public Law 103–40) in addition to any other required methods, agencies may choose to efficiently and effectively provide public and agency access to GILS.''

Section 5403 further clarifies the intent of Congress to ensure the widest possible access to Federal public information through a diversity of compatible sources.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

The conference agreement includes a provision that would require the Comptroller General to issue a decision relating to a bid protest within 100 days.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

The conference agreement includes a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULE OF CONSTRUCTION

Effective date (sec. 5701)

The conference agreement includes a provision that would provide for this division and the amendments made by this division to take effect 180 days after the date of the enactment of this Act.

Savings provisions (sec. 5702)

The conference agreement includes a provision that would allow selected information technology actions and acquisition proceedings, including claims or applications, that have been initiated by, or are pending before, Administrator of the General Services or the General Services Administration Board of Contract Appeals to be continued under original terms, until terminated, revoked, or superseded in accordance with law, by the Director of OMB, by a court, or by operation of law. The Director of OMB is authorized to establish regulations for transferring such actions and proceedings.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sectons 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, Jr.,
WALTER B. JONES, Jr.,
JIM LONGLEY,
G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, JR.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, JR.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J.C. WATTS, JR.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,

WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
WILLIAM F. GOODLING
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modification committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modification committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,

Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,
RICK SANTORUM,
SAM NUNN,
ROBERT C. BYRD,
CHUCK ROBB,
JOSEPH LIEBERMAN,

Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Mr. POSHARD, for 5 mintues, today.
Mr. MFUME, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GENE GREEN of Texas, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. PAYNE of New Jersey, for 5 minutes, today.

(The following Members (at the request of (Mr. HAYWORTH) to revise and extend his remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.
Mr. ENSIGN, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes on December 15.
Mr. DIAZ-BALART, for 5 minutes, today.
Mr. HORN, for 5 minutes, today.
Mr. HOKE, for 5 minutes on December 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter.)

Ms. NORTON.
Mr. TORRICELLI.
Mr. RANGEL.
Mr. HAMILTON in two instances.
Mr. DINGELL.
Mr. FRANK of Massachusetts.
Mr. SKELTON.
Mr. DIXON.
Mr. OBERSTAR.
Mr. STOKES.
Mr. BARRETT of Wisconsin.
Mr. TOWNS.
Mr. ACKERMAN.
Mr. CARDIN.
Mr. RICHARDSON in two instances.
Mr. DEUTSCH.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SAXTON.
Mr. BUNNING of Kentucky.
Mr. GILMAN in three instances.
Mr. SOLOMON.
Mr. SENSENBRENNER.
Mr. SMITH of New Jersey.
Mr. FOX of Pennsylvania.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.) the House adjourned until today, Thursday, December 14, 1995, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second and third quarters of 1995, as well as the consolidated third quarter 1995 report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker, House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carlos J. Moorhead	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. John Conyers, Jr.	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Patricia Schroeder	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Rick Boucher	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Commercial airfare [4]							1,940.00				1,940.00
Thomas Mooney	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Joseph Wolfe	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Mitch Glazier	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Betty Wheeler	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Committee total					20,160.00		1,940.55				22,100.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Air transportation was provided by the Department of Defense.
[4] Returned by commercial airline.

HENRY J. HYDE,
Chairman, Nov. 22, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Kristi Walseth	7/6	7/12	Bulgaria		1250.00						1250.00
	7/12	7/13	Germany		300.00						300.00
Commercial airfare							3702.95				3702.95
Hon. Tony Hall	7/27	7/31	Italy		2380.00						2380.00
Local transportation									301.45		301.45
			Sarajevo [3]								
Hon. David Dreier	8/4	8/12	South America [3]								
Kristi Walseth	8/30	9/2	Romania		1017.00						1017.00
Commercial airfare							3705.15				3705.15
Committee total					4947.00		7,408.10		301.45		12656.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not available at this time.

GERALD B.H. SOLOMON,
Chairman, Dec. 11, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND AUG. 30, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Hon. Sam Johnson	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							5,891.95				5,891.95
Mark Franz	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							3,427.95				3,427.95
Committee total					2,000,00		9,319.90				11,319.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SAM JOHNSON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, RUSSIA, AND MOLDOVA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND SEPT. 1, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Hon. Pete Peterson	8/26	8/27	Germany		250.00		1,634.78				1,884.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		(3)				1,350.00
	8/31	8/31	Moldova				(3)				
	8/31	9/1	Germany		250.00		(3)				250.00
Juzanne Farmer	8/27	8/27	Germany				293.78				293.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		(3)				1,350.00
	8/31	8/31	Moldova				(3)				
	8/31	9/1	Germany		250.00		(3)				250.00
Committee total					3,450.00		1,928.56				5,378.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETE PETERSON,
Sept. 5, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, GARDNER G. PECKHAM TO KOREA AND THE PEOPLE'S REPUBLIC OF CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 25 AND SEPT. 2, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	8/25	8/30	Republic of Korea	1,204,600	$1,585,00						1,585,00
	8/30	9/02	Peoples Republic of China	10,840.50	1,314.00						1,314.00
Commercial airfare							3,848.95				3,848.95
Excess per diem returned					−635.00						−635.00
Committee total					2,264.00		3,848.95				6,112.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM,
Sept. 12, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1819. A letter from the Assistant Secretary of the Treasury, transmitting a copy of the seventh monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1820. A letter from the Comptroller of the Currency, transmitting the annual report on compliance by insured depository institutions, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

1821. A letter from the Secretary of Education, transmitting final regulations—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1822. A letter from the Secretary of Health and Human Services, transmitting the third annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], for the fiscal year 1995, pursuant to 21 U.S.C. 379g note; to the Committee on Commerce.

1823. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the fourth quarter of fiscal year 1995, through September 30, 1995, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1824. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with Germany in the area of rolling airframe missile [RAM] guided missile weapon system, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1825. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 07–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1826. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the NATO Maintenance and Supply Agency (Transmittal No. 06–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 5 of the Jerusalem Embassy Act of 1995; to the Committee on International Relations.

1828. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Review of Negotiated Services Contracts Between the District of Columbia and the Test Development Committee,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

1829. A letter from the Federal Cochairman, Applachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1830. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Educational Foundation, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1831. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S. C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1832. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''The Rule of Three in Federal Hiring: Boon or Bane?,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1833. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1834. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1835. A letter from the Director, Office of Government Ethics, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1836. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the inspector general for

the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform and Oversight.

1837. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the management's response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1838. A letter from the Director of Financial Services, Library of Congress, transmitting a copy of the U.S. Capitol Preservation Commission annual report for fiscal year 1995; to the Committee on House Oversight.

1839. A letter from the Secretary of Health and Human Services, transmitting the 19th annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE: Committee on Rules. House Resolution 301. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–403). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 1745) to designate certain public lands in the State of Utah as wilderness, and for other purposes (Rept. 104–404). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 304. Resolution providing for debate and for consideration of three measures relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina (Rept. 104–405). Referred to the House Calendar.

Mr. SPENCE: Committee of conference. Conference report on H.R. 1530. A bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes (Rept. 104–406). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARTINI (for himself, Mr. LUCAS, and Mr. POMBO):

H.R. 2766. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. SMITH of New Jersey, Mr. DAVIS, Mr. BAKER of California, Mrs. MORELLA, Mr. MORAN, and Mr. WOLF):

H.R. 2767. A bill to extend au pair programs; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, and Mr. BARR):

H.R. 2768. A bill to combat terrorism; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. SOUDER, Mr. COMBEST, Mr. WATTS of Oklahoma, Mr. GUTKNECHT, Mr. HUNTER, Mr. LAUGHLIN, and Mr. STOCKMAN):

H.R. 2769. A bill to allow employees of the U.S. Government who have been furloughed, due to a lapse in appropriations, to volunteer to work to serve the needs of the people of the United States, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DORNAN (for himself, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. BAKER of California, Mr. CHABOT, Mr. METCALF, Mr. COBURN, Mr. SOUDER, Mr. HOSTETTLER, Mr. STUMP, and Mr. BARTLETT of Maryland):

H.R. 2770. A bill to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. SALMON, Mr. WAMP, Mr. HOKE, Mrs. SMITH, Mr. DAVIS, Mrs. CHENOWETH, Mr. METCALF, Mr. SOLOMON, Mr. MCKEON, Mr. LEWIS of Kentucky, Mr. ALLARD, Mr. DREIER, Mr. BROWN of California, Mr. ENGLISH of Pennsylvania, Mr. CHRYSLER, Mr. STOCKMAN, Mr. DORNAN, Mr. EHRLICH, Mr. COBURN, and Mr. TAYLOR of Mississippi):

H.R. 2771. A bill to provide that rates of basic pay for Members of Congress be determined as a function of efforts to eliminate the Federal deficit; to the Committee on House Oversight.

By Mr. HEINEMAN (for himself, Mr. KNOLLENBERG, Mr. HEFNER, Mr. CALVERT, Mrs. CLAYTON, Mr. JONES, Mr. FRAZER, Mr. COBLE, and Mr. COOLEY):

H.R. 2772. A bill to direct the Administrator of the Federal Aviation Administration to develop a system for collecting and disseminating information concerning the quality of aircraft pilot performances in training activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 2773. A bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes; to the Committee on Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTSCH, Mr. SHAW, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. FOLEY, Mr. YOUNG of Florida, Mr. GOSS, and Mr. STEARNS):

H.R. 2774. A bill to allow the placement of missing children posters in Federal buildings and facilities located within a unit of the National Park System; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Judiciary, House Oversight, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, and Mr. HAMILTON):

H.R. 2775. A bill to amend the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and the Food, Agriculture, Conservation, and Trade Act of 1990 to extend the authorities under those Acts; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself, Mr. MONTGOMERY, Mr. SPENCE, Mr. MCHALE, Mr. BUYER, and Mrs. FOWLER):

H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide that members of the Armed Forces performing service in a contingency operation declared by the President shall be entitled (if the President so designates that operation for such purpose) to exclude from gross income military compensation received for active service in the same manner as if such service was performed in a combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2777. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of preventive benefits under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. OBEY, and Mr. MURTHA):

H.J. Res. 131. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. HARMAN, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Ms. WATERS, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. MEEHAN, Mr. MCDERMOTT, Ms. PELOSI, Mrs. KELLY, Ms. MCKINNEY, Mr. SAWYER, Mr. MILLER of California, Mr. ENGEL, Mrs. SCHROEDER, Ms. VELAZQUEZ, Mr. DEUTSCH, Mr. MATSUI, Mr. WATT of North Carolina, Mr. SERRANO, Mr. WARD, Ms. WOOLSEY, Mr. FARR, Mr. NADLER, Mr. OLVER, Ms. DELAURO, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. DELLUMS, Miss COLLINS of Michigan, Mr. OWENS, Mrs. LOWEY, Mr. GEJDENSON, Mr. BERMAN, Mrs. CLAYTON, Mr. YATES, Mr. JOHNSTON of Florida, Mr. THOMPSON, Mr. UNDERWOOD, Mr. LANTOS, Ms. NORTON, Mr. MORAN, and Ms. FURSE):

H. Con. Res. 119. Concurrent resolution supporting the commitments of the United States announced at the United Nations Fourth World Conference on Women, held in Beijing, China, in September 1995; to the Committee on International Relations.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 302. Resolution relating to the deployment of United States Armed Forces in

and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAMILTON:

H. Res. 305. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. Res. 306. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. NEY, Mr. ABERCROMBIE, and Mr. QUILLEN.

H.R. 109: Mr. BROWN of Ohio and Mr. JEFFERSON.

H.R. 127: Mr. CANADY.

H.R. 359: Mr. FIELDS of Louisiana and Mrs. COLLINS of Illinois.

H.R. 468: Mr. SMITH of New Jersey.

H.R. 469: Mrs. THURMAN.

H.R. 497: Mr. COOLEY and Mr. LEWIS of Kentucky.

H.R. 580: Mr. MINGE.

H.R. 739: Mr. HANSEN.

H.R. 789: Mr. PETERSON of Minnesota.

H.R. 1021: Mr. WAXMAN.

H.R. 1023: Mr. BLILEY.

H.R. 1201: Ms. LOFGREN.

H.R. 1386: Mr. HILLEARY.

H.R. 1521: Mr. HOLDEN.

H.R. 1547: Mr. FOGLIETTA.

H.R. 1661: Mr. BARR and Mr. LINDER.

H.R. 1662: Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. LEWIS of Kentucky, and Mr. BLILEY.

H.R. 1671: Mr. MINGE.

H.R. 1856: Mr. REGULA, Mr. JACOBS, and Mr. FIELDS of Louisiana.

H.R. 1884: Mr. DUNCAN.

H.R. 1920: Mr. BAKER of Louisiana.

H.R. 1946: Mr. FIELDS of Texas, Mr. FOLEY, Mr. PACKARD, Mr. SMITH of Michigan, Mr. GUTKNECHT, Mr. CAMP, Mr. SHUSTER, and Mr. KIM.

H.R. 1956: Mr. YOUNG of Alaska, Mr. MCCOLLUM, and Mr. SAXTON.

H.R. 2029: Mr. POMBO, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. HERGER, and Mr. OLVER.

H.R. 2039: Mr. NETHERCUTT and Mrs. KELLY.

H.R. 2148: Mr. FORBES, Mrs. CHENOWETH, Mr. BROWNBACK, Mr. GILCHREST, and Mr. JONES.

H.R. 2202: Mr. COX.

H.R. 2209: Mr. CAMP.

H.R. 2230: Mr. HASTINGS of Washington, Mr. ROBERTS, and Mr. COOLEY.

H.R. 2342: Mr. LIVINGSTON and Mr. JEFFERSON.

H.R. 2429: Mr. EHLERS, Mrs. JOHNSON of Connecticut, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. DEFAZIO, Mr. WILLIAMS, Mr. KILDEE, and Mr. RAHALL.

H.R. 2434: Mr. MCCOLLUM, Mr. KLECZKA, Mr. CLAY, Mr. PICKETT, and Mr. BARCIA of Michigan.

H.R. 2450: Mr. NORWOOD.

H.R. 2506: Mr. SISISKY.

H.R. 2508: Mr. LAUGHLIN and Mr. WAMP.

H.R. 2562: Mr. LAFALCE.

H.R. 2578: Mr. FOX.

H.R. 2579: Mr. CALLAHAN, Mr. ACKERMAN, Mr. TEJEDA, Mr. COOLEY, Mr. DEUTSCH, and Mr. HALL of Texas.

H.R. 2597: Mr. BAKER of Louisiana and Mrs. FOWLER.

H.R. 2609: Mr. STENHOLM.

H.R. 2634: Mr. BUNN of Oregon.

H.R. 2648: Mr. COBLE.

H.R. 2651: Mr. EVERETT and Mr. METCALF.

H.R. 2664: Mr. WICKER, Mr. HUTCHINSON, Mr. NEY, Mr. FIELDS of Louisiana, Ms. HARMAN, Mr. BACHUS, and Mr. HORN.

H.R. 2676: Mr. BARRETT of Nebraska, Ms. KAPTUR, and Mr. LAHOOD.

H.R. 2697: Mr. FALEOMAVAEGA, Ms. FURSE, and Mr. SCOTT..

H.R. 2740: Mr. GENE GREEN of Texas.

H.R. 2745: Mr. TOWNS, Mrs. MALONEY, Mr. BOUCHER, Mr. CLYBURN, and Ms. VELAZQUEZ.

H.J. Res. 16: Mr. PETE GEREN of Texas.

H.J. Res. 114: Mr. LUTHER.

H. Con. Res. 10: Mr. NORWOOD, Mr. HINCHEY, and Mr. GUNDERSON.

H. Con. Res. 118: Mr. GUNDERSON.

H. Res. 283: Mr. WELDON of Florida.

H. Res. 286: Mr. DEFAZIO and Mr. GENE GREEN of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1710

OFFERED BY: MR. HYDE

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 2: Strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1710

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Effective Death Penalty and Antiterrorism Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CRIMINAL ACTS

Sec. 101. Protection of Federal employees.
Sec. 102. Prohibiting material support to terrorist organizations.
Sec. 103. Modification of material support provision.
Sec. 104. Acts of terrorism transcending national boundaries.
Sec. 105. Conspiracy to harm people and property overseas.
Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 107. Expansion and modification of weapons of mass destruction statute.
Sec. 108. Addition of offenses to the money laundering statute.
Sec. 109. Expansion of Federal jurisdiction over bomb threats.
Sec. 110. Clarification of maritime violence jurisdiction.
Sec. 111. Possession of stolen explosives prohibited.
Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.

TITLE II—INCREASED PENALTIES

Sec. 201. Mandatory minimum for certain explosives offenses.
Sec. 202. Increased penalty for explosive conspiracies.
Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 206. Directions to Sentencing Commission.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Pen registers and trap and trace devices in foreign counterintelligence investigations.
Sec. 302. Disclosure of certain consumer reports to the Federal Bureau of Investigation.
Sec. 303. Disclosure of business records held by third parties in foreign counterintelligence cases.
Sec. 304. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 305. Application of statutory exclusionary rule concerning intercepted wire or oral communications.
Sec. 306. Exclusion of certain types of information from wiretap-related definitions.
Sec. 307. Requirement for periodic report.
Sec. 308. Access to telephone billing records.
Sec. 309. Requirement to preserve record evidence.
Sec. 310. Detention hearing.
Sec. 311. Reward authority of the Attorney General.
Sec. 312. Protection of Federal Government buildings in the District of Columbia.
Sec. 313. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

Sec. 501. Definitions.
Sec. 502. Requirement of detection agents for plastic explosives.
Sec. 503. Criminal sanctions.
Sec. 504. Exceptions.
Sec. 505. Effective date.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.
Sec. 602. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Membership in terrorist organization as ground for exclusion.
Sec. 612. Denial of asylum to alien terrorists.
Sec. 613. Denial of other relief for alien terrorists.

Subtitle B—Expedited Exclusion
Sec. 621. Inspection and exclusion by immigration officers.
Sec. 622. Judicial review.
Sec. 623. Exclusion of aliens who have not been inspected and admitted.
Subtitle C—Improved Information and Processing
PART 1—IMMIGRATION PROCEDURES
Sec. 631. Access to certain confidential INS files through court order.
Sec. 632. Waiver authority concerning notice of denial of application for visas.
PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES
Sec. 641. Criminal forfeiture for passport and visa related offenses.
Sec. 642. Subpoenas for bank records.
Sec. 643. Effective date.
Subtitle D—Employee Verification by Security Services Companies
Sec. 651. Permitting security services companies to request additional documentation.
Subtitle E—Criminal Alien Deportation Improvements
Sec. 661. Short title.
Sec. 662. Additional expansion of definition of aggravated felony.
Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
Sec. 665. Limitation on collateral attacks on underlying deportation order.
Sec. 666. Criminal alien identification system.
Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
Sec. 668. Authority for alien smuggling investigations.
Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.
Sec. 670. Payments to political subdivisions for costs of incarcerating illegal aliens.
Sec. 671. Miscellaneous provisions.
Sec. 672. Construction of expedited deportation requirements.
Sec. 673. Study of prisoner transfer treaty with Mexico.
Sec. 674. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 675. Prisoner transfer treaties.
Sec. 676. Interior repatriation program.
Sec. 677. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.
TITLE VII—AUTHORIZATION AND FUNDING
Sec. 701. Firefighter and emergency services training.
Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
Sec. 703. Research and development to support counter-terrorism technologies.
TITLE VIII—MISCELLANEOUS
Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
Sec. 802. Compensation of victims of terrorism.
Sec. 803. Jurisdiction for lawsuits against terrorist States.
Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.
Sec. 805. Compilation of statistics relating to intimidation of government employees.
Sec. 806. Victim Restitution Act of 1995.
Sec. 807. Authority for overseas law enforcement training activities.
TITLE IX—HABEAS CORPUS REFORM
Sec. 901. Filing deadlines.
Sec. 902. Appeal.
Sec. 903. Amendment of Federal rules of appellate procedure.
Sec. 904. Section 2254 amendments.
Sec. 905. Section 2255 amendments.
Sec. 906. Limits on second or successive applications.
Sec. 907. Death penalty litigation procedures.
Sec. 908. Technical amendment.
Sec. 909. Severability.

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

''Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.''.

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting '', or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or'' after ''assaults, kidnaps, or murders, or attempts to kidnap or murder''.

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

''(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339B. Providing material support to terrorist organizations.''.

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended read as follows:

"§ 2339A. Providing material support to terrorists

''(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

''(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.''.

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

''(a) PROHIBITED ACTS.—

''(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

''(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

''(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

''(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

''(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

''(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

''(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

''(3) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

''(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

''(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

''(6) the offense is committed in those places within the United States that are in

the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

''(c) PENALTIES.—

''(1) Whoever violates this section shall be punished—

''(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

''(B) for kidnapping, by imprisonment for any term of years or for life;

''(C) for maiming, by imprisonment for not more than 35 years;

''(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

''(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

''(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

''(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

''(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

''(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

''(e) PROOF REQUIREMENTS.—

''(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

''(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

''(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

''(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

''(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

''(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

''(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

''(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

''(5) the term 'Federal crime of terrorism' means an offense that—

''(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

''(B) is a violation of—

''(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

''(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

''(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

''(h) INVESTIGATIVE AUTHORITY.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

''2332b. Acts of terrorism transcending national boundaries.''.

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended by—

(1) striking ''any offense'' and inserting ''any non-capital offense'';

(2) striking ''36'' and inserting ''37'';

(3) striking ''2331'' and inserting ''2332'';

(4) striking ''2339'' and inserting ''2332a''; and

(5) inserting ''2332b (acts of terrorism transcending national boundaries),'' after ''(use of weapons of mass destruction),''.

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting '', 956(a), or 2332b'' after ''section 924(c)''.

(e) CONFORMING AMENDMENT.—Section 846 of title 18, United States Code, is amended by striking ''In addition to any other'' and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

''§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

''(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

''(2) The punishment for an offense under subsection (a)(1) of this section is—

''(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

''(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

''(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.''.

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

''956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.''.

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''and later found in the United States'';

(2) so that paragraph (2) reads as follows:

''(2) There is jurisdiction over the offense in paragraph (1) if—

''(A) a national of the United States was aboard the aircraft;

''(B) an offender is a national of the United States; or

''(C) an offender is afterwards found in the United States.''; and

(3) by inserting after paragraph (2) the following:

''(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking '', if the offender is later found in the United States,''; and

(2) by inserting at the end the following: ''There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on

board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.''.

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting ''''national of the United States','' before ''and''; and

(2) in subsection (e), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting ''''national of the United States','' before ''and''; and

(2) in subsection (d), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''; and

(2) by adding at the end the following: ''For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' before ''the offender is later found in the United States''; and

(2) by inserting ''; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))'' after ''the offender is later found in the United States''.

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding the following at the end:

''(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''AGAINST A NATIONAL OR WITHIN THE UNITED STATES'' after ''OFFENSE'';

(B) by inserting '', without lawful authority'' after ''A person who'';

(C) by inserting ''threatens,'' before ''attempts or conspires to use, a weapon of mass destruction''; and

(D) by inserting ''and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce'' before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking ''section 921'' and inserting ''section 921(a)(4) (other than subparagraphs (B) and (C))'';

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

''(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;'';

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

''(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.''.

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking ''or extortion;'' and inserting ''extortion, murder, or destruction of property by means of explosive or fire;''.

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after ''an offense under'' the following: ''section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),'';

(2) by inserting after ''section 215 (relating to commissions or gifts for procuring loans),'' the following: ''section 351 (relating to Congressional or Cabinet officer assassination),'';

(3) by inserting after ''section 793, 794, or 798 (relating to espionage),'' the following: ''section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),'';

(4) by inserting after ''section 875 (relating to interstate communications),'' the following: ''section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),'';

(5) by inserting after ''1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),'' the following: ''section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),'';

(6) by inserting after ''section 1203 (relating to hostage taking),'' the following: ''section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),'';

(7) by inserting after ''section 1708 (theft from the mail),'' the following: ''section 1751 (relating to Presidential assassination),'';

(8) by inserting after ''2114 (relating to bank and postal robbery and theft),'' the following: ''section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),''; and

(9) by striking ''of this title'' and inserting the following: ''section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code''.

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking ''commerce,'' and inserting ''interstate or foreign commerce, or in or affecting interstate or foreign commerce,''.

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''and the activity is not prohibited as a crime by the State in which the activity takes place''; and

(2) in clause (iii), by striking ''the activity takes place on a ship flying the flag of a foreign country or outside the United States,''.

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

''(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.''.

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

''(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

''(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

''(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

''(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.''.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking ''fined under this title or imprisoned not more than five years, or both'' and inserting ''imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both''.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3295. Arson offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.''.

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

''3295. Arson offenses.''.

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting ''or conspires'' after ''attempts''.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking ''or attempted kidnapping'' both places it appears and inserting '', attempted kidnapping, or conspiracy to kidnap''.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking ''or attempted murder'' and inserting '', attempted murder, or conspiracy to murder''.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking ''and 1113'' and inserting '', 1113, and 1117''.

(4) Section 175(a) of title 18, United States Code, is amended by inserting ''or conspires to do so,'' after ''any organization to do so,''.

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting ''or conspiring'' after ''attempting''.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting ''or conspiring to commit'' after ''committing''.

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting ''or having reasonable cause to believe'' after ''knowing''; and

(2) by striking ''imprisoned not more than 10 years, fined in accordance with this title, or both.'' and inserting ''subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.''.

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.''.

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking ''criminal''.

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

''§ 624. Disclosures to FBI for counterintelligence purposes

''(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

''(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(2) there are specific and articulable facts giving reason to believe that the consumer—

''(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

''(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

''(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

''(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

''(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

''(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

''(A) is an agent of a foreign power; and

''(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

''(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent

of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

''(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

''(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

''(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding or information from the Congress.

''(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

''(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

''(1) $100, without regard to the volume of consumer reports, records, or information involved;

''(2) any actual damages sustained by the consumer as a result of the disclosure;

''(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

''(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

''(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

''(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

''(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

''(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following:

''624. Disclosures to FBI for counterintelligence purposes.''.

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

''CHAPTER 122—ACCESS TO CERTAIN RECORDS

''Sec.
''2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

''§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

''(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

''(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

''(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

''(i) a foreign power; or

''(ii) an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

''(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

''(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

''(B) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

''(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

''(A) $100 without regard to the volume of information involved;

''(B) any actual damages sustained by the person harmed as a result of the violation;

''(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

''(D) in the case of any successful action to enforce liability under this paragraph, the costs of the action, together with reasonable attorney fees, as determined by the court.

''(d) If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

''(e) As used in this section—

''(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

''(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

''(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

''(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

''122. Access to certain records ..... 2720''.

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: ''This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.''.

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF ''ELECTRONIC COMMUNICATION''.—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by inserting ''or'' at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

''(D) information stored in a communications system used for the electronic storage and transfer of funds;''

(b) DEFINITION OF ''READILY ACCESSIBLE TO THE GENERAL PUBLIC''.—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting ''or'' at the end of subparagraph (D);

(2) by striking ''or'' at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. REQUIREMENT FOR PERIODIC REPORT.

Subsection (6) of section 2518 of title 18, United States Code is amended to read as follows:

''(6) Whenever an order authorizing interception is entered under this chapter, the order shall require the attorney for the Government to file a report with the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such report shall be made 15 days after the interception has begun. No other reports shall be made to the judge under this subsection.''.

SEC. 308. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''local and long distance'' before ''toll billing records'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end a new paragraph (3), as follows:

''(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).''.

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting ''local and long distance'' before ''telephone toll billing records''.

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''customer'' and inserting ''any other person'';

(2) in subsection (c), inserting before the period at the end the following: '', and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court''; and

(3) by adding at the end the following:

''(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.''.

SEC. 309. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.''.

SEC. 310. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting ''(not including any intermediate Saturday, Sunday, or legal holiday)'' after ''five days'' and after ''three days''.

SEC. 311. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

''§ 3059. Reward authority of the Attorney General

''(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

''(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

''(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

''(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

''(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

''(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

''3059. Reward authority of the Attorney General.''.

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 312. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 313. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''nuclear material'' each place it appears and inserting ''nuclear material or nuclear byproduct material'';

(2) in subsection (a)(1)(A), by inserting ''or the environment'' after ''property'';

(3) so that subsection (a)(1)(B) reads as follows:

''(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to

property or the environment; or (ii) such circumstances are represented to the defendant to exist;'';

(4) in subsection (a)(6), by inserting ''or the environment'' after ''property'';

(5) so that subsection (c)(2) reads as follows:

''(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;'';

(6) in subsection (c)(3), by striking ''at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and'';

(7) by striking ''or'' at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking ''nuclear material for peaceful purposes'' and inserting ''nuclear material or nuclear byproduct material'';

(9) by striking the period at the end of subsection (c)(4) and inserting ''; or'';

(10) by adding at the end of subsection (c) the following:

''(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.'';

(11) in subsection (f)(1)(A), by striking ''with an isotopic concentration not in excess of 80 percent plutonium 238'';

(12) in subsection (f)(1)(C) by inserting ''enriched uranium, defined as'' before ''uranium'';

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

''(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;'';

(15) by striking ''and'' at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

''(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.''.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

''(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

''(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

''(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

''(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

''(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

''(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

''(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.''.

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

''(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

''(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

''(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

''(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

''(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

''(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.''.

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

''(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''(l), (m), (n), or (o) of section 842 and subsections'' after ''subsections'';

(2) in subsection (a)(1), by inserting ''and which pertains to safety'' before the semicolon; and

(3) by adding at the end the following:

''(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

''(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

''(A) research, development, or testing of new or modified explosive materials;

''(B) training in explosives detection or development or testing of explosives detection equipment; or

''(C) forensic science purposes; or

''(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.''.

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''Sec. 501. Definitions.
''Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Consideration of classified information.
''Sec. 507. Appeals.
''Sec. 508. Detention and custody.'';

and

(2) by adding at the end the following new title:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''DEFINITIONS

''SEC. 501. In this title:

''(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

''(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

''(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

''(5) The term 'special removal court' means the court established under section 502(a).

''(6) The term 'special removal hearing' means a hearing under section 505.

''(7) The term 'special removal proceeding' means a proceeding under this title.

''ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

''SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

''(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

''(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

''(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

''(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall provide for the designation of a panel of attorneys each of whom—

''(1) has a security clearance which affords the attorney access to classified information, and

''(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

''APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

''SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

''(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

''(1) The identity of the Department of Justice attorney making the application.

''(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

''(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

''(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

''(A) the alien is an alien terrorist and is physically present in the United States, and

''(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

''(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

''(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

''CONSIDERATION OF APPLICATION

''SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

''(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

''(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

''(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

''(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

''(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

''(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

''(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

''SPECIAL REMOVAL HEARINGS

''SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

''(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

''(c) RIGHTS IN HEARING.—

''(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

''(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

''(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

''(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

''(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

''(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

''(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

''(A) Asylum under section 208.

''(B) Withholding of deportation under section 243(h).

''(C) Suspension of deportation under section 244(a) or 244(e).

''(D) Adjustment of status under section 245.

''(E) Registry under section 249.

''(d) SUBPOENAS.—

''(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

''(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

''(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

''(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

''(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

''(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

''(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

''(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

''(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

''(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

''(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

''(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

''(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

''(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

''(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

''(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

''CONSIDERATION OF CLASSIFIED INFORMATION

''SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

''(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

''(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

''(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

''(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

''(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

''(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

''(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

''(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

''(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

''(i) the continued presence of the alien in the United States, and

''(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

''(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

''(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

''(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

''(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

''(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

''(A) by reviewing in camera the classified information on behalf of the alien, and

''(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

''(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

''(A) shall not disclosure the information to the alien or to any other attorney representing the alien, and

''(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

''APPEALS

''SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

''(1) any determination by the judge pursuant to section 506(a)—

''(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

''(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

''(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

''(c) APPEALS OF DECISION IN HEARING.—

''(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

''(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

''(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph,

in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

''(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

''(d) GENERAL PROVISIONS RELATING TO APPEALS.—

''(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

''(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

''(A) the entire record shall be transmitted to the Court of Appeals, and

''(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

''(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

''(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

''(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

''(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

''(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

''(f) APPEALS OF DETENTION ORDERS.—

''(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

''(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

''(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

''(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

''DETENTION AND CUSTODY

''SEC. 508. (a) INITIAL CUSTODY.—

''(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

''(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

''(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

''(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

''(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

''(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

''(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

''(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

''(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

''(c) CUSTODY AND RELEASE AFTER HEARING.—

''(1) RELEASE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(i) that an alien should not be removed, the alien shall be released from custody.

''(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

''(2) CUSTODY AND REMOVAL.—

''(A) CUSTODY.—If the judge decides pursuant to section 505(i) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

''(B) REMOVAL.—

''(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

''(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

''(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

''(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

''(d) CONTINUED DETENTION PENDING TRIAL.—

''(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

''(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

''(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of

confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

''(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

''(f) RIGHTS OF ALIENS IN CUSTODY.—

''(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

''(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.''.

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: ''Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.''.

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ''; or'', and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.''.

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding ''and'' at the end of paragraph (8),

(2) by striking ''; and'' at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I),

(B) in subclause (II), by inserting ''engaged in or'' after ''believe,'', and

(C) by inserting after subclause (II) the following:

''(III) is a representative of a terrorist organization, or

''(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,''; and

(2) by adding at the end the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—

''(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

''(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

''(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

''(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

''(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

''(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

''(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: ''The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: ''For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking ''section 241(a)(4)(D)'' and inserting ''subparagraph (B) or (D) of section 241(a)(4)''.

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting ''under section 241(a)(4)(B) or'' after ''who is deportable''.

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or'' before ''(5)'', and

(2) by inserting before the period at the end the following: '', or (6) an alien who is deportable under section 241(a)(4)(B)''.

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting ''and is not deportable under section 241(a)(4)(B)'' after ''ineligible to citizenship''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a) IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

''(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

''(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

''(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

''(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

''(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

''(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

''(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

''(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

''(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

''(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

''(i) has had professional training in country conditions, asylum law, and interview techniques; and

''(ii) is supervised by an officer who meets the condition in clause (i).

''(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

''(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

''(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

''(B) The provisions of subparagraph (A) shall not apply—

''(i) to an alien crewman,

''(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

''(iii) if the conditions described in section 273(d) exist.

''(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.''.

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(b)(1), deportation'', and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(b)(1), if''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION''; and

(2) by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

''(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

''(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

''(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

''(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

''(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.''.

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.''.

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

''Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.''.

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

''(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting ''(i)'' after ''except that the Attorney General'', and

(2) by inserting after ''title 13, United States Code'' the following: ''and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

''(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

''(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant''.

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting '', except as allowed by a court order issued pursuant to paragraph (6)'' after ''consent of the alien'', and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

''Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used (i) for identification of

the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.''.

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(3) by adding at the end the following new paragraph:

''(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).''.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

''(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation.''; and

(2) in subsection (b)(1)(B), by inserting ''or (a)(6)'' after ''(a)(2)''.

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting ''1028, 1541, 1542, 1543, 1544, 1546,'' before ''1956''.

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes'' and inserting ''(A) Except as provided in subparagraph (B), for purposes'', and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Criminal Alien Deportation Improvements Act of 1995''.

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), is amended—

(1) in subparagraph (J), by inserting '', or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),'' after ''corrupt organizations)'';

(2) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

''(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or'';

(3) by amending subparagraph (N) to read as follows:

''(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;'';

(4) by amending subparagraph (O) to read as follows:

''(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;''

(5) in subparagraph (P), by striking ''15 years'' and inserting ''5 years'', and by striking ''and'' at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

''(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;''; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

''(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

''(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

''(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (A) and inserting ''or'', and

(B) by amending subparagraph (B) to read as follows:

''(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.'';

(2) in paragraph (3), by striking ''30 calendar days'' and inserting ''14 calendar days'';

(3) in paragraph (4)(B), by striking ''proccedings'' and inserting ''proceedings'';

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

''(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

''(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;''.

(5) by adding at the end the following new paragraph:

''(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.''.

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended to read as follows:

''(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.''.

(c) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

''(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking ''has served for such felony or felonies'' and all that follows through the period and inserting ''has been sentenced for such felony or felonies to

a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.''.

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

''(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

''(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

''(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

''(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.''.

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,'' before ''section 1029'';

(2) by inserting ''section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery),'' after ''section 1513 (relating to retaliating against a witness, victim, or an informant),'';

(3) by striking ''or'' before ''(E)''; and

(4) by inserting before the period at the end the following: '', or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain''.

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

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

''(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or''.

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

''(II) is convicted of a crime for which a sentence of one year or longer may be imposed,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ''; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien''.

(b) CODIFICATION.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: ''Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.''.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''and nothing in'' and all that follows through ''1252(i))''.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the ''Treaty'') to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of

this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

''(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

''(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

''(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

''(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

''(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).''.

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

''(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.''.

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting ''crimes involving terrorism,'' before ''driving while intoxicated''; and

(2) by inserting a comma after ''driving while intoxicated''.

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or'' before ''are States not having''.

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

''(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

''(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

''(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process.''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of paragraph (7) of subsection (a)—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.''.

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting '', or''; and

(B) by adding at the end the following new paragraph:

''(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.''.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking ''or (5)'' and inserting ''(5), or (7)''; and

(B) by striking ''used for the activity'' and inserting ''involved in the act''.

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law'' and inserting ''shall order''; and

(ii) by adding at the end the following: ''The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.'';

(B) by adding at the end the following:

''(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(B) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

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

''(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and'';

(5) in subsection (c) by striking ''If the court decides to order restitution under this section, the'' and inserting ''The'';

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

''(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

SEC. 807. AUTHORITY FOR OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A 1-year period of limitation shall apply to an application for a write of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

''(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

''(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.''.

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

''(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

''(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

''(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''Rule 22. Habeas corpus and section 2255 proceedings

''(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court

proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

''A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.''.

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.

''2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

''2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

''2263. Filing of habeas corpus application; time requirements; tolling rules.

''2264. Scope of Federal review; district court adjudications.

''2265. Application to State unitary review procedure.

''2266. Limitation periods for determining applications and motions.

''§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

''(2) before a court of competent jurisdiction, in the presence of counsel, unless the

prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

''(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

''§ 2263. Filing of habeas corpus application; time requirements; tolling rules

''(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

''(b) The time requirements established by subsection (a) shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

''§ 2264. Scope of Federal review; district court adjudications

''(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

''(1) the result of State action in violation of the Constitution or laws of the United States;

''(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

''(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

''§ 2265. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

''§ 2266. Limitation periods for determining applications and motions

''(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

''(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

''(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after

the date on which the order granting rehearing or rehearing en banc is entered.

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2261''.

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

''(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.''.

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

H.R. 1745

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 2: Page 19, after line 14 (after subsection (j) of section 3), add the following:

(k) SEARCH AND RESCUE.—The Secretary of the Interior shall permit any Federal agency, element of the Armed Forces (including the reserve components thereof), the National Guard, and any State or local agency to use mechanized vehicles and equipment, aircraft, and other form of mechanical transport for purposes of search and rescue within any area designated by this Act as wilderness.

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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Knowledge we ask not
Knowledge Thou hast lent
But Lord, the will
There lies our bitter need
Give us to build above the deep intent
The deed; the deed!—Drinkwater.

Dear God, help us to put into action what we believe. You have made faith and works inseparable. Application of our convictions is our challenge. Help us to apply the absolutes of our faith. We believe in You as Sovereign of this Nation; strengthen our wills to seek and do Your will. Out motto is ''In God we trust''; help us really to trust You in the specific decisions we must make today. Particularly, we ask for Your guidance in our decision about the extent of our involvement in Bosnia. We believe You have called us here to serve; help us to be servant-leaders distinguished for diligence. We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The PRESIDENT pro tempore. Under the previous order, H.R. 2606 will now be laid aside and the Senator from Texas [Mrs. HUTCHISON] will be recognized to submit a Senate concurrent resolution. The able Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia.

The Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, this is a very simple resolution. It is the Hutchison-Inhofe resolution that says, very simply, we oppose President Clinton's decision to deploy American troops into Bosnia.

The second part is also very simple. It says we support the troops of our country 100 percent.

Congress must exercise its responsibility under the Constitution. We must say ''no'' when there is a bad decision that will cost American lives. Congress has not been consulted. Congress has not authorized this deployment. It is not an emergency.

The President is talking about a year. Congress should not authorize any deployment of troops that will put them in harm's way for a 1-year period.

This is not within the parameters of the NATO agreement. I have a copy of the NATO agreement here with me. If any Member of the U.S. Senate can show me the provision in this agreement that somehow makes it our responsibility to send troops into a civil war in a country that is not a NATO country, I invite them to come to the floor and do that.

Mr. President, it is not there. The NATO treaty is a mutual defense pact among nations that were trying to make sure that we would have the ability to repel a large and onerous foreign invader. There is no such potential foreign invader for our NATO countries and, therefore, rather than run around the world and react to crisis upon crisis where there is not a U.S. security threat, it is time for us to look at NATO and our agreement and make it strong by planning ahead, by having a strategic vision about what is needed now to make Europe stable.

America wants to be part of making Europe stable, but, Mr. President, going into a civil war in Bosnia is not the way to make Europe stable. The way to make Europe stable is to help the people of Bosnia by making sure there is parity, by making sure that the people are able to defend themselves, but not to put United States troops on the ground.

I am just going to end this morning by quoting from a letter that I got from one of my constituents, and I think it really sums it up:

I remain to be convinced that we have a greater moral obligation to the Bosnians than we do to our own soldiers and their families.

Mr. President, this is a bad decision, and it is the responsibility of Congress to fulfill our constitutional duty to say, ''No, Mr. President. Come to us. Let's discuss it before you deploy American troops. Sending them to Haiti without our authorization, expanding the mission in Somalia without our authorization has not worked, and sending our troops to Bosnia without our authorization will not work.''

Thank you, Mr. President. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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Mr. THURMOND. Mr. President, I rise in support of the concurrent resolution offered by the distinguished Senator from Texas, Senator HUTCHISON, myself, and others.

For the past couple of months, I have made statements on the floor and in hearings conducted by the Senate Armed Services Committee expressing my grave concerns over the commitment that President Clinton made to the Presidents of Bosnia, Serbia, and Croatia to deploy United States military ground forces to implement and enforce a peace agreement to end the fighting in Bosnia.

I continue to have those concerns. To date, the Senate Armed Services Committee has conducted eight hearings on the situation in Bosnia and the use of United States military forces to enforce the Bosnia peace agreement. In testimony before the committee, administration witnesses and experts in the area of national security, foreign policy, and intelligence have stated that it is in the vital national interests of the United States to deploy ground forces in Bosnia to avert a wide-scale war in Europe to save NATO and maintain United States leadership in NATO and to preserve the good word of the United States.

Mr. President, as I have stated before, as a superpower, I believe it is important for the United States to show leadership in matters of national security and foreign policy. I also support NATO and do not want to endanger NATO as a security organization which was largely successful in bringing the cold war to an end.

I also believe that it is important to follow through with commitments. However, I will not rubberstamp a decision by the President, just because he has the constitutional authority to deploy military forces. The administration has testified that the President would proceed with the deployment of United States forces to Bosnia, regardless of the concerns expressed by Congress.

Despite this testimony, I believe Congress has a constitutional responsibility to review decisions of this magnitude. In the conduct of that review, I have yet to be convinced by the President, the Secretary of Defense and the Secretary of State, that there are vital national security interests that warrant the deployment of United States military forces to Bosnia; or that our national security is threatened.

I am not convinced that the mission is clear, that the objectives of the mission are achievable, or that there is a clear exit strategy.

I have great confidence in NATO's ability, under the operational and tactical control of the U.S. military, to manage the operation—more confidence than I ever had in the United Nations. However, there will be a number of non-NATO nations participating in the implementation force, a great number of them deployed in the United States sector. While they will be under the operational control of the United States military commanders, I have concerns about their perception or interpretation of actions by the people for whom they are supposed to be securing peace, and the paramilitary forces in the area who may not support the peace effort.

This operation is supposed to be a peacekeeping action, and at the same time, a peace enforcement action, as necessary. I am concerned that there is great potential for disaster, despite robust rules of engagement, if there is not a clear understanding among all the parties in the sector, as to interpretation of military action, and what constitutes the use of force.

Further, I am not convinced that United States military forces participating in the Bosnia peace implementation force will not get bogged down with nonmilitary activities such as providing assistance to international organizations. From reading the I-For mission statement, it is quite clear to me that the mission statement is ambiguous and unclear. Specifically, it states that I-For will not conduct election security, provide humanitarian assistance or conduct mine or obstacle clearing activities. At the same time, though, it says that members of I-For will assist international organizations in these activities, if requested.

Mr. President, I supported lifting the arms embargo so that the Bosnian Moslems could protect themselves, and so the United States could avoid sending U.S. troops to Bosnia. The President and the international community repeatedly rejected the bipartisan effort to lift the embargo.

I still support the idea that a stable military balance is necessary to enable Bosnia to defend itself. However, now that United States troops will be deployed in Bosnia, I have concerns for their safety, if the United States becomes directly involved in providing equipment, arms, training, and the logistics to the Bosnian Moslems.

Mr. President, regardless of the outcome of this debate, I want to strongly emphasize my support for the U.S. military forces who have already been deployed to Bosnia and Croatia, and who may shortly be deployed to Bosnia to participate in the implementation force. I will be monitoring very closely the situation in Bosnia, so that we can ensure that our military forces can return to their families as soon as possible.

Mr. President, I urge my colleagues to support the concurrent resolution offered by Senator HUTCHISON, myself, and others.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, after a great deal of reflection, and with some reservations, I have decided to support the President's decision to send United States troops to Bosnia to help enforce a peace settlement. When the peace agreement was initialed in Dayton 3 weeks ago, I wholeheartedly welcomed the peace, congratulated the peacemakers, but expressed my skepticism about the need for U.S. ground troops to enforce that peace.

When President Clinton first suggested almost 2 years ago that United States troops might become involved in Bosnia, I outlined my strong concerns about such a course of action in a letter to the President. I noted two minimum conditions that I thought should be met before we even considered committing troops to Bosnia. I said that the mission should be a multinational one, conducted either under U.N. or NATO auspices, and that the United States should provide less than a majority of troops to that effort. Both of those conditions have, of course, been met, but for me, that is only a starting point.

My qualms about sending United States troops to Bosnia stem from my fear that we will become stuck in a Balkans quagmire. To my mind, throughout history, the Balkans have been a place of war and strife, and I worry about involving United States troops in conflicts that are centuries old.

But I also have said that it was up to the President to make the case for sending troops, and that I would listen with an open mind. During the past 3 weeks, the President and other members of the administration have put forth their case to me in private and in public, and I have been listening. I found President Clinton's address to the Nation to be particularly compelling. I believe the President did an excellent job of laying out exactly what is at stake in Bosnia. I agree that the Dayton Agreement, which was brokered by very talented U.S. diplomats, offers us the chance, as the President said ''to build a peace and stop the suffering'' in the heart of Europe, which is of course very important to U.S. national security interests.

In that speech and in subsequent presentations, the President and other members of the administration have defined the limited peacekeeping role our troops will be asked to play. They have been appropriately reassuring to the families of the young men and women who will be sent to Bosnia. Our troops know already that they are the world's best equipped and trained fighting force. The President, in a clear statement to any would-be troublemakers, has stated flatly that our troops will be well trained, heavily armed, and ready to retaliate against any threat to their own safety.

While our troops will have broad discretion to respond to any challenges or threats, there also will be limits on their role and mission in Bosnia. In a hearing before the Senate Foreign Relations Committee on December 1, Secretary Christopher, Secretary Perry, and General Shalikashvili testified that there are limits to what our troops will be asked to do. The fact that there will be limits has gone a

long way in convincing me to support our President's decision. Our troops are not going to fight a war, but rather to help implement a peace to which the parties themselves have agreed. Their objective is to achieve a concrete set of military goals outlined in the Military Annex to the Dayton agreement. They are not, I have been reassured, going to get dragged into the conflict itself. I have also been assured that our military will not be engaged in rebuilding Bosnia. That is a responsibility of the parties themselves, with such civilian assistance from the international community as the Dayton Agreement provides.

Mr. President, I do continue to have some questions about the implementation of the peace plan. While these concerns will not cause me to withdraw my support of the President's decision, they are serious.

First, I would like to see a more precise rendering of the circumstances under which the implementation force will carry out or provide direct support for such civilian tasks as creating secure conditions for elections, assisting humanitarian missions, preventing interference with the movement of civilians, and mine clearing. General Shalikashvili and Secretary Christopher told the Foreign Relations Committee that the implementation force—or I-For—has the authority to engage in such activities but that this authority would be used rarely and at the discretion of local I-For commanders. I would hope that before the main body of troops are sent to Bosnia, we will have a better sense of the specific guidelines being given to local commanders about involving I-For in these activities. Otherwise, I fear that there may be an uneven enforcement of the peace plan, and more importantly, that we may see mission creep develop.

Related to this issue is my concern that there be a strong and effective civilian program that will ensure that free and fair elections are held, refugees are resettled, and that reconstruction begins. Moreover, I hope that there will be tight coordination between the civilian and military aspects of the implementation program. Although I do not want to see I-For involved in the civilian aspects of the peace implementation, I do, after all, want to ensure that we achieve the maximum progress possible on the civilian side. Without such progress, the exit strategy for our troops becomes much more murky and problematic. If sufficient progress is not made on elections, refugees, reconstruction, and related matters by the time I-For does withdraw in a year's time, I fear that there will be backsliding on the military side and that United States troops will have done nothing more than preside over a year long cease fire.

Finally, I hope that the administration will define more clearly how it hopes to achieve a military balance in Bosnia once I-For leaves. I do not think anyone would quibble with the goal of achieving a balance, but we need more details about how that is to come about, consistent with the Dayton Accords and U.N. Security Council Resolutions.

To me, it is unfathomable that we would want to see more arms in that part of the world. Moreover, I am uneasy about any U.S. plans to arm and train one side—the Federation—while participating in an Implementation force which is supposed to be even-handed. One need only remember the ill-fated U.S. military involvement in Lebanon to be reminded of the danger of taking sides in such a situation. While it might ultimately make sense for the United States to coordinate such an effort, for U.S. citizens—be they military personnel or private contractors—to actually engage in arming and training may make our troops particular targets. To this end, I welcome President Clinton's assurance that providing arms and training to Federation forces will not be done by either I-For or U.S. military forces. Before our troops are sent to Bosnia, we should know definitively how we plan to proceed on this issue.

Mr. President, Balkan history has been a source of my skepticism about sending troops to Bosnia. I have spent long years of service in Europe: first as a Coast Guard lieutenant based in Sicily during World War II, then as a Foreign Service officer in Prague, Bratislava, and Genoa as the Iron Curtain was drawn between East and West, and as an official with the International Rescue Committee working in Vienna with refugees fleeing Hungary's Communist regime. Because of my experience, I am deeply and personally conscious of how important Europe's freedom and stability is to the United States. I am also acutely aware of how fragile the current peace engulfing most of Europe is. If left unchecked, the Bosnian war could threaten the peace on the rest of the continent.

The people of Bosnia have suffered untold misery and horrors. To them, the Dayton Agreement is long-awaited and good news. For us, the agreement offers an historic opportunity to end Europe's worst conflict since World War Two. We all hope it presages a lasting peace.

That is why I believe we must support the President's call to participate, with our NATO allies, in an effort to stem the tide of war in Bosnia.

Mr. GRAMS. Mr. President, I want to rise today as a cosponsor and strong supporter of the Hutchison resolution. I want to commend Senator HUTCHISON, Senator INHOFE, and other Senators whose outspoken and persuasive leadership has given us this opportunity to send a clear message to the President on the Bosnia issue.

Like my 28 colleagues who have cosponsored this resolution, I believe the Senate must express its opposition to President Clinton's planned deployment of United States ground forces to Bosnia.

I encourage all of my colleagues who have strong reservations about the President's actions to vote for the Hutchison resolution.

As a member of the Foreign Relations Committee, I am convinced that this resolution is the only way to send a clear, unambiguous message to the President without hurting American troops who are already on the ground or who will be arriving imminently in Bosnia.

The President has failed to convince the American public of his basic premise—that such vital national security interests are at stake in Bosnia that we should risk the lives of United States soldiers to enforce a fragile peace there. Letters and calls from my home State of Minnesota continue to oppose sending troops 3 to 1.

Unfortunately, I hold out little hope that the Hutchison resolution, even if it passes, will prevent United States troops from being deployed to Bosnia.

If the President is willing to begin the Bosnia operation despite strong and sustained public opposition, it is difficult to imagine that one more vote in Congress will change his mind.

We all understand the President has the constitutional power to commit troops without congressional approval, but a far more worrisome question is whether he should sustain this dubious military operation without a solid base of public support.

In 1993, during the height of the civil war in Bosnia, President Clinton made a regrettable mistake: He pledged to commit 25,000 United States ground troops to enforce any future peace agreement between the warring parties in the Balkans.

The President made this promise without knowing the exact terms of the peace agreement that would emerge, without conducting a thorough review of the operation's dangers and without consulting Congress.

Now, he has essentially dared Congress to break his ill-considered commitment of U.S. forces and thereby, he says, risk undermining the peace agreement, our international credibility and our relations with NATO allies.

In doing so, the President has effectively painted the American soldier and Congress into an uncomfortable corner. As a result, United States troops are already on the ground in the Balkans as part of NATO's advance force, and thousands more American soldiers will find themselves in Bosnia for Christmas.

Moreover, the President has repeatedly blocked efforts by Congress to end the unjust arms embargo on the Bosnians. This embargo has prevented the Bosnians from defending themselves and has encouraged continued Serbian aggression against their outnumbered foes.

Even the Clinton administration is admitting that a military balance between warring factions is the key to stability in Bosnia and the eventual withdrawal of United States troops.

How tragically ironic it is that the necessary outcome of NATO's operation in Bosnia could have been achieved without shedding American blood if the President had only allowed the Bosnians to arm themselves.

Congress should not rubber-stamp the President's premature decision. We must not compound this Presidential blunder by abdicating our congressional responsibility.

First, Congress should continue to express specific concerns about the scope of the NATO mission in Bosnia. While administration officials have made claims to the contrary, most Americans realize there is real potential for this operation to become increasingly open-ended and dangerous.

During hearings before the Foreign Relations Committee, Secretary of State Christopher said that the NATO implementation force's only obligation was to carry out military objectives—namely, the separation of Bosnia's warring parties.

But he also said that the peace agreement ''authorizes'' NATO forces ''to take additional [civilian] actions if the local commander desires to do so.''

Well, undoubtedly, giving NATO forces this discretionary power to support nation-building activities will put our troops at greater risk. So far, there have been many reports about the lack of coordination among international organizations charged with achieving civilian provisions in the peace agreement. If progress is not made on these civilian missions, the temptation for NATO forces to advance civilian goals—such as refugee resettlement—will only increase.

In addition, without an effective exit strategy, the Bosnia operation's supposed 1-year time limit could evaporate. As I mentioned earlier, the key to an exit strategy for United States troops is the establishment of a military equilibrium among the warring parties.

If the United States does not take a leading role in the arming and training of the Bosnians, it is very doubtful that it will be done to our satisfaction.

Opponents who claim that a strong American role in arming the Bosnians will jeopardize the neutrality of United States troops are simply deluding themselves. The Serbs never have and never will consider the United States a neutral power in this arrangement. Have we forgotten that only months ago United States planes were bombing Serb positions? For the Serbs, an indirect American role in arming the Bosnians will hardly be more reassuring than a direct one.

Indeed, one of my strongest concerns about the United States role in this operation is that we are mistakenly assuming we will be perceived as neutral by all parties in Bosnia. In 1983, a similar tragic miscalculation failed to prevent the deaths of 241 United States marines in Lebanon.

Without question, the scope of the Bosnia mission must be narrowed and an effective exit strategy developed. For this reason, I appreciate what the majority leader and Senator MCCAIN are trying to accomplish in their resolution and I know they are acting solely with the safety and well-being of our troops in mind.

However, I cannot vote for the Dole resolution, which authorizes the President's deployment of United States troops to Bosnia. Given the manner in which the President has chosen to pledge our soldiers' lives for this peace agreement, I cannot vote to give him Congress' seal of approval. The President's strategy simply does not deserve it.

Yet, while I am not willing to acquiesce to the President's plan, I also will not support cutting off funding for our troops while they are already on the ground. Although this action is within the constitutional powers of Congress, it would potentially endanger the men and women in our Armed Forces even further.

We must learn from our past mistakes. We should not repeat the 1993 debacle in Somalia where United States troops were actually denied the equipment and weapons their commanders had requested. Soon afterwards, 18 American soldiers were killed when they were trapped during a tragic firefight.

Therefore, the Senate's vote today on the President's plan to deploy troops in Bosnia is only the beginning of Congress' obligation to our men and women who serve and defend this Nation. We will closely monitor the Bosnia operation to ensure that it is fully funded, that our troops are adequately supplied and that the mission remains strictly focused.

Mr. President, we owe our soldiers, their friends and family, and the American people nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, first, I want to commend my colleague, Senator HUTCHISON, from Texas, for the initiative she has taken, addressing what I think is one of the most critical and important issues the Senate will face in a long, long time. It is appropriate we give proper deliberation to this issue. There really is no more serious, wrenching decision than one similar to what we face today, because it not only has consequences for America's role in the world, but consequences for the lives of young men and women, poised at this very moment for deployment in Bosnia.

We have two burdens in this debate. One is to exercise American leadership and the second is to justify American sacrifice.

Let me state at the beginning, I firmly believe in American leadership. Our active engagement in the world is an expression of our interest and our values. But in exercising this leadership, I think it is important that we understand that justifying American sacrifice is the higher and the harder and the heavier responsibility that we face because it demands not just plausible goals, but compelling reasons.

It is not enough to say that a questionable promise has been made, or that an alliance needs to be politically repaired, or that we feel guilty or somehow compromised and helpless. These are factors that may contribute to a case for intervention, but I do not believe they are determinative factors in terms of deciding whether or not we intervene. Because, in the end, I think we have to be able to say certain things with confidence, that there is no other, more viable option consistent with our interests and that there is no honorable alternative to the risk of American lives. This is a decision that has to be made deliberately, not by default.

Like many of my colleagues here, I faced these questions before. I voted to send United States marines to Lebanon to be a presence in a land that was factionalized and fractionalized like Bosnia, and I will always regret that decision and that vote which resulted in the deaths of 241 marines who saluted smartly when ordered to what clearly, in retrospect, was an ill-defined mission.

I also voted to send American troops to the gulf to fight aggression. When America's interests are clear, as I believe they were in the gulf, even great sacrifice can be justified, but when America's interests and goals are vague and murky and unobtainable, the loss of one life is too much.

In the administration's proposed police action in the Balkans, there are a number of operational questions, some of which I will briefly raise, but I want to begin by stepping back and asking some fundamental questions of philosophy and strategy.

Why Bosnia? Why this region? Why this moment? It is said we have a moral responsibility to end the bloodshed. But I think that goal is too broad to be useful. Bosnia, unfortunately, is not unique when it comes to undeserved suffering. Bloody civil wars rage today in Rwanda, Sudan, Liberia, and other places of the world. There were far more civilians killed in a year in Kabul than there were in Sarajevo.

So, how do we choose where American troops are used to end the world's civil wars? Is that a decision made by TV news, determining which country has the most telegenic suffering? Clearly, this alone cannot be a sufficient basis for intervention.

It is said the Bosnia conflict is a direct threat to the security of Europe, an area where American interests are implicated. It has been repeatedly stated by the administration that intervention is necessary to prevent the spread of the Bosnia conflict to other nations, including Hungary, Albania, even Greece, and that failure to intervene now will inevitably lead to a broader conflict and a greater involvement at greater sacrifice of American troops.

But I believe this to be a serious exaggeration.

Europe today is not the Europe of 1914, deeply factionalized and arming for a broader war. In fact, the Balkan war has not been expanding, but contracted. It is a serious crisis, but it is not an expanding crisis. No European leaders are seriously convinced that the dominoes of France, Germany, Italy, Greece, and the rest are about to fall, pushed by Balkan violence.

It is said that our vital national interests are challenged by a Balkan civil war, but this is simply not credible. What resources are threatened? What trade route is interrupted? What strategic military threat to the United States has developed? What American citizens are being placed in danger? The term ''national interests'' cannot be stretched indefinitely. It must mean something or it means nothing.

So, it seems that we are left with one reason, one explanation why 20,000 American troops are headed for the Balkan winter: Because the President gave his word, and we cannot go back on it. Is this what the administration means by credibility? National interest is not found in the Balkans themselves but found in closing a credibility gap that the administration itself has opened.

Henry Kissinger summarizes this point as follows: ''The paradox of the decision before Congress is that while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policies: If other nations,'' Kissinger says, ''cease to believe our assurances, our capacity to shape events to protect American security and values will be jeopardized.''

I do not want to minimize this concern. Many scholars and experts that I deeply respect believe that this reason alone is sufficient to justify American intervention. But, if that is the case, I have two questions that have yet to be answered in this regard.

First, how do we come to this place? Why should the world's only superpower, fresh off the success of Desert Storm, need to prove its credibility in a Balkan civil war? Have we so squandered American leadership and credibility that now it needs to be bought back with the presence of American troops and the risk of American blood?

This brings me to my second question: Will this intervention actually rebuild American credibility?

It is possible, but only under one circumstance: The mission must be an obvious success. Credibility is not determined by the promises we keep but by the outcome we achieve. An outcome similar to Somalia or Lebanon would be difficult to calculate. the important questions are: Is this Bosnian mission likely to add to American credibility? And what is the prospect of success?

These are questions I asked in the hearing process. In several key areas, and I have yet to find adequate answers.

How can the United States remain neutral and build up the Bosnian Army? Is not this logically contradictory, and inherently dangerous?

Though it is not entirely clear what form these arms and training will take, does anyone believe that the Serbs will stand by while their military advantage is reduced as the Bosnians arm and train with the best quality arms to the best extent possible? The Dole resolution portion of that—and I commend Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others for a well-intentioned and serious effort at outlining the conditions of American involvement—and much of this resolution contains language I can enthusiastically support, but a portion of it is deeply disturbing to me, particularly section (2)(b)3 which says the United States will ''lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure that the federation of Bosnia-Herzegovina provide for its own defense, including, as necessary, existing military drawdown authority.'' And on it goes.

America, in effect, will be acting as a shield while one faction in a civil war aggressively arms. Taking sides in previous peacekeeping efforts have brought tragedy—not success. Clearly, the implementation agreement to an implementation of this section (2)(b)3 of the Dole-McCain resolution could lead to both a mission impossible to achieve and potentially disastrous consequences.

A second question is, How certain are we that a Bosnian Moslem-Croat federation is politically sustainable?

The Dayton agreement presupposes the survival of this fragile alliance—an alliance that is not even 2 years old. It was not even in existence when the Bosnian conflict began. It was the Bosnian Moslems and the Croats that were the warring factions—the Croats on the same side as the Serbs, each trying to carve up Bosnia for its own benefit.

What we have today is a marriage of convenience between some very reluctant partners. Are we going to stake American credibility on the assumption that eventually these uncomfortable allies will continue to enjoy each other's company? Henry Kissinger has cautioned that, ''It is naive to expect the Croat-Moslem marriage of convenience to last indefinitely.'' He argues that the relationship is more of a time bomb than a permanent political identity.

A third question: What exactly is our mission, and how will we define success?

The President believes our mission is to supervise the separation of the forces and to give the parties confidence that each side will live up to their agreements. He wants the U.S. military to serve in this capacity for 1 year in order to ''break the cycle of violence.''

The most clear portion of the proposed mission is keeping the warring factions separated. That will not be easy. But at least its effectiveness can be measured, and I think it can be accomplished. I argue, however, that it is a mission that should not be necessary if, in fact, there is a real peace agreement reached.

But the second component of the President's mission statement, that of ''giving the parties the confidence that each side will live up to their agreements,'' is dangerously unclear. These confidence-building measures include establishing the foundation for economic, social, and political reconstruction in the region. But, as I just previously stated, it is the explicitly stated but not agreed to by the parties to this agreement, it is that explicitly stated mission of arming and training one side in what I believe to be a civil war that is most disturbing to me.

I have struggled to understand this. I have struggled to find answers to these questions. I have struggled to find agreement with this so that I could support the Dole-McCain resolution. But I cannot resolve in my mind what I believe to be an inherent contradiction between a stated, written, agreed-to-by-all-parties portion of this Dayton peace agreement that calls for disarming of the parties, an achievement of a military balance, and the contradictory goal of immediately leading an effort to ensure arms and training to one faction of the three warring parties.

This militarization—not demilitarization—inevitably will lead to an arms race and, I believe, will inevitably lead to a failure of mission. And that failure of mission then squanders the last opportunity to establish or regain American credibility.

I ask the question I asked before. Have we since the gulf war so squandered American leadership and credibility that now we must regain it by engaging in a civil war in the Balkans at great risk of loss of American lives and at great risk of squandering future American credibility?

All these problems conspire to create a very difficult situation. We have staked our credibility on one outcome in the Balkans—peace. But that is the outcome that is the least likely of the many possibilities. On the one side, we have the evidence of 600 years of bitter conflict and, more recently, 34 broken cease-fires. On the other, we have the desperate hope that all the participants will show good will and good sense. I trust and pray that they will. That would be contradictory to 600 years of history.

The problem here is simple. Our credibility is at sake, but we do not control the outcome. Our success or failure will be determined by the parties and factions that have demonstrated that they cannot control themselves.

If, at the end of 12 months, there is chaos in the Balkans, the pressure on American credibility will be even

greater than it is today. We will have invested American lives, American resources, and American leadership. So then how can we walk away at that moment with our leadership enhanced? Will there not be inevitable pressure to expand our efforts, to extend them?

Jeanne Kirkpatrick has commented that ''failure to provide ground troops might do superficial damage to America's credibility, but committing troops and failing to achieve our goal would do major damage to America's credibility—really major damage. It is not possible to contemplate the damage to America's credibility that would result,'' she said.

Mr. President, I am convinced that this Bosnian crisis is a symptom of a deeper foreign policy crisis, the evidence of a basic misunderstanding of what it means to be a superpower. The will to intervene, to spend lives and money, is a limited resource of any nation. It must be carefully preserved for essential missions that concern our vital interests and maintains stability in the world.

Endless and pointless interventions squander that limited resource of national will. It is precisely because we cannot be isolationists that we must be deliberate and realistic in our actions. It is because intervention must remain an option of American policy that our interventions must be wise. In Bosnia, discretion is wisdom.

This does not mean America should be and can be indifferent about situations like the Balkans, but it does mean we should consider other options—alternatives to ground forces—in conflicts where our interests are not directly engaged. One of those options available to a superpower is to lead our allies instead of following them. Unfortunately, that course has not been taken.

Gen. John Shalikashvili has conceded that ''from a purely military standpoint'' the West Europeans could undertake the Bosnian mission on their own. They have chosen not to do so. Rather, they have insisted that America make a symbolic commitment—not so symbolic when you consider it is 20,000 troops—to the extension of an unwise NATO policy of peace enforcement among ancient enemies. It is not the kind of mission for which American troops are trained or suited. It is a mission much closer to the British in Belfast than the Americans in the gulf war, and it is clearly not a mission to be achieved in 12 months. I am deeply troubled that American lives should be sacrificed to prove loyalty to an organization—NATO—that America should be leading, not following it into mistakes that can be reliably predicted by our experience in Lebanon and Somalia.

Once these troops are placed in the field—and they are being placed now—I will do everything in my power to assure that they succeed. But I cannot accept the responsibility of voting to place them there in the first place simply for the purpose of preserving U.S. credibility. It will do nothing in the long run for American credibility to follow our allies into this misguided deployment.

I will reluctantly be opposing the Dole resolution for reasons that I have stated and supporting the Hutchison–Inhofe resolution that we will be voting on shortly today.

Again, I thank Senator HUTCHISON, Senator INHOFE, and others for their efforts in attempting to address what I think is an extraordinarily difficult situation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, throughout the Bosnian conflict, I have had grave reservations about the involvement of American ground troops in that troubled region. After the President made his speech on November 27, 1995, I continued to have serious concerns, because I felt that U.S. ground troops should not be involved in such a violent area that should be, primarily, a European responsibility.

Following his speech, I expressed these concerns in view of the fragility of the tentative Dayton peace agreement and the prospects for similarities to our peacekeeping efforts in Lebanon. I recalled the changes of attitude on the part of Congress and the public when the disastrous consequences in Beirut and Somalia unfolded on the nightly news.

Over the last several days, I have immersed myself in a study and evaluation of our present posture regarding the situation in Bosnia. I have listened and talked to military, political and foreign policy leaders, Members of Congress, and individuals in other related fields as well.

First, let me say that I hope during this debate over our role in Bosnia, we will rethink America's role as the sole remaining superpower and its participation in foreign disputes. We must recognize that other countries will want to use our military and financial resources to solve problems that basically they should remedy themselves. In my opinion, there should be less military involvement by the United States, as well as reduced foreign financial assistance, unless there is a vital U.S. interest involved. Furthermore, this need for rethinking is augmented by the movement to achieve a balanced budget.

Having said that, I want to share some of the thoughts that have entered my mind after reflection and discussions.

Like most Americans, I am thankful that a cease-fire and hopefully an effective Bosnia peace agreement has been reached between all of the warring factions in this long-standing conflict. I pray that the cease-fire holds, that the agreement succeeds, and that the Bosnians can live in peace. We have watched for nearly 5 years as these neighbors have cruelly and methodically torn each other apart.

On the surface at least, the Dayton agreement does hold promise for peace. It allows the thousands of refugees, theoretically at least, to return to their homes; it removes the foreign ''holy warriors'' from Bosnia; it withdraws heavy weapons; it preserves the October 5 cease-fire; and hopefully, it will stop the genocide and other atrocities that have plagued that part of Europe for far too long.

My primary concern with the agreement and the NATO mission it calls for is the requirement of having to send American ground forces to implement its provisions. This should be, essentially, a European mission. The use of air power on the part of the United States was very effective. That was, I believe, the extent to which most Americans expected U.S. forces to be involved. Perhaps this was then and is now the appropriate extent of our involvement.

NATO is probably the only military force that can be counted upon to do the job of peace implementation in Bosnia. The NATO air strikes, which were largely responsible for forcing the warring parties to the negotiating table in Dayton, were proof positive of their effectiveness. The strikes also proved that the Serbs do respond to the power of military might. Still, the mission in Bosnia seems to go beyond the defensive purpose for which the alliance was established nearly 50 years ago, and might set a dangerous precedent for NATO. If NATO's role is to be different from its treaty responsibilities, it should be tailored on an ad hoc basis to limit U.S. participation in what are primarily European internal problems.

Throughout this debate the question arises, ''Is it in the vital national interest of the United States to become involved in Bosnia?'' The term ''vital national interest,'' however, seems to mean different things to different people. I would therefore like to take a moment to reflect on my idea of a vital national interest and how it differs from other interests our Nation may have.

A vital national interest is one that a country considers to be crucial to its national security. These are issues that are so important they are not open to compromise or negotiation. A country has no choice but to risk war to protect a vital national interest. With a major interest, on the other hand, the country is not at immediate risk. Instead, a decision must be made as to whether the use of force is justified. The use of the military is a question of risks, benefits, capabilities, and, in this case in particular, conscience.

Applying these definitions, it is questionable whether participation in Bosnia is a vital national interest of the United States. Some have stated their belief that the Bosnian conflict could spill across national boundaries and engulf Europe in bloodshed. They

use our vital national interest of a stable Europe to justify action in Bosnia. We have, however, effectively managed to prevent the spread of this conflict for nearly 5 years without committing ground troops to the region.

We must also remember the peace keeping mission in Beirut, Lebanon. Many argued back in 1983 that if we did not end the fighting in Lebanon, it would soon spill across the borders and the entire Middle East would be at war. However, our national interest was in a stable Middle East, not necessarily a stable Lebanon. After we pulled out our marines, we rightly redoubled our efforts on preventing the war from spreading across the borders to Israel and Syria.

Another problem we faced in Lebanon and may face in Bosnia is our apparent lack of neutrality. It is essential that peacekeepers enforcing an agreement or cease-fire not take sides. Yet in Beirut, we bombed and shelled the Syrian-backed forces in support of the Lebanese Army and Christian militia. This lack of neutrality made our men targets and led to the fatal bombing of the Marine compound.

In the present situation, United States planes have bombed numerous targets in Bosnia and killed hundreds of Serbs. Do we believe the friends, comrades, and commanders of these dead men view the Americans as neutral? And if we begin to arm the Moslems to achieve military balance among the three parties, will any Serbs view us as neutral? If any of the warring parties become convinced that the Americans are their enemy, it could mean real trouble, not the least of which could come in the form of terrorist attacks similar to Beirut in 1983.

There are other problems to consider as well, such as the divided feelings among the Serbs themselves about the Dayton agreement; divisions among the Croats and Moslems; the remaining residuals of the presence of foreign ''holy warriors''; the millions of land mines; probably unfriendly or hostile police forces; and the lifting of the arms embargo after 6 months.

Having outlined some of my reservations about this operation, we have to be realistic. Some of our troops are already in Bosnia. The remainder of the 20,000 have been committed and will soon be there. Furthermore, the constitutionally-suspect War Powers Act allows the President to deploy troops for 60 days without congressional approval. It is also highly unlikely that Congress will vote to cut off funding at any time during the mission.

There is no Member of this body who does not support our troops when they are put in harm's way. While we might disagree over strategy or whether or not to support the peace plan itself, on the matter of supporting our troops, we do not differ. Since their deployment to Bosnia is a matter-of-fact, our task as Members of Congress, then, is to see that they have every possible means to succeed from weaponry to intelligence.

Another point to be raised is whether a failure to support the mission at this point will in some ways undermine the forces sent to Bosnia. This is a real possibility, since those rogue elements who may not believe that we are united on this issue, or that we are looking for an excuse to withdraw, could cause much greater danger to our troops.

While the impact of our vote on our troops is of paramount importance, there are a number of other issues that we must take into account as well. For instance, we must consider the constitutional role of the Commander in Chief and the War Powers Act; the respect we have for the military professionals; the constitutional roles of both Congress and the Executive; and the credibility of the United States.

Our decision must take into account the constitutional role of the Commander in Chief. Even strong opponents of the mission concede that the President has the power to deploy troops with or without the consent of Congress. The War Powers Act allows him to deploy troops for 60 days without congressional authorization. No President, however, has ever acknowledged the constitutionality of the War Powers Act, and it has never been invoked by Congress. Since it is constitutionally suspect, in all reality, the only way for Congress to stop the deployment is to stop funding. Otherwise, a constitutional crisis could be precipitated, with Congress invoking the act and the two branches ending up in court while troops are in the field.

Our decision should also take into account the great professionalism of the military. In my discussions with military leaders, I have been reassured of the fact that we do have the most highly skilled, educated, and trained military in our history. I am confident that if we give them every means necessary to succeed, they will succeed. While mistakes and unforeseen circumstances may arise, there is no reason to doubt their bravery, dedication, or professionalism in carrying out their task.

The respective constitutional roles of both the Congress and the executive branch should also influence our thinking here. The President is the Commander in Chief and head of state. The Congress has the power of the purse, the power to declare war, and the role of approving treaties and ambassadors. But we must be realistic. The President is supported by the Joint Chiefs of Staff, the Pentagon, the CIA and other related security agencies, and the State Department. He therefore has, at least in terms of numbers and experience, superior resources than the Congress in deciding the feasibility of committing military forces. This reality must be taken into account. However, this is not to say that Congress does not have independent, knowledgeable resources and a role to play in such a decision.

I also believe that the credibility of the United States is on the line in this situation, and we should carefully consider what would happen if we do not live up to the commitments made by the head of state, even if we disagree with those commitments. We only have one President, who is also the head of state, and he speaks for the country on matters of foreign policy. I fear that our credibility will be seriously damaged if we fail to support the mission. Such a vote will not prevent a deployment, but it will, however, send a message to the factions in Bosnia and to our allies and enemies as well. Without abdicating the role of the Congress, it is crucial that we give the President some degree of flexibility in conducting foreign affairs.

Finally, there is certainly a moral dimension to this issue. During our history, whether we were facing fascism or communism, we fought knowing our cause was just and that America was in the right. Our conviction that we were right was strong because we were certain that fascism and communism were wrong.

Mr. President, we all know that ethnic cleansing is wrong. We all know rape is wrong. We all know that murder is wrong. And without a doubt we all know that genocide is wrong and a great evil. It is a wrong so great that it shocks our humanity and lets our conscience know that it is right to take action.

The intense debate and congressional action regarding the Persian Gulf War was proof that even a deeply divided Nation and Senate will rally around a cause once a decision has been made. The vote to authorize the use of military force was 52 in favor and 47 against.

Yet, 5 days later, on January 17, 1991, the Senate voted 98 to 0 in favor of a resolution which commended and supported the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities and expressed unequivocal support of the men and women of the United States Armed Forces. I remember many Senators who had voted against the authorization of force saying before that vote in which we supported our Commander in Chief, that no one should doubt that the Senate and the Nation would be united once the authorization had been approved. I hope the same will be true once the votes have been cast with regard to the Bosnian troop deployment.

For the reasons I have stated and to demonstrate United States resolve and, most importantly, to give our American troops every means of success, I will support the deployment of America's military might to Bosnia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

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

Mr. GRAMM. Mr. President, I rise to oppose sending American troops to Bosnia. The Dole resolution asks us to agree to, support, and expand the mission that the President has subscribed to in Bosnia. I intend to oppose that

resolution because I think that the President's mission is deeply flawed. I think we are making a mistake, and I intend to make it very clear that I oppose the policy we have undertaken with respect to Bosnia.

What we are being asked to support is the sending of American troops into the line of fire as a buffer force between two warring factions which have broken every cease-fire and violated every treaty over the past 500 years.

Historically, in our country, we have set high standards for sending Americans into harm's way. Each of us has set standards a little differently, but in general, we have all tried to ask ourselves, ''Do we have a vital national security interest?''

Our President has, for 3 years, tried to make the case that we have a vital national security interest in Bosnia. I submit that the President has failed, not because he is not a great salesman, but because he has no product to sell.

What is happening in Bosnia is terrible. Many Members of the Senate have been to the Bosnian region. Every American has seen on television what is happening there and we are all outraged about it. But when you get down to the bottom line, whether we have a vital national security interest in Bosnia, the answer is clearly no.

It seems to me the second question we have to ask ourselves is, ''Will our intervention be decisive in promoting the objectives we seek?''

It is one thing to have good intentions and pure motives, but it is another thing to have a plan that would allow you to put those good intentions and pure motives into force.

I see no evidence, whatsoever, to substantiate the claim that our intervention, as a buffer force between warring factions in Bosnia, is going to be decisive in promoting the objective we seek. I have always tried to apply a third test in committing Americans to combat and harm's way, a test which has come about in my own mind because I represent a large State of over 18 million people. Texas has a lot of people in uniform; many people born in other parts of the country have been stationed in Texas at one time or another, and, for myriad reasons, have become citizens of my State.

So when Americans died in the Persian Gulf and when Americans died in Somalia, Texans died. I was called upon to console the parents and spouses of Texans who had made the supreme sacrifice for our country. As a result of this experience, I have concluded that there is one additional question that I need to ask myself before committing Americans to combat and before putting Americans in harm's way. This test goes beyond whether or not we have a vital national interest and it goes beyond the question ''Will our intervention be decisive in promoting our interest?'' This test concerns my two college-aged sons and it asks ''Am I so convinced that we have a vital national security interest in Bosnia, and do I have strong enough belief that our intervention will be decisive in promoting those interests that I would be willing to send one of my own sons?''

Until I can answer that question with a very decisive yes, I cannot feel comfortable in sending someone else's son and someone else's daughter.

We are told by the President that if we do not send troops to Bosnia, that we are going to undermine NATO. I submit, Mr. President, that this is an absurd notion. NATO is a defensive alliance. NATO was established in Western Europe to keep Ivan back from the gate, to keep the Soviet empire out of Western Europe. NATO has been one of the most successful alliances in history, but never, ever—not when NATO was established, and not to this point in its functioning—have we viewed NATO as an alliance which should intervene in civil wars. I submit that this is a change in the mission of NATO. To claim that a defensive security alliance will be undercut if the United States of America does not intervene in a civil war, simply has no merit and no justification. I am also very concerned about the Dole resolution. I am concerned about the fact that in the initial presentation, the President argued that we would be part of a NATO force that, on a neutral basis, would be a buffer between warring factions. My concern, under these initial circumstances, was that the cease-fire would not hold—every other cease-fire in recent history has not held—or that the peace agreement would be broken, something which has happened consistently for over 500 years.

The Dole resolution only increases my concerns by injecting a new element into the mix. Since the President has no exit strategy, and since the President's plan is very specific as to how we get into Bosnia but not very specific as to how we get out, the Dole resolution imposes an exit strategy by having the United States of America take sides in this conflict, by having us arm and train one of the warring factions. I submit, Mr. President, that if we take sides in this conflict, any protection in neutrality that our troops might have had will be lost. If there were to be any security in neutrality for our troops, then agreeing to take sides in the conflict, by arming and training one side, can only serve to further endanger American lives.

Paradoxically, if we were debating not to intervene in Bosnia in a peacekeeping role, but rather to be part of an effort to try to bring a balance in military power by lifting the arms embargo, by bringing the leadership of the Bosnian army to Germany to be trained by Americans, and to have an international effort to supply arms, in all probability I would be supportive of that proposal. But when we take on the role of a neutral peacekeeper, by the very nature of that role, we eliminate our capacity to take sides in the conflict, to be a source of weapons, or to be a source of training. I understand the desire to find an exit strategy, but, quite frankly, I believe the Dole resolution takes a flawed policy and goes one step further by making it more flawed. I intend to vote against the Dole resolution.

Let me raise a concern that I have thought about now since Somalia, and I raise it because, by going back to Somalia, I can divorce this issue from partisanship since it was President Bush who sent troops to Somalia. We could get into an argument about how he sent them there in one role and President Clinton used them in another role, but that is a subtle argument that I am not interested in.

I am very concerned about the fact that we are setting American foreign policy by channel surfing. I am very concerned about the fact that we went to Somalia for one, and only one, reason, and that was because the suffering and misery in Somalia was on television. Similar pictures could have been shown from a dozen other spots on the planet, but when one network decided to highlight Somalia, and when the public saw these pictures politicians in Washington responded by establishing a policy to intervene.

I submit that you cannot, and should not, run our Nation's foreign policy as if it were social work. You cannot always be looking for some good to do around the world. We, even as powerful as we are, and even as the greatest and most powerful nation in the history of the world, cannot fix everything that is broken. We cannot right every wrong. We cannot take unto ourselves the mission of seeking out all human suffering or all injustice on the planet, with the goal that we, through our power, should solve these problems. Quite frankly, we have a lot of problems of our own; we have a lot of human suffering in our own country. But I believe that we made a mistake in Somalia, and I believe that we are making a mistake in Bosnia.

I think in conducting foreign policy, you have to define your vital national security interests first. Then when something in the world threatens those predefined national security interests, you can determine whether or not, given your abilities, you can be decisive in protecting these interests. I think in the Persian Gulf the answer was, yes; our vital national interests were threatened. We had a military dictator who was developing, as we now know and have convincing evidence of, both chemical and nuclear weapons. His invasion of a neighboring country threatened the whole Middle East, it threatened Saudi Arabia, and threatened our ally, Israel. We had a vital national security interest in the Persian Gulf, and we had the capacity, through our intervention, to be decisive in promoting that interest. This, however, is not the case in Bosnia.

I am very alarmed about this new approach—which is the foundation of foreign policy in the Clinton administration—of viewing foreign policy as simply an extension of social work.

One final point on this subject. The cold war is over. We are debating the powers of the President to use American military power around the world. Virtually everyone in this body has served in the Congress during a period where we were in a life or death struggle. Some of our Members served, not here, but in the service of the country, when that enemy was fascism. Every Member, except the newest Members here, has served in the Congress when we were in a life-and-death twilight struggle with world communism. While that struggle was underway, either against fascism or communism, American intervention around the world as a way of promoting our national interests was the most successful policy of this century—it won the cold war. Under those circumstances, when Ivan was literally at the gate, it made sense to give the President the benefit of the doubt. As a result, we have all conditioned our foreign policy thinking in terms like ''partisanship ends at the water's edge.''

I submit that this conditioning of our thoughts comes from an era that no longer exists. It was from an era when there was a worldwide struggle for survival underway. I submit that this sort of logic does not apply in this case. Why should the President have more benefit of the doubt while engaging in police activity in Bosnia than he has while engaging in police activity in Cleveland, OH?

I submit that there is no reason to give the President this additional benefit of the doubt. But even if one did, there is no evidence to substantiate the belief that we have a vital national interest at stake nor that our intervention can be decisive in promoting this interest. I am very concerned that, unless we are very lucky, the outcome of this intervention might simply be to add American names to a casualty list, but not to end the tragedy that we all want to see ended.

I am going to vote against the Dole resolution. I am going to vote for the Hutchison resolution, and I am going to vote for the resolution denying funds for the deployment of troops to Bosnia. I believe that we must take the strongest stand possible. I believe that the current plan is a mistake and that it is not a logical way to promote American interests. I do not want to send troops to Bosnia. I know they are going and I understand that the votes are here to assure that the President is going to not only be able to send troops to Bosnia, but also is going to be able to cloak himself in congressional support.

But I want to make it very clear. I do not support this policy. Since stopping funding is the only way to prevent the troops from being sent, I will vote to stop funding. There are those who will say, ''Well, then, are you not supporting the troops?'' The answer to this is that I am not concerned about the troops doing their job—I know they can and will do what they are ordered to do. I am concerned about the U.S. Congress doing its job. I know that our warriors will do their duty and I know they will serve proudly. I know that if this mission can be made to work then they will make it work. I know that every Member of the Senate and every Member of the House will be supportive of our troops, and I know we will give them the supplies, the weapons, and the support they need. But knowing all of this does not mean that this is not a bad decision which should not be undertaken. I oppose the deployment, and I intend to vote against it.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the legislation before us concerns one of the most important issues the Senate ever considers—whether to send American servicemen and women into danger. The decision to send American troops on this military peace operation is a huge responsibility, and we must weigh it with the greatest care and caution.

President Clinton has demonstrated impressive leadership in achieving the Bosnian peace agreement, to be signed tomorrow in Paris. The United States troops being sent to Bosnia are going there to help implement that peace plan. Because of U.S. leadership so far, they are not going there to fight a war—there is no longer a war to fight. And with U.S. leadership in the year ahead, there is a good chance the war will never resume.

Everything depends on the parties' own commitment to peace. We have given that question very careful consideration in our Armed Services Committee hearings in recent weeks, as well as in consultations with Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, and Assistant Secretary of State Holbrooke.

Secretary Perry and Ambassador Holbrooke made very clear that the parties initialed the Dayton peace agreement and will sign the Paris peace agreement because they are tired of war, not because the United States or anyone else imposed it upon them. The parties met painstakingly for 21 days and nights in Dayton and reached a landmark accord to end the 4-year-long war that has plagued all of Bosnia and destroyed much of that country.

President Clinton is now sending United States troops to Bosnia to help all sides implement the peace agreement. Without American leadership, there would have been no agreement, and without American troops to implement the agreement, there will be no peace.

The role of United States forces in Bosnia serves American interests in several ways. Most important, this mission is the only real chance to achieve peace in Bosnia. That peace is essential to prevent a wider war in Europe; a wider war would inevitably involve the United States and with vastly greater risk of casualties. Twice in this century, tens of thousands of Americans have lost their lives in world wars that destroyed much of Europe. Containing such wars before they spiral out of control will save future American lives.

Sending United States troops to Bosnia will also serve the American goal of ending the massacres, ending the ethnic cleansing, and ending all the other atrocities that have claimed a quarter million lives in this war and driven 2 million more people from their homes.

The United States cannot be the world's policeman, and this deployment does not make us one. But our country was founded on respect for human rights, and on a responsibility to help those in need where we can. In this case, we can stand up for those principles by ending a war and helping a war-ravaged nation heal itself.

It is also in the U.S. national interest for NATO to succeed in this mission. This is a clear test-case for NATO. This alliance, created during the cold war to meet cold war threats, faces the massive challenge of reshaping itself to deal with security threats in the post-cold-war era. Meeting the challenge of Bosnia, using military forces to enforce a peace in a local conflict that threatens to escalate into a wider war, is the type of threat that NATO must be able to meet. If the alliance fails the test, it may well not survive. Surely, no one can deny that the vitality of NATO is in America's national interest.

Many of us had hoped that the U.N. peacekeeping force could have dealt with this conflict and produced a lasting peace, but that was not possible. Cease-fires came and went—the only certainty was that the war always resumed.

Now, the United States and NATO face this challenge. NATO air strikes, led by the United States, were the key factor in producing the most recent cease-fire, and NATO forces, led by the United States, will be the key factor in keeping that peace and giving it the chance it needs to take root in the hard, bitter, blood-stained fields of Bosnia.

This is no Gulf of Tonkin resolution blank-check commitment. The military mission is limited and achievable. The United States and NATO are not assuming open-ended responsibility for peace in Bosnia. That is very important. The mission of the U.S. and NATO forces is to give the people of that divided nation new breathing room, not more breathing room to implement a specific peace plan. There is no commitment by the United States or NATO to nation building or to provide a long-run guarantee of peace. President Clinton has made clear that

if the war resumes, he will withdraw our forces. He has also placed an approximate 12-month deadline on our troops' stay in Bosnia.

The war in Bosnia went on too long. The United Nations, the United States and our allies in Europe made many mistakes along the way. The war claimed too many lives, and it often threatened to spread to other nations. But now that all sides in Bosnia have chosen peace themselves, the United States is in a position to lead NATO and over 25 nations from around the globe, including Russia, in an unprecedented effort that is also a limited but clearly needed effort to continue the peace and give it time to stick.

We all recognize that the mission may fail to achieve a lasting peace. But the real failure would be not to try.

I commend President Clinton for his leadership. I commend our brave men and women going to Bosnia to serve American interests and American ideals. We stand behind them, and we wish them a safe and successful mission.

Mr. FEINGOLD. Thank you, Mr. President.

I begin by thanking Senator HUTCHISON and others who are leading the effort on the amendment regarding the disapproval of the deployment of United States ground troops to the Republic of Bosnia and Herzegovina.

Mr. President, on today's local NBC–TV news, it was just simply stated that there would be Senate debate today on Bosnia and that there would be a vote. But then the newscaster said, ''But the President does not need congressional approval. The troops are already committed.'' This statement was made as if it is a simple matter of fact. More accurately stated, as if it is an undisputed point of law rather than the subject of what I believe to be one of the oldest and most important debates in our country's history: The question of whether the President can deploy troops without congressional approval.

I, and several other Members of the body, have said that we do not agree with this notion and that Congress must—must—approve such deployment, whether it be under article I of the Constitution's war-making powers or under the War Powers Resolution or under a more general notion of the checks and balances between the Congress and Executive.

In any event, Mr. President, it is obvious that this institution, this Senate, does not have the will to challenge decades of executive aggrandizement of congressional war powers. This is only the last and most recent chapter of that syndrome. It is certainly not only the act of President Clinton. It has been the act of Presidents of both parties ever since World War II.

So it is with disappointment in, what I consider to be, the falseness of this process that I rise to support the only amendment that allows some semblance of what I believe to be Congress' role in this process, and that is to approve or disapprove the sending of tens of thousands of troops into what is indisputably harm's way.

This notion that Congress has to approve a deployment is not something in my imagination or just a relic of America's past. It is one of the most important opinions that has been expressed throughout American history. I first ran into it as a high school student, when we were involved—in fact, trapped—in the Vietnam war. During my undergraduate years, I followed the debate and passage of the War Powers Act which was designed because of that crisis. I remember well, when I was a little younger, hearing about the very few Senators—a precious few Senators—who stood up and questioned the Gulf of Tonkin resolution. Of course, it was that resolution which let us slip into the quagmire that became known as Vietnam.

But my views on this are not just a throwback to Vietnam or the Gulf of Tonkin resolution, although I think appropriate parallels can be made between how we got into Vietnam and what is happening here with regard to Bosnia. There are several recent serious efforts to look at the role of Congress vis-a-vis the Executive in deploying troops. I am specifically thinking of two which were published this year. In his 1995 book ''Presidential Power,'' Louis Fisher carefully documents the constitutional role of Congress. Mr. Fisher dedicates the book to the republican principle that warmaking is reserved for the legislature, and says ''this definition of Executive power''—meaning the prevailing view that seems to dominate our proceedings now—''this definition of Executive power, to send troops anywhere in the world whenever the President likes, would have astonished the framers of the Constitution.''

''It would have astonished the framers of the Constitution.'' Mr. President, it astonishes me today. I fear it is completely out of sync with our national interests, our international interests, and our capacity to make decisions as a nation in this post-cold-war world.

In another book published just this year entitled ''A Culture of Difference; Congress' Failure of Leadership in Foreign Policy'' by Stephen Weissman, it says: ''It is not too much to say that Congress has substantially ceded its fundamental constitutional role in foreign policy.''

As a Senator and as a member of the Senate Foreign Relations Committee and as a believer in Congress' role in the constitutional system, it is painful to hear that kind of assessment in 1995. But even more painful is to see this acquiescence and timidity played out in the context of Bosnia.

Late yesterday afternoon, the debate on various resolutions of support for and opposition to the deployment in Bosnia really began. Unfortunately, the resolution of authorization I would have hoped to have voted on will not be presented. In any case, the debate began yesterday afternoon and will conclude later today, with three votes, leaving essentially just 1 day of debate on a subject involving the sending of upward of 20,000 U.S. troops, or perhaps more, into harm's way.

Earlier this year, we spent a month out here on the balanced budget amendment, and I think it was well worth the effort. But just 1 day or 1½ day on the commitment of U.S. ground troops seems to me to be insufficient.

I have listened to just about all of the statements that several Senators have made since last night, either here or on the television. When I was listening, I heard mostly Republican Senators speaking in opposition to the deployment. And, although I do not agree with the conclusions, I was especially interested and impressed with the remarks of the Senator from Maine, Senator COHEN. I appreciated several things he said.

The first point he made is that President Clinton is not doing this for political reasons; that President Clinton is sincere in his motives. I believe that, too. I believe he is doing this, not to get votes, but because he believes it is the right thing to do. It is essential that we say that because there are those—including people who agree with me on this issue—who have suggested otherwise. I strongly believe the President, in his heart, believes this is the right thing to do, and that's why he's doing it.

I also appreciate what the Senator from Maine said, in candor, about the importance of the debate about constitutional power. He said it is important to resolve the issue of what is the role of Congress and what is the role of the Executive in deploying troops overseas. But then he quickly conceded that it is not going to be resolved on this one.

Do you know what, Mr. President? I have been here 3 years and we have already struggled with troop deployments in Somalia, Haiti, Rwanda, and Bosnia. That is an awful lot of intervention in just a few years when we do not even have an enemy like the Soviet Union threatening us. Yet on each occasion I have heard Senators say, ''We have to do something about this, but it is not going to be resolved on this one.''

To refer to Senator COHEN's statements again, I want to echo his observation that what is at stake here is not really just that the President has tried to assert warmaking powers. The fact is, Congress has not done its job of using our power either as an institution, as the U.S. Congress, to exert our war powers. In fact, Senator COHEN used the phrase from the law, ''possession is 90 percent of ownership,'' which, in effect, means you have to use the power or it goes away.

I remember a scene from the television show ''Dallas,'' years ago, portraying a much more mundane expression of this same concept. It was the episode where the senior Ewing, Jock,

was confronting his son, Bobby, who was complaining about his brother J.R. Ewing taking control of the oil company. Bobby said, ''Daddy, you gave me the oil company.'' But Jock said, ''Son, nobody can give you real power. You have to take it.''

That is what Congress must do with regard to the war power: it must take the powers that the framers intended for it and use them. Here we have allowed the President of the United States to commit 20,000 or 25,000 troops without even having a binding vote on it.

What do the Members of the Senate who support the deployment say? They say, ''The President should not have done it, but it is too late. He is the President. War Powers Act does not work.'' Even more puzzling, I've heard, ''We have to get this thing done today because the peace treaty will be signed tomorrow.'' These are the excuses that are being used for not exercising our constitutional role of approving or disapproving this action.

We have been presented a fait accompli, a done deal. As was said by several Republican members at the Senate Foreign Relations Committee hearing last week, this is really a situation where we are being asked to participate in what is a pseudo-decision-making process, where the decision was already made a long time ago in the back rooms of the White House and within NATO, and maybe even in some of the back rooms of this building. That does not take away from the sincerity of the people who came to such understandings, but it does represent an affront to Congress. In effect, the Senate, in its constitutional role, is being co-opted here. The fix has been in for a long time.

Again, it is not really just the President's fault. It is Congress' failure to challenge and insist on a procedure whereby there is a true, organized debate, involving public participation, and culminating in a vote that the public will understand to mean that if we say it is a good thing to do, it will happen, and if we say it is not a good thing to do, at least there will be a serious consideration on the part of the Executive that it should not go forward.

But that is not what we have here. Senator COHEN pointed out, the Executive should seek a real vote on this mission, if for no other reason than the President and all of us may need—down the road as this operation goes forward and the going gets tough—we may need that understanding and public support which cannot be generated in this context.

That is why I introduced, on October 20, Senate Resolution 187. It simply says, ''It is the sense of the Senate that Congress should vote on a measure regarding deployment of U.S. Armed Forces in the Republic of Bosnia and Herzegovina as a part of the implementation force as part of the North Atlantic Treaty Organization prior to the United States entering into a commitment to carry out such deployment.'' That is the sort of resolution that I would have hoped would have gone through this body before the treaty was signed.

Another step we should have taken was to lift the UN arms embargo against the Republic of Bosnia and Herzegovina. I was the first Member of the 103d Congress, as a new freshman Senator, to introduce a resolution calling for lifting the arms embargo. I am certainly not the only one who has advocated that, but I was involved early on, and was pleased to work with Senator DOLE who played a great leadership role later on.

But I must say, for the leader of this body to suggest that the President failed to lift the arms embargo and that Congress did everything it could do is false. We voted to lift the arms embargo, on S. 21, on July 26, by a vote of 69 to 29; theoretically veto proof. I know the President might have called a few of us and tried to get his numbers up, but where was the attempt to override this veto on the floor of the Senate?

Where was Congress in saying we will exert our role and—although we must defer to the President on foreign policy, in many cases—where were we to say that this one was different? Instead, I feel some of the leadership is trying to have it both ways, saying we do not want to confront the President, and that we support him; saying we support the troops, but we did not support the deployment. This is a masterful way to try to have it all ways. I think Senator BROWN had it right last night. The more truthful characterization of what is going on here is we are ducking our responsibility. I am very concerned about the process. Mr. President, assuming the vote today really was going to decide whether these troops are going to go or not, I'd like to address the merits, briefly, because I know many other Senators wish to speak. I believe that the United States has a very important interest in Europe—very important. But I am not convinced that we need United States ground troops in Bosnia to protect those interests for us or for Europe. I think the European countries certainly could provide all the ground troops in this case.

The list of issues and concerns about this operation are a mile long, whether it be the commitment of troops for just 1 year, or the challenges of the terrain, or to tie in the rationality of this approach with the discrepancy between the arms of the different sides. They are all important issues that have been raised. But, to me, to just come on the floor of the Senate and hear people say it is all about U.S. leadership or European stability, really does not tell me anything. I am not sure what those terms mean in the post-cold-war era. Why cannot the U.S. leadership in this context be defined as air power, naval power, intelligence, resources? Why does the definition inherently have to include the deployment of ground troops? I do not think ground force is inherent in the term ''leadership,'' especially for a country that has shown such leadership already and will continue to show leadership throughout the world.

In my mind, ground troops indicate an ultimate physical threat to the United States. What is the ultimate physical threat to the United States that requires the sacrifice of American lives in this case? Is it a threat to Europe? Is it refugees on our doorstep? Is it just the pictures on CNN? I will show you pictures from Liberia, Angola, and East Timor and they are the same or worse. There is a very strong justification to stop the horror in those places as well with American troops.

When we look to our European allies in this case, I am not sure whether this is a question of whether we are leading. I am not so sure we are not just being led when it comes to being forced to put our ground troops in to the tune of a third of the I-FoR forces. As far as I understand, the possibility of not committing U.S. troops was not even seriously discussed during the negotiations in Dayton.

Again, we have to be cautious about analogies. People ask me if this is like the Persian Gulf or Vietnam. I want to be careful, but I guess I would have to say it is a lot more like Vietnam than the Persian Gulf.

Senator SMITH spoke last night, as a Vietnam veteran, about the justification for the process of the Vietnamization in Vietnam, and made the parallel that much of the language and things being discussed for the Bosnia mission are not unlike the extremely unsuccessful effort with the Vietnamization of South Vietnam during the Vietnam war. We must learn the lessons of history. I think there are very serious lessons from that quagmire.

Also, how does this effort fit in with our main goal of this Congress to balance the budget? We are having a terrible time trying to prevent severe damage to our important domestic programs and to balance the budget. Yet we have already had a $7 billion expense on the Bosnia deal—$7 billion, I say, because the President was determined to veto the defense appropriations increase of $7 billion until this proposal came down the road. I call that $7 billion the opening ante in Bosnia. I think it is going to cost a lot more.

Mr. President, I also worry about whether or not this intervention would have so much support if we still had the draft. I have always believed that it was good to have a volunteer Army, but I remember the Vietnam era, and I remember the people from all classes of society and all backgrounds who started to question the war because everybody's kid could possibly go to Vietnam. That is not what is going on here.

Have we thought about the economic status, the racial status, the ethnic

status of the people who are more likely than others to die in Bosnia? It worries me. It worries me that we are not learning these lessons of history from that period either.

Finally, Mr. President, I think we have to ask the question in the post-cold-war era: What are the limits of American power? We are the most powerful country in the world, and we certainly want to stay there. But there are limits.

I remember the discussion years ago of the danger that we may try to create or enforce a Pax Americana, as Rome tried to do with a Pax Romana. Rome became overextended and ultimately could not withstand the strain on their own internal well-being.

I think this action—which, to me, is the first step toward our attempting to police the world—threatens our own national security. We need a new foreign policy that reflects post-cold-war realities, including our vital interests and our domestic needs.

Mr. President, I finish by simply saying that in addition to the fact that we are not following a constitutional procedure which could strengthen us in this kind of commitment, by not avoiding the deployment of ground troops we also run the risk of sapping America's strength from within.

So, regretfully, I have to oppose the President on this, which means I will support the Hutchison amendment, and oppose the Dole resolution in support of the deployment.

I thank the Chair. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, earlier this week we had a debate on what it means to support the flag. Now we are voting to stand behind that flag—and that means voting to support our troops.

No American ever wants to send our troops into harms way. Certainly no one wants to do this days before Christmas.

All over this country, and as our troops are doing abroad, families are planning for the happiest time of the year. They are visiting family, trimming trees, and singing Christmas carols.

But instead, as for our troops in Germany, they are planning to spend a year away from loved ones. And they are preparing for the risks that are part of any military mission.

After consultation with the President, the Vice President, the Vice President, the Chairman of the Joint Chiefs of Staff, and our ambassador to the United Nations. And after prayerful reflection—I am voting to do just that.

Why? Because after 4 bloody years, the people of Bosnia have decided to give peace a chance. Only NATO can enforce this peace. But without the United States, NATO cannot and will not enforce the peace.

The fighting will continue. The savagery could continue. Mass murders and rapes could continue, and ethnic cleansing will continue unless NATO and the United States involvement takes place. Older people and children will continue to be pushed from their homes, but lights will go out once again in Sarajevo, and the lights will go out for any peace, or any possibility of peace.

But even as I say this, I want to speak directly, if I can, to the troops and to their families. I want them to know that I would not support this vote unless there was a specific, focused, and limited mission. Over and over again at every meeting I have spoken out for the fact that there must be clear criteria for going in and clear criteria for getting out.

Those are the questions that I asked the President and the Vice President—not what will send our troops there, but what will bring them back home. They gave me these following answers, and I shared this with the military, with our troops, and I share this with the families all over the United States of America who are watching what I think is a debate of great stability.

What we have been told—and I believe—is that the U.S. military, first of all, will only go if all sides agree to abide by the peace agreement. No peace agreement, no troops. No peace agreement, no troops. When our troops go, it is to create the climate for the Bosnians, all parties in Bosnia will take hold and make peace among themselves. We are to create the framework and the climate. If that dissolves, we are going to pull out.

Our troops will have these criteria for leaving as soon as the following things are accomplished: The cessation of hostilities; creation of a zone of separation; and the return by the Bosnians of the Serbian-Croatian troops and weapons to their home bases.

You, our men and women of the military, will be there to enforce the peace, not to rebuild Bosnia. But while you are enforcing the peace, the international community will provide humanitarian aid, resettle refugees, oversee elections, and also that there needs to be a military balance created between the Bosnians and the Serbs.

I would not vote to send those troops unless I was assured that they had received excellent training, the best equipment in the world, the best technology to find landmines and the right to use every means possible to defend themselves, and also that they would serve under an American commander.

To our troops, I want to say, you will not be alone. Over 25 nations will participate. They will be sharing the burden also of the risk as well as the financial one. Our oldest NATO allies, England and France, as well as new democracies like Poland, will be there—the countries that you helped liberate by winning the cold war. The Congress must back you. I believe that Congress will back you. And I know as always the American people will support you.

I would not vote to send you if your mission was not essential and honorable. Your mission is essential because without you, there will not be peace or stability in Europe. Without you, NATO, the world's strongest military alliance, would be destroyed. Without you, I am concerned the war in Europe might spread to Macedonia and Albania. It could bring Greece and Turkey into this situation.

Your mission is honorable because you are crucial to stopping the bloodshed in Bosnia. The people of Bosnia have endured misery, suffering, and brutality; 250,000 people died in this war. Families and communities, cities have been ravaged. Children were killed as they played. Old people were killed as they shopped for food. Hospitals were attacked as they tried to care for the wounded. War crimes that remind us of the Second World War were committed. We are asking you not to do this for some abstraction like NATO or Bosnia. Actually, we are asking you to do this for the people of Bosnia, for families that are just like yours, for children just like yours, for a child that I met named Zlata, a 9-year-old girl who keeps a diary and speaks to the world. They call her the Anne Frank of Sarajevo. Because of you, she will have a far better fate than Anne Frank endured. She is a child who tried to tell the world the suffering the war has caused and a child we hope we keep in our mind as we go forth in this mission.

So to you, the American troops, while you train for war, you will be there to enforce the peace. The American people greatly appreciate you and are grateful for your heroic sacrifice. We thank you for taking the risk so that others could have the opportunity to give peace a chance. We thank you for being there when you are needed. I say to you as we vote on this, may the grace of God be with you and protect you as you go forward to protect us.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. CRAIG. Mr. President, Congress will respond today to President Clinton's decision to deploy United States troops in the former Yugoslavia as part of the Bosnia peace accord that was negotiated and initialed in Dayton, OH, and which will soon be signed in Paris.

President Clinton has articulated his policy to all of us, to the citizens of this country, and has now requested congressional support. Yet even as our troops are headed to Bosnia, the President has, in my opinion, failed to supply a defined goal or mission, strategy for achieving the goal, an exit strategy and/or the national and security interests of our country.

The President has raised three concerns to justify U.S. participation in implementing the peace accord: The potential spread of conflict throughout Europe, our leadership in NATO and international communities, and the need to end the carnage in the Balkans.

I do not question the concerns raised by our Commander in Chief. All of

them have some degree of legitimacy. Mr. President, we would all like to respond to what we will refer to as the moral imperative President Clinton and others continue to emphasize as it relates to the devastation and the human suffering that has gone on in the Balkans and has left us all a tremendous feeling of frustration to which many Senators, including myself, have come to the floor of this Senate over the last 3 years to speak.

These feelings are not new. Four years ago, I was contacted by a Croatian-American constituent of mine when the conflict first raged between the Serbs and Croatians. This gentleman is a friend who was concerned, maintaining contact with my office, and his fears and frustrations were all very real to me, as all of us have experienced that with some of our constituents.

The moral imperative existed then. However, then, like now, our options for involvement, in my opinion, were very limited, and we still face the fundamental difficulty of trying to make the peace a greater victory than winning the war. While we all understand and agree with the moral imperative, we have yet to hear why this action would serve our national interests and our security needs.

I have listened to the President's proposal as presented by his representatives, and I have listened to my fellow Idahoans. I have read and I have reviewed the agreement and the proposed deployment. My conclusion is this: the answers I have been seeking such as defined goal, exit strategy, national security interests, have not been satisfied—not just to this Senator but to the American people.

Therefore, I am pleased to join my colleagues, Senator HUTCHISON, Senator INHOFE, and others, in offering an amendment to oppose this President's actions. Let me be clear, Mr. President, so that there is no effort to cloud what is being debated here. I oppose the President's decision to deploy our troops. I will, however, as I always have, support our troops if they are ordered by our Commander in Chief to implement a Bosnian peace agreement. I will not allow our brave men and women to become pawns in what I believe is rapidly becoming a high-stakes political game.

I find it ironic that as the Senate prepares to vote on United States ground forces in Bosnia, the Serbians there will be exercising their own voice as they have been in an unofficial referendum to vote on the peace agreement. I also find it ironic that we in the Senate conclude a historic vote on protecting the honor and the sanctity of our national symbol, the United States flag, while it is being trampled, torn and burned in the streets where our soldiers will be sent to make the peace. I think this Senate and this Congress has to explain to the American people why they cannot express a clear and strong opposition to our President.

The debate on the President's plan to deploy U.S. troops as peacekeepers to Bosnia is not a new debate but the continuation of a long and ongoing one over the President's desire to deploy ground forces in the Balkans. The Congress has spoken in opposition to this idea in the past, and I hope we will speak clearly on this issue again today. That argument is one that must be clarified for the American people.

I know of no other time when my constituents in Idaho have spoken more clearly to me.

Last weekend as I walked across the Boise airport, a crowd gathered around me as one man reached out and grabbed hold of my arm and said, ''Senator, I have to talk to you for a moment. You,'' he said, meaning me, ''cannot allow this President to put our young men and women at risk when there is no defined need to lose human life. We are not at risk nor is our security.''

While this man and others in that crowd were clearly concerned about the loss of human life in the former Yugoslavia, they could not justify the spilling of American blood to stabilize that situation when this Congress stood on an arms embargo and tried to express our will, and this President refused; and we refused as a nation then to allow that kind of equity to exist.

The more I review the information on the agreement in the proposed peace mission, the stronger my concerns have become. As part of this agreement, our President, our Commander in Chief, will be deploying U.S. troops into extremely rugged terrain during the middle of what appears to be a very severe winter. In addition to poor conditions and freezing temperatures, there is the problem of about 3 million land mines that exist within the sector assigned to the American forces.

Mr. President, as my fellow Idahoans and I know, winter in the mountains can be demanding at best. The area where our troops will be is like an area in Idaho that we call Stanley. And I will tell you that in Stanley, ID, in December and January, if you are living in a tent, you are challenged as would be the most extremely capable survivalist. And that does not include the snipers, the civil disorder, or the land mines. I suggest that we are sending our troops into a most difficult situation.

During the December 1 hearings before the Senate Foreign Relations Committee, even the Secretary of Defense, William Perry, underlined the difficulties facing our troops. In addition to the snipers and the civil disorder, they include extreme elements of undisciplined militia and the hostiles that are there.

The dissatisfaction of some Serbian factions should not be taken lightly. There is a strong likelihood that our troops will be challenged, even attacked, in carrying out their mission of peace. How in that effort can it be called peace other than engaging us in an ongoing war? Yet we are continually told that our men and women are not going to fight a war, they are simply going to keep a peace.

In these conditions, Mr. President, the lines are so gray that they are no longer discernible. I believe this President cannot clarify them, nor can he define them. I have opposed the use of ground forces in Bosnia in the past. And I will continue to oppose that policy today.

It is most frustrating that the use of American ground troops is not the only option at hand. I am frustrated that the President has refused to lift what I viewed was an illegal arms embargo on Bosnia and Herzegovina. I have strongly supported the efforts of the majority leader and others in a very strong bipartisan voice on this floor to pursue the best policy options in a difficult situation. And one of the best policy options was to lift the illegal arms embargo on Bosnia and Herzegovina. It would not have caused us to take sides. It would have simply allowed fair play and the right of self-defense in those circumstances.

The last vote on this issue occurred as recently as July of this year. At that time, Mr. President, I asked how many bills will be passed, how many U.N. resolutions presented, how many cease-fire agreements will be broken before the people of Bosnia and Herzegovina will be allowed to stand against their aggressors and defend themselves?

Mr. President, there is ample reason to question the enforcement of the 1991 embargo against Bosnia in the first place. The embargo was not imposed on Bosnia, because Bosnia did not exist in 1991. Rather, it was imposed on Yugoslavia. In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. Charter.

Many Americans hoped that the passage of S. 21 would end the arms embargo and finally allow the Bosnian Moslems the right of self-defense. With rough parity in this conflict that might have happened, a lasting peace agreement would be far more likely than the kind that we are stumbling into. Instead, we have a very unequal situation going into the implementation phase of a peace agreement that at best could erupt into major fighting with our forces being squarely in the middle of it all.

Mr. President, I will just add, the United States did not need to do anything. Well, I think that is not true. We have done a great deal in the past 3 years. We have provided the support, the air cover, the naval logistics, all that we needed to do as a participating member of NATO.

It is now time for us to define much more clearly our role in foreign policy around the world. I would suggest to this President that every time we are called upon or led into a skirmish, deployment of our ground troops are not necessarily a demonstration of leadership. To lead means to try to solve it

by alternative means. In this instance, I think the President has failed, and in failing, he risks now the loss of American life in a very tragic situation.

So I hope that we could support a strong voice today. I think the American people expect us to lead on these issues. I think they expect us to speak out as strongly as we can. And I hope that we can oppose today, with our vote, the President's deployment of United States ground forces in the former Yugoslavia.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, later today the President of the United States will leave for Paris to participate in a historic event, the signing of an agreement which will open the door to peace in the Balkans. Think about it, Mr. President.

The year 1995. Think about the conflict in the Balkans that marked the beginning of this century and how it was left to run wild, leading to World War I and in some ways leading to the imbalance and incompletion of that war that ultimately led to World War II.

The year 1995. Conflict breaks out in the Balkans, and today the President of the United States is leaving for Paris to participate in the signing of an agreement which opens the door to peace in the Balkans, which implements, as my friend and colleague from New York, Senator MOYNIHAN, has said and hopefully will say again, some basic tenets of international law.

Mr. President, much has been said in the last month about the role the United States played, first, in bringing the parties to the negotiating table, and second, in hammering out a complicated agreement which all the warring parties would be willing to sign and, most importantly, would be willing to live with. Much has also been said about the role the United States must continue to play if this agreement is going to have a chance of bringing the benefits of peace to the people of Bosnia, stability to Europe, and increased security to the world.

So, Mr. President, I would say that this is another one of those historic days in the life of the U.S. Senate. It is one of those defining moments in our history. Most of us in the Senate today faced a similar situation on January 12, 1991, when we stood to vote for or against authorizing President Bush to use American military forces in a war in the Persian Gulf. That situation in fact was very different from the situation we face today.

There, on January 12, 1991, the President had already committed a half million American military personnel to the gulf region, within range of Iraqi Scuds. There the war the President was about to engage in would find American forces facing a dug-in, fortified Iraqi force, fighting a war. And casualty estimates stated on this floor and elsewhere went as high as the thousands.

Here we are being asked to support, not a war, not to send our troops into war, but to send them on a mission of peace, to implement and monitor the peace that the parties to the war want as opposed to fighting as we did in the gulf war an untractable, unyielding enemy.

And remember, though the forces that fought in Desert Storm were international, they were primarily American. Here, on this peacekeeping mission, two-thirds of the implementation force will be non-American; one-third will be American.

Many of my colleagues believed that the best course of action in the early days of 1991 was to allow economic sanctions to continue to bite at Saddam and so did not vote for the authorizing resolution which Senator WARNER and I offered.

I understand the sincerity of that position. But the Senate did support President Bush on January 12 and voted 52 to 47 for Senate Joint Resolution 2 which stated, and I quote:

> The President is authorized . . . to use United States Armed Forces. . . .

While 47 Members of this body did not vote for that resolution, let us not forget that when the President exercised this authority and ordered Desert Storm to begin, every Senator, and I daresay every American, supported our troops and the President of the United States. And I hope and sincerely believe this will be the conclusion of our discussions and deliberations and votes this week with regard to the mission our troops are going to carry out in Bosnia.

Mr. President, the debate we have heard over the past days and weeks has been a good one, a thorough one, a sincere one. We have had numerous opportunities, as Members of the Senate, to hear directly from the President of the United States, the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the President's National Security Adviser, Ambassador Holbrooke who negotiated the agreement, and a variety of former Government officials, academics, and thinkers.

The administration has, in my view, gone to extraordinary lengths throughout the negotiations and afterward to consult with Congress and to provide us ample opportunity to ask questions and to express our views. And so we find ourselves now, in the week when the Dayton agreement is to be signed by the warring parties. In the days following the signing, U.S. forces and those of our allies in NATO and 16 other non-NATO countries will move into the region to implement the peace which has been agreed to.

These forces go not to impose a peace on unwilling participants, they go because the parties to the conflict asked them to go. They go because the world community, acting as a result of American leadership and through the mighty force of NATO, finally struck from the air to bring some pain to the aggressors, aided by an increasingly strong ground force of the federation of Bosnians and Croatians.

Our troops will go because the parties to the conflict are fed up with the killing and slaughter, the deprivation and denial of their right to live in peace and civility, and they have asked us to come in and give them a chance to make this peace work.

They have asked us to come in, in the case of the Serbs, because of the effectiveness of the economic sanctions the world community imposed on the government in Belgrade and on the former Yugoslavia, on Serbia and Montenegro. That is a point worth noting. People criticize economic sanctions and say they are irrelevant, they are useless, they are wrong. They worked here. That, as much as the failure, the increasing opposition that Serbian forces were facing in Bosnia certainly brought Mr. Milosevic to the peace table.

Mr. President, we have been briefed on the missions which our military forces will perform. We have reviewed the rules of engagement which will be followed by our forces. We have seen the nature of the force which we will be sending to the region. And we can conclude with some confidence from all of this that the highly trained, heavily armed professional force of volunteer soldiers, sailors, marines, and airmen we are sending will be able to do their assigned military missions within a reasonable time, and they will carry out this operation successfully.

The operation is not without risk. No one in the administration has said otherwise. None of us who support the deployment of American troops to Bosnia to implement this peace has said otherwise. No one in this administration or this Congress is eager to send our forces to a place where some of these brave young men and women might be injured or, God forbid, killed. But I believe that with their training, the best in the world, their professionalism, the finest in the world, their sense of service and duty which impelled them to volunteer, their numbers and composition, the limited scope of their mission, the flexibility and robustness of their rules of engagement—which basically means that if these troops are threatened in any way, they will respond with overwhelming force.

Remember what happened in Haiti when American troops there were challenged at that police station. They responded with overwhelming force and were essentially never challenged again in Haiti. All of this provides as much safety as one can hope for when a military force is deployed to what was, until recently, a combat zone.

Of course, all Americans will be praying for the safety of our forces in the days and months ahead. All of us will understand and empathize with them and their families as they see Christmas, Hanukkah, and New Year's come

and go separated from their loved ones and their friends. But these concerns, as real and deep as they are, are not sufficient reason to decide not to send our military to perform this important mission: To bring peace to Bosnia, to bring a greater level of assurance that there will be stability in Europe and in the former Soviet Union, to revive NATO, to reestablish at an ever higher level the strength and leadership of the United States of America.

For the first time in nearly 4 years, the people of Bosnia—who have engaged the minds and hearts of every one of us in this Chamber as we watched their suffering, as we watched them be the victims of aggression and genocide—for the first time in nearly 4 years, these people in Bosnia can see a ray of hope for their future, they can picture a day without running from snipers or praying that mortar rounds do not land in the marketplace while they are shopping with their children, or land on the snowy hills where their children go to sled and to act like children rather than targets for the irresponsible cowards who have fired on them now for 3 or 4 years.

Mr. President, we do not have the luxury of turning back the clock to a time when we might have done something other than sending our troops to serve on the ground as peacekeepers in Bosnia. As you know, in the past 4 years, I have spoken on the floor numerous times, joining with colleagues of both parties, in calling for a lifting of the arms embargo which was immoral, as the Senator from Idaho said before me. It was immoral, it was illegal, it was outrageous to deny a people the right they are given under the U.N. Charter, let alone and what might be referred to as natural law, to defend themselves and their families and their country.

So I, and others here, finally a strong bipartisan majority, called for a lifting of the arms embargo against the Government of Bosnia and Herzegovina and the conduct of airstrikes by NATO forces, to try to create some balance of force on the ground, to try to deter the aggressors, those who were committing genocide.

Finally, this summer, thanks in large measure to American leadership after the fall of Srebrenica which led to a slaughter of thousands of men and boys buried in mass graves, finally NATO struck at the Bosnian Serb aggressors from the air.

I will not go into all the what ifs which fill the minds of many of us.

I wish we had followed a strategy of lift and strike long ago. Had we done so, there might well have been an end to the killing before now. But let me say, Mr. President, in supporting the lift and strike strategy, I never thought it was a substitute for an ultimate peacekeeping force. At its best, I believed that the lift and strike strategy would create that balance of force on the ground that would bring the parties to the peace table—exactly what has happened now. I believe if we had implemented that policy earlier, we would have brought them to the peace table earlier because we would have removed from the aggressors, particularly, the motivation to continue to fight. But I have always felt that when they got to the peace table, if they could agree on the peace, there would be a need for an international peacekeeping force. That is where we are now.

Mr. President, it was important to many of us that on the day after the Dayton agreement was signed, the United Nations acted with the force of international law to lift the arms embargo—the goal so many of us in this Chamber had for so many years. In some ways, I regret that in the excitement over the Dayton agreement, and the questions raised about it, that extraordinary act did not receive sufficient attention and appreciation. The fact is that we have acted now. Thanks to American leadership, the parties came to the negotiating table and agreed to an extensive peace treaty; and tomorrow they will sign that treaty in Paris.

We have brought the parties this far. It is American leadership, joined with our allies in NATO and Europe, and impelled by the will of the combatants in the field themselves that have brought us this far. We cannot abandon these people or the cause of peace now. Nor can we abandon our allies in NATO who are sending their forces in to implement this agreement.

The President made it clear that he is prepared to send our forces, with or without the support of Congress, just as President Bush correctly made clear in 1990 and 1991 that he would send the United States' forces to the gulf war, even if Congress did not support his efforts. You come to a point where decisions and judgments of this kind cannot be made by 535 Members of Congress. That is what we elect Presidents for. In this case, I think President Clinton has demonstrated the leadership and courage we expect of our Presidents, just as President Bush before him did in the gulf war.

When we speak of defining moments in history, post-cold war, this decision will stand alongside the decision in the gulf war, as a marker as to where we would go and the extent to which the forces of Western civilization—particularly regarding Europe—were joined together to stop conflict and deter war.

Now it is this Senate's turn to demonstrate courage and leadership. Now it is this Senate's turn to support, in very clear terms, both the American troops, who will be on the ground, and the policy which has, at last, brought us to the point where the Bosnian Prime Minister Haris Silajdzic, could tell me last week when he was in Washington, ''We are an inch from peace. Do not abandon us now when we are this close.''

So, Mr. President, we have three choices before us. First is the resolution that comes from the House, which would effectively cut off funding for any peacekeeping operation by American forces in Bosnia.

Second, we have the amendment cosponsored by the Senator from Texas and the Senator from Oklahoma, which supports the troops but opposes the mission.

Third, we have what is now described as the Dole-McCain resolution, offered by the distinguished majority leader and the Senator from Arizona—but I am sure it will be a bipartisan resolution when it comes to a vote—which offers support for the mission and the troops, the support contingent on terms that are stated in the resolution that the President has agreed to.

Mr. President, I want to speak for a moment about the language of the resolution offered by Senator HUTCHISON and Senator INHOFE, which ''opposes President Clinton's decision to deploy United States military ground forces.'' Yet, it says that ''the Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement.''

Mr. President, it is my sincere belief—and I say this with the greatest regard for my colleagues who are sponsoring this resolution—that we cannot support the troops and oppose their mission. I remember the words from the Bible, ''For if the sound of the trumpet be uncertain, who will follow into battle?''

Mr. President, the Hutchison–Inhofe resolution, with all respect, sounds a very weak and uncertain trumpet. Of course, we support our troops. No one ever doubted that. But how can we claim to both support the troops and oppose the mission? How would we feel if we were in uniform, heading to Bosnia, and the Congress of the United States says, ''Well, we are behind you, folks, but we do not support your mission''? I would not feel secure. I would not feel I had the support that I would want to have for my country going into a peacekeeping mission in a potentially dangerous zone, which the Commander in Chief has decided to send me into. I would want to see a closing of ranks in the same way that occurred at the time of the gulf war, to receive strong support, the kind of support that is involved and stated in the Dole-McCain resolution.

The Hutchison–Inhofe resolution, in my opinion, sends a muddled message to every one of our troops, to their loved ones back home and, most worrisome, to those in Bosnia who would like to see this framework wrecked by keeping the United States and NATO forces out of Bosnia.

To say that this Congress opposes the decision, the mission to deploy our forces, tells the war criminals in Pale and the rogues and terrorists in Bosnia who do not want peace and want the United States and the international implementation force out of Bosnia, that they can work their mischief

against American forces, and because this Congress does not support the mission, this Congress may well pull the rug out from under the President and the troops and try to force him to withdraw those forces if damage is done to the troops by these rogue elements in Bosnia.

I am very concerned about this possibility. I know it is not the intention of the sponsors of the resolution. But, frankly, I do not see how we can have it both ways. I do not see how we can support the troops and say we are supporting them if we so clearly oppose their mission.

The Dole-McCain resolution offers a very thoughtful and credible alternative. It is not, to put it succinctly, a statement of unconditional support for the decision the President has made, but it is support for the mission. As one of the witnesses before our Senate Armed Services Committee said last week, the question now is not whether the commitment to send American forces to be part of this international implementation force should have been made—that is history and is done—the question now is whether we will honor that commitment, and that is what the Dole-McCain resolution offers us the opportunity to do. Many of my colleagues have come to the floor in recent weeks and spoken of their concerns about the danger associated with the terrorist, rogue, unreconciled Bosnian Serb groups and what harm they may do to our forces. But why, then, would we want to do anything which will give them hope that they can sabotage this peace effort of which American forces are so critical a part? This is a time to close ranks. This is a time to go back to the great moments in our history—obviously through the world wars, but then afterward as well.

We associate the ultimate in this with the Truman-Vandenberg relationship, but it has happened throughout the cold war and continued through Operation Desert Storm. To close ranks, to honor the commitment that is made, understanding, as the Dole-McCain resolution says clearly, that it is in the interests of the United States to preserve American credibility, that it is, in the words of this resolution, a strategic interest.

In that regard, I was very honored to receive yesterday a letter, which I suspect many of my other colleagues received, from retired Gen. Andrew Goodpaster, a former Supreme Allied Commander in Europe, respected soldier, statesman, and patriot. General Goodpaster signed the letter on behalf of five other retired general flag officers: Gen. Michael Davison, Gen. Walter Kerwin, Gen. William SMITH, Adm. Harry Train, and Lt. General William McCaffrey.

Here is a sentence from that letter from General Goodpaster and the others:

> As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be . . . [and to all others as well] that our country is giving them its full backing . . .

But listen to the final words of this sentence. Not just full backing—

> . . . its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

Mr. President, I ask unanimous consent a copy of this letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, for all these reasons I will vote against the Hutchison-Inhofe resolution, and I urge my colleagues to do so as well. Frankly, if people oppose this mission I think the choice is really to step up to the plate and vote for the first resolution from the House to cut off funding. But to oppose the mission and support the troops I respectfully do not think works. I do not think it goes together.

Again, the Dole resolution speaks in thoughtful and supportive terms. The Congress, it says, ''unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina.'' I am quoting from the latest draft of that Dole-McCain resolution. And I continue:

> . . . and [the Congress] believes they [the troops] must be given all necessary resources and support to carry out their mission and ensure their security.

It goes further, as I suggested earlier, to offer support for the President's commitment, to offer support for the mission based on the fulfillment of certain conditions in carrying out that mission. Again I say, the President has accepted those conditions. The resolution particularly includes language which expresses the high priority that so many us in this Chamber, led by the distinguished majority leader, have given to the issue of equipping and training the forces of the Bosnian Federation.

I am pleased the President has now sent the majority a letter on this subject, dated December 10, in which he said:

> We believe establishing a stable military balance within Bosnia by the time the implementation force leaves is important to preventing the war from resuming and to facilitate IFOR's departure. We have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Mr. President, I have raised this question of equipping and training the Bosnian Government with the President personally and with members of the administration on a number of occasions, as have other Members of the Senate and members of the Senate Armed Services Committee particularly, and the assurances we have received are strong and clear and unequivocal. This administration, in supporting the Dayton peace treaty which finally led to the lifting of the immoral, illegal arms embargo, is going one step further. This administration is committed to leading the coordination of the international effort to arm, equip and train the Bosnian forces so that they will be able to protect their families, their cities, and their nation, and deter aggression by a stronger neighbor, which, as Secretary Perry said in marvelous words, was ''a causative factor'' of the war in Bosnia. The imbalance of forces was ''a causative factor,'' Secretary Perry's words, in the outbreak of war in Bosnia. We want to eliminate that causative factor.

So, between the assurances we have received from the administration orally and in writing, including the letter the President has sent us and the requirement stated in the Dole-McCain resolution, I am confident that the Bosnian forces will be equipped and trained to their satisfaction.

In fact, when Prime Minister Silajdzic visited the Capitol a week ago, I asked him specifically if he was satisfied with the commitment that was made to him and the other leaders of Bosnia at Dayton before they signed the peace treaty, and he said yes. In fact, he made it very clear that he, frankly, did not care whether it was United States forces who did the equipping and training or it was third parties, so long as his people were provided the means to defend themselves if the need should arise after the implementation force leaves Bosnia. And he said, deeply, he was confident that that would be the case thanks to American leadership and support.

So we come to the time of voting today. We, in the Senate, have an opportunity with our vote on these three pending resolutions to tell our men and women in uniform, to tell the governments which have signed the Dayton accords and all that might want to do harm to our forces once they arrive in Bosnia, that we will stand behind our military and behind our President as he executes his foreign policy responsibilities in Bosnia, whether or not we think the original commitment was wise.

We have the opportunity to avoid instability in Europe which twice in this century has drawn us into dreadful wars. We have the opportunity to send a message loud and clear to all the other ethnic groups in the former Soviet Union and elsewhere who have begun or are prepared to seek advantage over one another by force of arms, and, yes, by genocide. We have the opportunity here to take this NATO alliance and make it so strong that it protects the security of the world and relieves us, the United States, of our solitary burden for maintaining the peace of the world.

Some have said that NATO, by its charter, is a defensive institution meant to defend against Soviet invasion of Western Europe. It was, and it did that task magnificently.

We are at a different point in history now. For all of us who said on this floor that the United States cannot be the policeman of the world, NATO is the way for us to make sure that the United States is not the policeman of the world. Just as we turned to our allies in Europe to help us in Operation Desert Storm, and they responded by joining us heroically, today they turn to us to ask us to help them implement this peace in Bosnia. If we say no, what will they say to us the next time we turn to them and ask for help? But if we say yes, as we have, we will see NATO loom large in Europe and beyond as a force for stability and peace. It has already begun. For the first time in three decades the French are sitting in the same room at the same table, planning and implementing a NATO military operation.

So, let us not let this opportunity slip from our fingers. Let us take the long view. Let us understand that sometimes we are called upon to make a decision that is not popular with our friends and neighbors at home. Let us understand that foreign policy cannot and should not be made on the basis of public opinion polls, but must be made on the basis of each of our sincere calculations of America's national interests and national security needs.

Let us stand together to open ''the door of future to the Bosnian children'' as Zlata Filipovic, the young Bosnian girl whose diary of life in Sarajevo so moved the world. As Bette Bao Lord, chair of Freedom House has said in an open letter: ''As our youth and our compatriots embark on this mission of peace, let them hear but one voice—that of America, a country of conscience and constancy, a country whose most enduring export is hope.''

I say to my colleagues, let us stand together and approve the Dole-McCain resolution.

EXHIBIT 1

WASHINGTON, DC,
December 12, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to ''dual-key'' aberrations.

As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

On behalf of the retired general and flag officers listed below,

Sincerely,

MICHAEL S. DAVISON,
General, U.S. Army (Ret.).
ANDREW J. GOODPASTER,
General, U.S. Army (Ret.).
WALTER T. KERWIN,
General, U.S. Army (Ret.).
WILLIAM J. MCCAFFREY,
Lt. Gen., U.S. Army (Ret.).
WILLIAM Y. SMITH,
General, U.S. Air Force (Ret.).
HARRY D. TRAIN,
Admiral, U.S. Navy (Ret.).

I thank the Chair. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ROTH. Yes. I am happy to yield.

Mr. INHOFE. Mr. President, for a point of clarification, the Senator from Connecticut was accurate when he talked about the three resolutions, or votes that we will be having today. But he did not mention the order that they will be in. At 12:30 today we will be voting on H.R. 2606, which is the Hefley bill that was passed in the House of Representatives.

I want to suggest that I have quite a lengthy statement that I wanted to make. But I will withhold that statement, and only make a comment on 2606 which will be coming up in 40 minutes from now.

I will read this very briefly. It merely says ''prohibits the use of Department of Defense funds for deployment on the grounds of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of the peacekeeping operation.''

So that is clearly what the Constitution gave the power to Congress to do.

When the Senator from Connecticut characterized the resolution, I think it must be a little inaccurate to say how enthusiastic they are. I, finally, 2 minutes ago, received a copy of this. I did not have it before. It states ''notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina.''

That is kind of the preamble. So it is does not sound like to me what I would interpret as enthusiastic.

Last, Senator FEINGOLD so accurately described what our constitutional rights were in this body, and what the President's were. He quoted Louis Fisher, who I think we all consider to be a foremost authority on the Constitution, wherein he said:

The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to ''repeal sudden attack.''

In fact, Mr. President, I ask unanimous consent that this be printed in the RECORD, this article by Louis Fisher.

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

[From the New York Times, Dec. 2, 1995]

WHAT POWER TO SEND TROOPS?

(By Louis Fisher)

WASHINGTON.—There seems to be an impression that President Clinton has constitutional authority to send troops to the Balkans without first obtaining approval or authority from Congress. But the case for Presidential power is not so open and shut.

The Framers knew that the British king could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to ''repel sudden attacks.'' He has no general power to initiate military action. This principle was an axiom of republican government.

In 1787, James Wilson said the checks-and-balances system ''will not hurry us into war'' and that ''it is calculated to guard against it.'' He said: ''It will not be in the power of a single man, or a single body of men, to involve us in such distress.''

The Framers deliberately separated the powers of the purse and sword. To Madison, in 1793, those who were to ''conduct a war'' could not be safe judges on whether to start one.

NATO does not authorize offensive actions or general peacekeeping activities. The North Atlantic Treaty of 1949 was a defensive pact, intended to contain the Soviet Union. The treaty's parties were ''resolved to unite their efforts for collective defense'' and ''resist armed attack.'' None of these conditions exists in Bosnia.

To argue that NATO authorizes Mr. Clinton to act as he likes is to argue that the President and the Senate, through the treaty process, can eliminate the House's war power. Treaties do not amend the Constitution. One argument is that Mr. Clinton sponsored the talks, put our prestige at risk and thereby committed us to using force. Are constitutional and legislative processes skirted so easily?

In 1969, after the Vietnam buildup, the Senate passed a resolution challenging the President's right to commit the nation without first obtaining Congressional approval. Passed with strong bipartisan backing, it states that whenever our forces are used on foreign territory, or there is a promise to assist a country by using our military, such commitments result ''only from affirmative action taken by the executive and legislative branches.'' This resolution has no legal effect, but it articulates a constitutional principle violated by President Lyndon B. Johnson and now threatened by President Clinton.

It might be argued that the ''war power'' is not involved because Mr. Clinton will use American forces for peace, not war. ''America's role will not be about fighting a war,'' he said. He said he refused ''to send American troops to fight a war in Bosnia,'' and ''I believe we must help to secure the Bosnian peace.''

Mr. Clinton has already authorized air strikes against the Serbs. He now intends to send ground troops. By making an ''overwhelming show of force,'' he says, ''American troops will lessen the need to use

force.'' Note the word ''lessen.'' Anyone who takes on our troops, he said, ''will suffer the consequences.''

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

Mr. INHOFE. Mr. President, I agree with the Senator from Connecticut that, if you really do in your heart oppose the deployment of troops over there in that hostile area, this is the strongest message that we can send; that is, voting in favor of H.R. 2606 at 12:30 today.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Frederic S. Baron, a Pearson Fellow, and Maureen Fino, an Industry Fellow, be permitted floor privileges for the duration of the debate on the resolution on Bosnia.

I do that on behalf of my distinguished colleague from Connecticut.

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

Mr. ROTH. Mr. President, life can only be understood backward; but it must be lived forward. As such, we often find ourselves forced to respond to the consequences of decisions and even indecisions that were and were not made at the most appropriate moment in time.

As a Nation, we have no oracle—only history—and the wisdom of God has given us to govern our affairs and to support our democratic ideal among sovereigns and allies.

Often we overlook the majesty of our role—our responsibility—that is, until a man of Shimon Peres' standing reminds us that our Nation is ''a commitment to values before an expression of might * * *'' That our strength has saved the world from ''Nazi tyranny, Japanese militarism, and the Communist challenge.'' That we have ''enabled many nations to save their democracies even as [we] strive now to assist many nations to free themselves from their nondemocratic past.''

This, Mr. President, is our legacy. And I am grateful to Prime Minister Peres for reminding us of who we are and what—since our divinely-appointed founding—has been our mission: freedom for us and self-determination for our fellow man.

Certainly, there are many ways to pursue this mission. We cannot be the world's policeman; nor should we. We must cherish the strength of America, and that means using it wisely, sparingly—certainly with some sacrifice—but never with imprudence, undue risk, and wanton disregard for our best interests.

The territorial aggression and horrific atrocities in the Balkans bring us to the floor today. The death and crimes committed in the former Yugoslavia have bruised our collective spirit, especially as the international community has been unable to resolve the conflict and establish reconciliation and lasting peace.

There was a time when, perhaps, America's resolved leadership could have minimized and even resolved the crisis by lifting the arms embargo against the Bosnians—by allowing them to defend themselves against the well-armed Serb aggressors.

At the same time we could have provided tactical and strategic air support to the Bosnian forces.

But President Clinton chose another road, one that brings us to the floor today. Life can only be understood backward; but it must be lived forward. Today we are forced to respond to the consequences of the President's decisions and indecisions, and history must be our guide.

The outcome here will not only have an influence on the security and lives of thousands of young American men and women, but it will affect us as a society, our leadership among allies, and the future of Europe—particularly the war-torn region known as the Balkans.

It is a difficult debate, one that must be entered thoughtfully, solemnly, and with the object of finding solutions rather than playing politics. It would be tempting to fill the air with ''what ifs'' and ''if onlys,'' but we are beyond that point.

President Clinton has committed U.S. ground forces. He has done this as part of a peace process whose success will largely depend upon how we, the Congress, react—upon our determination and demonstration of support for the young American men and women who are even now moving into that region.

If we appear divided, we risk sending a message to those who would thwart the peace process that if they only hold out long enough support for our troops will weaken. This is not a risk that I am willing to take.

Much of the support leaving our shores is leaving from Dover Air Force Base. I have met with many of these young men and women; I know their concerns; I know their courage. And I know that every individual being sent into the Balkans is just like them. And I will not trifle with their security, with their future, and with the future of their families, their children.

When they wear our uniform in Bosnia I want them to know that they have my unqualified support.

I want them to know that they are there for a reason, they are on a mission—a mission with a purpose that was outlined so eloquently by Prime Minister Peres, to help this war-torn land free itself from its undemocratic past.

We cannot avoid our leadership, nor can we dismiss our legacy. Certainly, President Clinton could have embraced our earlier proposal and taken America down another road; but he did not. And the fact is, we do have an interest in seeing that peace is maintained in this region.

To date, more than a quarter million men, women, and children have been killed—many in the most horrible and atrocious manner. Over 2 million have been displaced and forced to flee. We have proof of mass executions, rapes, and other unspeakable crimes. Our legacy of support for human rights abhors these conditions.

America has gone to Europe to advance our ideals in two world wars. We have spent untold resources and dedicated countless lives to winning the cold war for the same reason—to advance the principles of freedom, democracy and self-determination. Perhaps the time has come to finish the task, to take a step toward bolting down our successes and see that the foundation for a peaceful European future is strong and sure.

This is not inconsistent with our responsibilities as a member of the North Atlantic Treaty Organization.

In fact, this peace-keeping mission will be the largest NATO mission in its history and the first since the end of the cold war. An unwillingness on the part of America at this point could do irreparable damage to the Transatlantic Partnership and its central institution, the North Atlantic Alliance.

Failure to follow-through on the commitment President Clinton has made would also undermine our position as a world leader. Our allies must know that they can depend on us.

This is critically important, because if we fail to keep the peace in the Balkans it is possible that the conflict may well spill beyond the borders and into NATO territory. Under those circumstances we would not be sending our young men and women to strengthen the peace, but to prosecute a war. I would rather have them there to strengthen the peace.

Mr. President, life can only be understood backward; but it must be lived forward. Perhaps President Clinton should have heeded our earlier counsel.

I would rather see peace in the Balkans and negotiations based on parity of strength, rather than on the presence of our ground troops.

I would rather see our involvement limited to strategic and tactical air and sea support. But those are not options, not anymore. When President Clinton picked up one end of the stick, he picked up the other. Now we must give the troops he has committed to the Balkans our full support.

An absolute requirement for success is to have Congress and the Nation united over the mission now under way. We must have bipartisan support.

This is why I have been so impressed by Senator DOLE's and Senator MCCAIN's role in the negotiations between Congress and the executive branch.

Through their statesmanship, they have offered an approach that captures our commitment to protect and support American troops deployed to the Balkan and that defines the core requisites to the success of the peace process.

Supporting the Dole-McCain endeavor is the appropriate response to our responsibilities as a world leader and as member of NATO. The most useful contribution this body can make to the peace process is to help ensure that America's role in the peace process will be guided by clearly defined objectives and strategies. In doing so, we would be living up to our responsibilities to support the American men and women assigned to this mission of peace and to the interests of America in post-cold-war Europe.

Mr. President, I yield back the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New York.

Mr. MOYNIHAN. Mr. President, first may I congratulate the Senator from Delaware on a wonderfully cogent and compelling statement, with that marvelous phrase of Kierkegaard's that ''life can only be understood backwards; but it must be lived forwards.'' I would like to use that as the theme for my remarks. We are responding today to what we have learned from the past. What we have learned about the importance of law and of collective security.

It is for that reason, Mr. President, that I rise in support of the resolution developed by the majority leader, Senator BOB DOLE, and Senator MCCAIN. At the appropriate time I would ask, as I am sure many others will, to be a cosponsor.

This morning's debate has been, as the Senator from Connecticut suggested, a defining day in the history of the Senate. I think not least because of the quality of remarks not just of the Senator from Delaware, but the Senator from Idaho, although he is, perhaps, on the opposite side of the issue. He spoke of the arms embargo imposed on Bosnia and Herzegovina as being illegal, and indeed it was illegal, and it is illegal under article 51 of the U.N. Charter, which provides for the inherent right of collective and individual self-defense. This is a provision Senator Vandenberg, at the San Francisco conference, insisted be in the U.N. Charter, so that there would not be a conflict with the Rio Treaty for the defense of the Western Hemisphere. But that is singularly an American provision.

Then the Senator from Connecticut spoke of the way sanctions bit in Serbia. This has been the first ever successful use of sanctions in the course of enforcing international law after a century of advocacy of such measures by groups looking to a world of law, a world of international law, and consequently of a measure of order.

The failure of sanctions after the Italian invasion of Abyssinia, now Ethiopia, discredited the idea so severely it has rarely been attempted. It has worked somewhat in Iraq, let us grant, but it has not brought a regime to the peace table. Sanctions bit in Yugoslavia.

We have before us a resolution which begins:

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

And now the third clause. I do not know that there has been such a statement on this floor in half a century. Since, that is, 1945, when the U.N. Charter came to the Senate under bipartisan sponsorship. The clause reads:

Whereas the United Nations Charter restates ''the inherent right of individual and collective self-defense,'' a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986.

This is a rousing statement of the centrality of law to the actions that the United States, the NATO alliance, and the extraordinary assembly of other countries, some 29 in all, are now undertaking.

We sometimes forget how central international law has been to our understanding of what would follow World War II. The Genocide Convention, as it is called in shorthand, and which is specifically referred to in the Dole-McCain resolution, was in effect proposed by the General Assembly of the United Nations on December 9, 1948, when it declared that ''genocide is a crime under international law.''

To make it a crime required a treaty. In time a treaty was drafted, and in time ratified by the United States. As a treaty it is the supreme law of the land. This land, Mr. President.

The resolution also refers to the ''egregious violations of the international law of war.'' By that, sir, we refer to the Geneva Conventions, which were agreed to in the city of Geneva in 1949. A little history here. The Nuremberg tribunals, and the equivalent in Asia that followed World War II, were arguably extralegal, in that individuals arguably were not subjects of international law at that time for most of the issues that were involved in those trials. To resolve any question the Allied Powers determined to remove any shadow of doubt by adopting treaties to establish that the laws of war apply to individuals.

Four treaties were drawn up concerning the treatment of particular classes of vulnerable persons during war. These nearly universally accepted treaties are known as the Geneva Conventions of 1949. The conventions make it illegal to target civilians as the objects of military operations. Each of the four conventions has a common Article 3, which states:

In the case of armed conflict, not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms . . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Note ''sex,'' Mr. President.

To this end, the following acts are and shall remain prohibited at any time and any place whatsoever with respect to the above-mentioned persons:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms. . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular merder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment procounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

It is under that common article 3 of the Geneva Conventions that the war crimes tribunal has been convened in the Hague and indictments have been handed down. The Dole-McCain resolution specifically provides that the President will regularly report to the Congress on the progress of the tribunal.

Mr. President, the United States is in the process of assembling the most formidable and broadly-based collective effort to maintain international peace and security the world has ever known. This represents a triumph of an American position concerning the law of nations which goes back to the beginning of the Republic, a position that has defined American policy for much of this century, at least until mid-century. But which until this moment, with this resolution, a tradition that has been singularly absent from statements about the Dayton agreement by the President, the Secretary of State or the administration generally.

They have spoken about moral imperatives, which no doubt exist, but there is nothing in the Constitution that speaks of moral imperatives. The Constitution says, ''The Congress shall have Power * * * To define and punish * * * Offenses against the Law of Nations.'' It says ''Treaties * * * shall be the supreme Law of the Land. And in a lifetime of searching through article II, I have never found any real duty assigned to the President of the United

States other than that ''he shall take Care that the Laws are faithfully executed.'' We are now saying that he is doing this.

This goes back a very long way. S. 1, the first bill introduced in the first session of the first Congress of the United States in 1789, written if I may say, by Oliver Ellsworth of Connecticut, who in 1796 would be appointed Chief Justice of the United States, was titled ''An Act to establish the Judicial Courts of the United States.'' It was the 20th public law enacted. Among other things, the legislation provided that—

> . . . the district courts shall have . . . cognizance . . . of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States.
>
> An alien can sue in U.S. court for a tort violation of the law of nations or a treaty of the United States which occurred outside our territory.

That was 206 years ago. Eight weeks ago the U.S. Court of Appeals of the Second Circuit unanimously held that under that statute the leader of the Bosnian Serbs, Radovan Karadzic could indeed be sued in the Southern District of New York for offenses against the law of nations committed in Bosnia and Herzegovina. The suit was brought before Karadzic was indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. It is not likely that Mr. Karadzic will appear soon in Foley Square. Yet in the unanimous ruling, the Court of Appeals for the Second Circuit, said, yes, indeed, our laws do provide for such actions.

That spirit infused our early Republic. We thought of it as the basis of our legitimacy. When Chancellor Kent published his ''Commentaries on American Law,'' lectures given at Columbia University, his first lecture in his first volume was entitled ''Of the Law of Nations.'' That tradition goes back to the Constitution itself which gives Congress the power ''To define and punish Offenses against the Law of Nations.''

At the beginning of this century, there was a strong movement, the peace movement so-called, consisting of those who hoped that law could be used as a device for preventing war altogether. George Kennan has described this as follows:

> At the outset of the present century, there emerged in the United States, England and other parts of northern Europe, a vigorous movement for the strengthening and consolidation of world peace, primarily by the development of new legal codes of international behavior.

This is from an introduction by Ambassador Kennan to a reprinted volume of a report on the Balkan wars of 1912–1913 which was sponsored by the Carnegie Endowment for International Peace. Elihu Root, then a U.S. Senator from New York, was, as I recall, chairman. I might say, when the Carnegie endowment was established in 1910, such was the degree of optimism in the world that the bequest provided the moneys be used for further objectives once ''the establishment of universal peace is attained.''

Ambassador Kennan is, as always, generous. In retrospect, the peace movement, he writes, might seem ''unrealistic, naive, and pathetic. But they were * * * profoundly prophetic and well justified in the concerns they reflected.'' You had no more to see the First World War than to realize that.

Then came Woodrow Wilson's effort to create an international organization, the League of Nations, and the failed effort on the Senate floor to enact it. A failure that was far more the President's fault than the Senate's fault. He could have had the Treaty of Versailles if he made a few concessions, which were not of any consequence. But it failed.

We withdrew from the world. The world brought us back in with the Second World War. Then the U.N. Charter was signed and then the great effort began to see that law became the arbiter of relations between States.

That was reflected not least in the Genocide Convention, and in the Geneva Conventions, reflecting such deep convictions and beliefs on our part.

But there followed a time when, among many liberals, international law began to be seen as a set of doctrines that always got you into trouble, that said you had to do this, you had to do that in distant places of which, as the phrase goes, ''we know little.''

Next, in a conservative period that followed, for quite different reasons, the same rejection of law occurred. International law in the eighties came to be seen as a system of negative restraint saying what cannot be done. So damn the treaty: Mine the harbors.

Those are inadequate understandings both of what our laws are and what our interests are. We have a profound interest in a world with a measure of order, a measure of predictability, and a capacity to enforce it in some measure at least. As do others. Twenty-nine nations are going to join us in this effort, at last count. Forty-two nations met in London to discuss reestablishment of a civil society in the region.

So, Mr. President, I know my colleague from Nebraska would like to say a word, and that a vote is scheduled at 12:30. May I simply welcome this resolution for its ringing reaffirmation of a central tradition in American statecraft, American diplomacy, American military operations: The centrality of law, the legality of what we are doing and the importance of the fact that we are doing it in a collective mode, anticipated by the U.N. Charter.

I was once our Representative to the United Nations. I once represented the United States as the President of the Security Council. I did not know I would live to see such a hopeful hour as this.

None of us knows how much resistance the implementation force will face. There will surely be losses. I made my way into Sarajevo 3 years ago this Thanksgiving and I saw the dangers the French, Egyptian, and Ukrainian forces faced, along with the air crews of a dozen nations. And that, in theory, was a peace-keeping exercise. This is much more. We have settled for the partition of Bosnia and Herzegovina, however little we may like the term. With half the population of that state either dead or displaced in 4 years of war imposed on it from the outside, this is surely something.

Peace may come, in the sense of the absence of war. But stability is surely a long way off. Even so we have at length recognized the necessity to address the legal obligations of the parties involved, which include all members of the United Nations by treaty definition. We will do what can be done, and do it according to law. That has the potential for rescuing us from the shame of having done so little until now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know the Senator from Nebraska has been waiting, and I am not going to take long because I want him to have his chance. But I do want to take this time to respond to the Senator from Connecticut who said he did not understand how someone can say they support the troops but do not support the mission. I just want to say, I think it is very easy to say you do support the troops but you do not support the mission. I think we have sent troops into harm's way in this country when we should not have done it.

No one would ever not support the people who are giving their lives, putting their lives on the line to protect our freedom.

Mr. REID. Will the Senator from Texas yield? The two leaders are on the floor. I would like to, while they are here, find out, since Senator EXON and I have been waiting most of the morning, if the time can be extended to speak for a few minutes.

Mrs. BOXER. If the Senator can add the Senator from California.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mrs. HUTCHISON. I would like to finish my statement, unless the majority leader is seeking recognition.

Mr. REID. I just ask, if the Senator will withhold for a second.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. REID. Can I direct a question to the majority leader?

Mrs. HUTCHISON. Certainly.

Mr. REID. The majority leader and minority leader are now on the floor. I know they have been to the service for Reverend Halverson. But we have been on the floor most of the morning, all four of us, waiting to speak, and I wonder if there is a way for a limited period of time. I only need a few minutes. Senator EXON said he needed a short

time. I do not know how much time the Senator from California needs.

Mrs. BOXER. Fifteen minutes.

Mr. DOLE. I do not have a problem with that, unless somebody has already made plans on voting at 12:30 and then doing something else off the Hill on either side.

Mr. DASCHLE. If the majority leader will yield, does this pertain to the pending amendment, or is it to the larger issue of Bosnia?

Mr. REID. I think, to be candid with the two leaders, I can speak later. It is inconvenient, but it is on the issue and I could speak later.

Mr. DASCHLE. This may not work——

Mr. DOLE. The vote is for 20 minutes.

Mr. DASCHLE. We can get unanimous consent that those Senators who are here be recognized immediately following the vote, if that will accommodate our Senators. I think it would be better to try to keep the schedule, if we can.

Mrs. HUTCHISON. Reserving the right to object, let me just say that Senator FRIST also should be put in that group, and I will not object. He has been here all morning. He finally left. I told him that I would protect his rights. I have no objection to the people who have been waiting, but I think we should add Senator FRIST and Senator SPECTER, who is also on his way in, for 15 minutes.

Mr. DOLE. I do not know which order over here, but whatever the order——

Mr. DASCHLE. Senator EXON, Senator REID, Senator BOXER and then Senator Bob KERREY I am told on our side were here. Senator MOYNIHAN spoke.

Mr. DOLE. And then Senator SPECTER.

Mrs. HUTCHISON. For 15 minutes and Senator FRIST and Senator DOMENICI.

Mr. DOLE. Senators SPECTER, FRIST, AND DOMENICI.

Mr. EXON. If the majority leader will yield for a question to try and straighten this matter out. The vote is scheduled at 12:30. Is there a time scheduled for the second vote?

Mr. DOLE. Not yet.

Mr. EXON. Several of us have been waiting a long, long time. Maybe we can get some agreement so I can keep my schedule. Nobody can keep schedules these days because of what is going on. If I could be recognized following the vote for 12 minutes, I would be glad to cooperate.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the next vote the Senator from Nebraska be recognized first, the Senator from Tennessee next, the Senator from Nevada next, the Senator from Pennsylvania, and the Senator from California be recognized.

Mr. DASCHLE. And we have two additional Senators. I would hope that we can alternate back and forth if we have additional Republicans. But our order would be as Senator REID has suggested.

Mr. REID. The Senator from Nebraska needs 15 minutes. I need 12 minutes. Two Senators that are Republicans need 15 minutes each.

Mr. DOLE. There are no time limits. We will just get a sequence. The only time limit is that the President would like to have us complete action on these by 6 or 7 o'clock so they can go to the House and they can be addressed there, if not tonight, tomorrow, shortly after they sign the peace treaty in Paris. So we are trying to accommodate the administration here.

Mr. REID. I ask, Mr. President, that the unanimous-consent request be granted.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure it goes back and forth, a Republican and a Democrat.

Mr. DOLE. Yes, it will.

The PRESIDING OFFICER. The Chair believes the following unanimous-consent request has been made: After the vote, to recognize first, Senator EXON, the Senator from Nebraska; second, Senator FRIST, the Senator from Tennessee; third, Senator REID, the Senator from Nevada; fourth, Senator SPECTER, the Senator from Pennsylvania; fifth, Senator BOXER, the Senator from California; sixth, Senator DOMENICI, the Senator from New Mexico; seventh, Senator KERREY, the Senator from Nebraska.

Are there any additions?

Mr. DASCHLE. Mr. President, I suggest another Republican Senator and then Senator ROBB on our side. So we would hold open the slot for a Republican Senator, to be announced at a later time.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

PROHIBITION OF FUNDS FOR BOSNIA DEPLOYMENT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I ask for the yeas and nays on H.R. 2606.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2606) was ordered to a third reading, was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator WARNER be inserted into the Republican spot there, following the Senator from Nebraska, Senator KERREY.

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

Mr. MOYNIHAN. Mr. President, does the majority leader accept cosponsors at this point of the Dole-McCain amendment?

Mr. DOLE. Absolutely.

Mr. MOYNIHAN. I would like to be added.

Mr. EXON. Put me on.

Mr. DOLE. So we have the Senator from Connecticut, the Senator from Nebraska, the Senator from South Dakota, we will be accepting cosponsors throughout the day.

I will proceed for 2 or 3 minutes before the vote on this bill. I will speak later on the Hutchison amendment and on my own amendment.

Let me speak to the Hefley resolution because I think it is important. Just for the RECORD, I went back and had the Congressional Research Service check my votes and the debates I was participating in between 1969 and 1973 when it came to cutting off funds in Vietnam. We had one debate that lasted 7 weeks, and I was the leader of the effort not to cut off funds because we had people like John McCain who were in prison, and we had other young men and women who were on the ground in Vietnam. I thought it would have been a tragedy. We had long, rancorous, heated debates, on the so-called Cooper-Church amendments—Senator COOPER from Kentucky and Senator CHURCH from Idaho.

So let me say on the so-called resolution before us now, and having a lot of experience in efforts to try to avoid cutting off funds once we have our young men and women committed somewhere around the world, we have a couple of choices. We can cut off funds for this operation and our forces who are already underway; second, we can loudly protest the President's decision and express our opposition; third, we can require the President to take measures that will enhance the safety of our troops and ensure that they will return quickly—without their withdrawal leading to resumption of hostilities.

I have given this matter a lot of thought, and I have been engaged in a lot of these debates on the Senate floor. I have thought about my own personal experience during World War II and deliberations I have had since that time. I have thought about the American troops spending a Christmas overseas in the mountains of Europe. I have also thought about the experience of our brave war heroes like Senator JOHN MCCAIN and BOB KERREY. JOHN MCCAIN was in a Vietnamese prison while tens of thousands of Americans were marching to protest the war, and Congress regularly debated cutting off funds for United States military operations in Southeast Asia. As some may remember, the Congress spent weeks—even months—on debating Cooper-Church, McGovern-Hatfield, and other measures to cut funding for the war in Vietnam, Laos, and Cambodia.

I recall that in the spring of 1970, I led a filibuster against the Cooper-Church amendment cutting off funds for military operations in Cambodia and Laos. In that debate, I offered an amendment that would have allowed

the President to waive the funding restrictions if he determined United States citizens were being held as prisoners of war in Cambodia by North Vietnam or the Viet Cong. This amendment failed. Believe it or not, the amendment failed by 36 to 54, and Cooper-Church passed, but only after troop withdrawal had begun.

Mr. President, while I understand opposition to and disagreement with the President's decision to send American ground forces to Bosnia, I believe that action to cut off funds for this deployment is wrong. It is wrong because it makes our brave young men and women bear the brunt of a decision not made by them, but by the Commander in Chief.

I will vote against H.R. 2606, sponsored by Representative HEFLEY, which was passed by the House last month. H.R. 2606 prohibits any use of Department of Defense funds for deployment of United States Armed Forces on the ground in Bosnia participating in the NATO implementation force—unless such funds have been specifically appropriated by subsequent law. There has been no appropriation for this operation, so the effect would be to cut off funds to our troops who are on the way or already on the ground in Bosnia. I do not believe we should limit the funds for food, supplies, and ammunition for our troops. It was wrong during Vietnam, and it is wrong now.

I believe that passing the Hefley resolution would undermine our troops, as well as our credibility.

I believe that even at this late date, the Congress can play a constructive role—supporting the troops by enhancing their prospects for a timely and safe withdrawal, and ensuring that there is a military balance upon the departure of our forces.

President Clinton does not have an exit strategy for our troops. Let us be clear: A date is not an exit strategy. In my view, it would be irresponsible to send thousands of American forces in without a concrete plan to bring them out. We will be debating that at a later time.

Furthermore, we need to do what we can to make certain that the sacrifices being made now—by our men and women in uniform, by the U.S. taxpayer—are not for nought. It would be inexcusable to undertake this immense endeavor, only to leave Bosnia, a year later, in the same situation it is in now—virtually defenseless and at the mercy of its bigger and stronger neighbors.

Later today, we will have an opportunity to vote on the Hutchison-Inhofe and Dole-McCain resolutions. Now, we should speak decisively in support of our troops and defeat H.R. 2606.

This is not the way to go—cutting off funds. As I have said, in all the debates that I have engaged in, these are the records of my votes between 1969 and 1973. It never seemed appropriate for me, when you had young men like JOHN MCCAIN, a prisoner of war, that we would cut off funds in the U.S. Congress, and I still have that same attitude today.

The PRESIDING OFFICER. The question now occurs on H.R. 2606. The question is: Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced, yeas 22, nays 77, as follows:

[Rollcall Vote No. 601 Leg.]

YEAS—22

Brown	Grassley	Nickles
Campbell	Gregg	Pressler
Craig	Hatfield	Smith
D'Amato	Helms	Thomas
Domenici	Inhofe	Thompson
Faircloth	Kempthorne	Warner
Feingold	Kyl	
Gramm	Murkowski	

NAYS—77

Abraham	Exon	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Grams	Murray
Boxer	Harkin	Nunn
Bradley	Hatch	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Hutchison	Robb
Burns	Inouye	Rockefeller
Byrd	Jeffords	Roth
Chafee	Johnston	Santorum
Coats	Kassebaum	Sarbanes
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Conrad	Kerry	Simpson
Coverdell	Kohl	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wellstone
Dorgan	Lott	

So, the bill (H.R. 2606) was rejected.

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

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

The motion to lay on the table was agreed to.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 35, offered by the Senator from Texas, Mrs. HUTCHISON.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate resume consideration of Senate Concurrent Resolution 35 and it be in order for this Senator to offer my Senate joint resolution and that no amendments or motions to commit be in order to either vehicle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, let me indicate that we now have had our first vote. We would like to complete action on the concurrent resolution authored by Senators HUTCHISON, NICKLES, and others and then have that vote very quickly if we can. I know a lot of people want to talk, but I think it is general debate. We would also like to have the vote on my joint resolution, the Dole-McCain joint resolution, sometime, hopefully by 6 o'clock this evening. So that gives us about 5 hours of debate. We have already had a number of Members, I would say about 20 Members, each requesting from 10 minutes to 15 minutes to 90 minutes.

Now, we are not going to be able to accommodate everybody, or I hope they can accommodate us, and I hope we can, as much as we can, keep our remarks limited to 5 or 7 or 8 minutes, because if I just add up these requests, this will take us beyond 6 o'clock, probably 7 or 8 o'clock. And I would say as the Republican leader, we are trying to accommodate the President of the United States. So, hopefully, we will have cooperation on both sides. I think the Senator from Texas would like to have a vote about what, midafternoon, on her concurrent resolution?

Mrs. HUTCHISON. Mr. President, yes, I would like to vote as early as we can. I think most people are speaking in general terms so I think midafternoon. And then I would like to see the final vote on yours around 5 so that the House could have the opportunity, if that is possible.

Mr. DOLE. We will do our best.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Let me just add to what the majority leader said. Obviously, a lot of Senators wish to speak, for good reason, about this issue and on these resolutions. I hope, though, that we could accommodate all Senators who wish to speak by shortening the length of our statements to the extent that it is practical to do so. Obviously, we will have more opportunities once the resolution passes to come to the floor and continue this exchange and to continue to express ourselves.

But if we are going to allow every Senator an opportunity to speak, we are going to be constrained somewhat in the time allotted for each Senator. So I hope everyone will bear that in mind and cooperate to the extent it is possible so that we can have a vote at the earliest possible time.

I yield the floor.

Mrs. HUTCHISON. Mr. President, we need to get aunanimous consent on the next sequence of speakers. I wish to do that so that people know how to plan their afternoon.

This is the second list after the one that was agreed to earlier, and it would include Senator DEWINE, then FEINSTEIN, then LOTT, then BIDEN, then

ASHCROFT, KOHL, HATFIELD, LEVIN, INHOFE, BYRD, FAIRCLOTH, WELLSTONE, D'AMATO, MURRAY, LEAHY, SIMON, BRADLEY, and NUNN, and there will be Republicans between MURRAY, LEAHY, SIMON, BRADLEY, and NUNN. Senator MURKOWSKI would be after Senator BYRD. I ask unanimous consent that we put that order in place so that people can begin to plan. And I urge, but do not ask for unanimous consent, that people hold their remarks to 5 minutes so that everyone will have a chance, with the hope that we would be able to vote around midafternoon on the Hutchison-Inhofe resolution and then around 5 on the Dole-McCain resolution.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and the additional Senators will be added to the list.

Mrs. HUTCHISON. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska [Mr. EXON] is recognized.

Mr. President, for the past few weeks, military and civilian officials from the administration have come to Congress to make the case as to why United States ground troops must be a central part of the international peacekeeping force that will go to Bosnia following the formal signing of the Dayton peace accord this Thursday in Paris. To date, I have withheld final judgment on the advisability of this action and kept an open mind to arguments on both sides of the debate. I listened closely to President Clinton's national address on Bosnia and have discussed, in both public and private forum, some of my concerns with members of his cabinet and top military advisers. In addition, I have sought and received the advice of my constituents in Nebraska, many of whom are members of the Armed Forces or have relatives in the services.

I have been impressed by the bipartisan leadership on this issue by Majority Leader BOB DOLE and Senator MCCAIN. I support their bipartisan amendment.

The facts are that the President has exercised his constitutional authority to dispatch troops to Bosnia. What we do by vote here today does not start nor can it stop troop deployment. It's a done deal whether we like it or not.

I have carefully deliberated on the question of blessing or condemning the deployment of American peacekeepers in Bosnia. I believe there is no more solemn an action the President can take or we as Senators can take or vote to endorse the process. The deployment of American men and women overseas into a potentially harmful environment even though it is advisory, is a legislative action that requires particular care and a need for thoughtful introspection that is typically not required in the conduct of our day-to-day business. Let no one be under any allusions, the collective voice of Congress on the issue of troops to Bosnia along with the President's decision as our Commander in Chief will have great historic significance, affecting not only the short-term prospect of peace in the Balkans but also the long-term role of America in NATO and as a worldwide leader.

Some seem to believe that some of us who have served our country in the past by being placed in harm's way have some special insight or superior wisdom or license to be holier than thou in these decisions. Our wartime experience provides us with just that—experience—but not necessarily a priviledged status in reasoned decision-making because of our past valor.

While the perils of participation in the international peacekeeping force in Bosnia are unquestionable, I believe a reasonable case has been made for the deployment of American troops there.

Once the three parties sign the peace agreement in Paris on Thursday. For me, the debate boils down to this central question: By risking the safety of American troops in the next year do we avoid an even greater threat to our national security interests and possible loss of life in the future? That is a judgment call. There is no certainty. The question is: Will this stitch in time save nine?

If the United States was to renege on its promise by its President and constitutional Commander in Chief to join 27 other nations in the NATO-led peacekeeping force, I am concerned the consequences would be dramatic and irrevocably harmful to the pursuit of peace and the furtherance of our security interests. If the United States does not followthrough with its commitment to provide one-third of the Bosnian peacekeeping force, it would be the end of American leadership in NATO, and likely the end of NATO itself. NATO has been a stabilizing force for peace for 50 years. To pull the rug out from under it now at a time when a peace agreement has been brokered that will hopefully end a brutal 3-year war filled with ethnic cleansing, rape, mass executions, and torture would be unconscionable. To scuttle the agreement now would throw the region back into the horrific morass of war, guaranteeing more civilian deaths, more refugees, more instability in Europe, and the very distinct possibility that the fighting will spread and soon ensnare other bordering nations, allies of the United States, into armed conflict with one another. Opponents of the President's policy are fond of delving into history to discuss centuries old animosities that exist between the warring factions in Bosnia. Let us not conveniently skip over, however, the lessons of World War I and what happens when one regional ethnic conflict, left unchecked, draws in other nations, which in turn brings still other nations to arms. European incubation of World War I and World War II eventually cost us 522,000 deaths and 875,000 in military casualties. Whether or not we like it, it is clear what happens in Europe does affect us.

Bosnians, Serbians, and Croatians came to Dayton because they sought an end to the fighting. The peace agreement reached in Ohio is their peace, not a peace that the United States or any other nation is imposing upon them. The Dayton agreement is quite clear about what is expected of each of the signatory parties. If the agreement is broken by any of the three parties, we and the other peacekeeping nations are under no obligation or commitment to remain in that troubled country. More importantly, the military tasks required of our troops in Bosnia have been explicitly set forth and can be accomplished within 12 months, the 12-month timeframe set by the administration. Our peacekeeping troops will be in Bosnia to assist in the separation of forces along a 4-kilometer demilitarized zone of separation. We will assist in transferring of territories as called for in the Dayton agreement. We will be there to break the cycle of violence and ensure that all sides are living up to the requirements of the Dayton accord. Our ground troops will not be in Bosnia as a police force. They will not be asked to disarm militias or move refugees or deliver aid. Nor will they be required to perform many of the civilian tasks set forth in the Dayton agreement, such as economic reconstruction, supervising new elections, or bringing about a military force balance among the three entities within Bosnia. These tasks will be performed by nongovernmental organizations and other nations. In short, the United States military mission in Bosnia is narrow, specific, finite in length, and, most importantly, unencumbered by any limitations on American unit commanders to preemptively strike at hostile forces and otherwise defend our forces using whatever means necessary.

Secretary of Defense Perry, Chairman of the Joint Chiefs, General Shalikashvili, Secretary of State Christopher, and Ambassador Holbrooke have gone the extra mile in my opinion to spell out as best they can all the intricacies of our involvement in the implementation force. Over many long congressional hearings they have detailed how our troops are being trained and prepared for mission, how and when the forces will enter the region and the Tuzla Zone, the steps involved with implementing the military tasks set forth in the peace agreement, the time line for transitioning to peace, and our exit strategy and have all been spelled out. The administration has been as forthcoming as possible in addressing congressional concerns with respect to rules of engagement, the additive cost of the operation, the command and control of our forces, and so forth. The steps also have been spelled out that will be taken to bring about a balance of military power in the region once the peacekeeping force is withdrawn.

Mr. President, no military operation is risk free. Even during peacetime, we

lose scores of men and women each year due to training mishaps and other duty-related accidents. Life in the Armed Forces is inherently dangerous. Like law enforcement and firefighting, they are professionals. The profession of soldier is also a voluntary one, filled with uncertainty and peril. That is the history of service to the United States of America. There are no guarantees about what will happen in Bosnia in the next 12 months. With or without congressional authorization, the President of the United States, as our Nation's Commander in Chief, has the constitutional authority to commit troops to the multinational operation in Bosnia. He has done that.

Over the past 3 years a large number of Senators have taken to this floor and given an even greater number of speeches deploring the bloodshed in Bosnia and the desperate need to do something—anything—to end the fighting, end the ethnic cleansing, end the raping, end the mass executions. Now, after years of handwriting, a window of opportunity has presented itself to see that the ceasefire becomes a peace and that the peace, in turn, can mature into lasting stability and the restoration of a nation figuratively and literally bled dry. I hope that those same Senators who called for action are now ready to get behind the President's policy. The reality is that for this process to succeed, our Nation's leadership is essential. We cannot simply wish for a happy ending in Bosnia. If we want the United States to continue to be the world's preeminent power, if we want NATO to remain strong and relevant into the 21st century, if we want to prevent the Bosnian war from rekindling and potentially spreading into neighboring countries, then the United States cannot disengage itself and stand on the sidelines and act as a critic.

Mr. President, preserving stability on the European continent and strengthening NATO is in America's national security interests. If it was not, then we should bring home the 100,000 Americans we have stationed there, close dozens of bases, and cut our $264 billion national defense budget by a healthy percentage. But I suspect that those who are critical of the President's policy would squeal loudly over such a suggestion. Well, Mr. President, you cannot have it both ways. If we do not want to be the leader of NATO, then we should withdraw our forces and cut our defense budget. If we want to stop the slaughter of innocent men, women, and children in Bosnia, we must be willing to act, even if it means assuming some risks. The world's problems are often complicated. Sometimes it is too much to expect antiseptic, risk-free solutions, because they are unreasonable. The alternative of isolationism is no alternative, in my opinion, and only guarantees our Nation greater problems down the road. We are not declaring war, we are declaring peace in conjunction with 27 other countries sending in peace-keeping forces at the invitation of the previous warring parties. If we were to renege now, America would lose its world respect and surely darken and make more somber other challenges in the future that could come home to haunt us.

I urge support for the bipartisan amendment offered and led by the majority leader and the Senator from Arizona.

Mr. President, I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. FRIST] is recognized.

Mr. FRIST. Mr. President, I rise to discuss the issue of American troops in Bosnia and Herzegovina. I respectfully, but strongly, disagree with the President's decision to deploy U.S. troops there. It was the wrong decision. And it is that decision that I will address in the next few moments.

However, before I do, I want to make it as clear as possible that I am 100 percent behind our troops now that the commitment has been made and the process has begun to deploy them. I will support them and their efforts in every way possible. I will work to see that their mission is a narrow one, that the exit strategy is clearly defined, and that they return home as quickly and safely as possible.

There are several unsettling aspects of the President's plan to send troops to Bosnia. They are questions that, in other circumstances, would have been asked and answered during open and public congressional debate. Unfortunately, that debate has effectively been denied to the American people by the President's unilateral action in committing American troops to foreign soil. But I still think it is important to ask these questions because, perhaps if they are asked this time, then next time they will be answered before we take action.

The first question: Is this action in the vital national interest of the United States? Vital national interests can be clearly and specifically defined. They include defense of U.S. territory, support of allies who are threatened, support of treaty obligations, or protection of economic interests, international waters or U.S. citizens in operations abroad. In other words, Mr. President, vital national interests are interests clearly worth fighting and dying for.

I listened to much of the debate yesterday and today and heard many of my colleagues address this very issue. Time and time again, the debate returned to the question of whether our reasons for being in Bosnia would satisfy the mother or the father whose son or daughter is killed there and who turns to us directly and asks, ''Why?''

Like my colleagues, I have failed to hear a satisfactory answer. Some say because our credibility is at stake. But is it truly our credibility or perhaps NATO's credibility? Mr. President, I believe the two may be very different, particularly in a post-cold-war world.

Others say, because without us there will be no peace. But where have we been for the last 3 years, and do we really believe that we can create peace among people who do not want it? Do we really believe that our presence for 12 months—for 1 year—will suddenly make the warring factions who have been at it for nearly 500 years suddenly forget what they and their ancestors have been fighting for and live as neighbors peacefully? I do not believe so. Mr. President, the situation in Bosnia, no matter how tragic, does not equate to a vital national interest.

A second question: What is Congress' role under the Constitution in the determination to send combat troops into a conflict such as the one we face in Bosnia?

Certainly the President has the authority to deploy forces in situations requiring immediate action, especially in situations where vital national interests are threatened. But committing 20,000 American troops to hostile territory in an action where no vital U.S. interest is at stake, where there is no clearly defined goal or mission, where the factions have been warring for centuries, where the situation, since the initialing of the peace agreement, has clearly deteriorated and where casualties, by the administration's own admission, are certain, in my view, necessitated first a full and fair discussion between the executive branch and Congress. We owe that to the American people and particularly to the American service men and women.

The need for an open debate on this matter is further highlighted when we focus on the peace accord that was reached in Dayton. There are real questions as to whether a bifurcated Bosnian state will survive or, more importantly, whether two separate political entities can function as one country without the constant presence of troops to keep the peace.

Even if the Bosnian conflict did involve the vital interests of the United States, I am concerned that the underlying peace agreement is fundamentally flawed. Already we have seen towns burned, American flags burned, and demonstrations against the Dayton accord because this is a forced peace. And, Mr. President, the fact that we are sending our troops to support this imposed peace plan with little debate in Congress and virtually no support from the American people troubles me greatly.

Third, and perhaps most importantly, how can we prevent this situation from occurring again in the future? Before that question can be answered, we must first understand how we got to where we are. The slippery slope upon which we have now embarked began largely with the end of the cold war, when the world reverted to the ethnic, regional and subnational violence that characterized it before the rise of the bipolar world.

Unfortunately, at that time, America failed to define adequately the role it would play. Instead, we began a pattern of committing U.S. forces on hastily decided and hastily defined missions of peace, of peacekeeping or, tragically, the potential quagmire of peacemaking without the advice, consent or even the confidence of the Congress and the American people.

In each instance, we have seen a President obligate funds and scarce military resources and place U.S. lives on the line for missions well outside what can reasonably be called the vital national interest. And in each instance, rosy administration projections and lofty humanitarian goals bear no resemblance to the outcome of the missions. Just look at Somalia and Haiti today. They are sad mockeries of what we were promised they would become once the most powerful military in the world cleaned them up.

So we again face the question, How is it that we ultimately discover such a radical difference between the intentions and the outcome and that the mission is murkier and the price too high?

In each and every instance, this disturbing and dangerous precedent has been reinforced, making it ever more likely that the pattern will be repeated again and again, with Congress offering fewer and fewer objections under its authority under the Constitution.

It is very similar to the case whereby States' rights fell by the wayside in the push for a stronger and ever more powerful Federal Government.

In the absence of vital national interests, a lack of clear mission has combined with the lack of support of the American people, and we have faced a loss of American life. We have ended these missions without reaching our goals, without achieving any semblance of peace and democracy, and at great cost to the real mission of our Armed Forces: To be ready to defend, with overwhelming force and resolve, the real threats to our life, liberty, and well-being—or those of our allies. Again, Mr. President, we need only look toward our recent experiences in Somalia and Haiti.

In each of these instances, United States and Presidential credibility is offered as a reason such ill-conceived initiatives cannot be opposed. In the case of Bosnia, the Congress and the people are not even given the opportunity to approve or disapprove—but simply to give our approval and comment after the fact. Some argue that this is the President's prerogative under the Constitution, but it is not a shining moment in the life of American democracy. We are asking America's finest men and women to face possible death for a commitment outside of our national interests.

And finally, Mr. President, will we continue to commit our blood and treasure to every cause which captures the moment, and which appeals to our collective sense of justice and compassion? Or will we finally define our interests and our policies, so that when a dangerous situation arises again—and it will—and when our credibility and vital national interests are truly on the line, we will be fully prepared to defend them.

It's an unfortunate and dangerous chapter in the life of our beloved democracy, Mr. President, when we are told it was inappropriate to ask these questions earlier, because the matter had not been settled, and that is inappropriate to raise them now, because the decision has already been made.

At what point do we have the chance to answer those questions? When they are placed before us, and when it may be too late? The question then becomes, Mr. President: At what point will Americans define American interests? I think the time has come to answer these questions now—before we are faced with our next Bosnia.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, there is a unanimous-consent order already in effect regarding the Senators who will speak. I ask unanimous consent that the next grouping, following me, would be, first, a Republican, and that name will be supplied by the leader. After that, Senator SARBANES, and then another Republican, and after that, Senator KERRY of Massachusetts.

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

Mr. REID. Mr. President, as Members of the Senate, the most important and really solemn votes that we cast are those which put at risk the lives of American servicemen and women.

I have long been concerned about the conflict in Bosnia and the potential United States military role in ending the conflict in Bosnia. Mr. President, I have stated on many occasions on this floor, and in various places in the State of Nevada, that I personally do not believe that U.S. ground troops should be committed to keep the peace in this centuries-old civil war in Europe. But still, Mr. President, I recognize that I am not the Commander in Chief of the armed services of the United States, nor does the President need congressional approval to dispatch U.S. troops on this type of a peace mission.

Mr. President, I am going to support the resolution that has been drafted by the Senator from Arizona, the majority leader, and the ranking member of the Armed Services Committee, Senator NUNN. But I say that I support that resolution, not because President Clinton is in office and is a Democrat. I would remind my colleagues, that I stood here and was the first Democrat to publicly support the Desert Storm operation in Iraq. I was standing here, and I received a call from then-President Bush. I was getting ready to speak on the floor. I told him that he did not have to ask me, I have already agreed. So I am going to support this resolution because I believe it is the right thing to do, not because the President is a Democrat. I would do the same for a Republican, as I have shown in the past.

There comes a time that we in Congress, despite our opinions about a President's prerogatives, must lay our criticisms aside. I have given plenty of criticism on this issue. This is a time, Mr. President, when, despite our opinions, we must lay our criticism aside. As I speak, troops are being deployed in Bosnia. As I speak, troops are on their way to Bosnia by train and airplane and other vehicles. Whether this Bosnian peace agreement will be recorded in the history books as the end of a centuries-old conflict remains to be seen. In the meantime, the President has made his decision, and I now believe all Americans should stand behind those whose lives will be on the line in Bosnia.

A number of my colleagues have cited the war in Vietnam in their statements in opposition to the deployment in Bosnia. I also would draw a comparison between the two situations, but for a different reason. The fine young men and women who risked their lives and, in many cases, sacrificed their lives in Vietnam had to perform their missions in the face of enormous disagreement at home about their presence overseas. They came home to protests, and they came home to anger. We should have learned by now that dissent at home costs American lives, because dissent encourages the enemy to kill Americans. Dissent at home costs American lives.

Our colleague, the distinguished senior Senator from Arizona, understands what a blow that kind of civilian denunciation can mean to our military forces. His statements in this Chamber gave me great pause, as I pondered the vote I must make relative to my own personal misgivings. I commend Senator MCCAIN, a war hero by any measure, for the work he has done on this resolution. I understand that in Arizona the vast majority of people think the President's decision is wrong. It is the same in Nevada. Therefore, it gives me even more pause to think how difficult this was for Senator MCCAIN, but how right it was for Senator MCCAIN.

I also commend the distinguished majority leader for crafting a compromise that gives congressional support for the deployment of troops, but that better clarifies and defines the U.S. mission and the criteria that will determine its success.

This mission must not fall into the trap of what is known as mission creep, where an initial goal grows vague and extended. Our troops must go in with a clearly defined and achievable goal and come out in a timely manner. This resolution, the McCain-Dole-Nunn resolution certainly does that.

I intend, I think, along with a number of my other colleagues, to closely monitor the progress of the United

States mission in Bosnia, to do it throughout the year. I look forward to the return of the American troops—hopefully before the year is out, certainly by the time the year is up.

The commanders of NATO and the U.S. military leaders who trained our troops for the mission have taken every step possible to ensure the troops' security, but we know it would be naive to think there will be no casualties and we will all grieve the loss of even one American life. But if there is any lesson we learned from Vietnam, it is that we cannot send American troops overseas with a denunciation of their mission.

I choose now to support the Dole-McCain resolution containing some defined parameters for American involvement rather than disagree with the President's decision.

I was on the floor earlier today, right before the first vote, when the majority leader made a statement. He clearly defined the resolution, and he talked about heroes. JOHN MCCAIN was one he mentioned. He mentioned others. But it was interesting to note that he did not talk about himself.

We have in this Chamber some people who have sacrificed a great deal for our country. Senator MCCAIN, of course, was a prisoner of war in Vietnam for 6 years, in solitary confinement for half that time. We have other people who sacrificed a great deal. Senator JOHN CHAFEE was a hero in the Second World War and the Korean conflict. Senator HEFLIN saw service in the Second World War. Senator GLENN was a marine pilot in the Second World War, in Korea, and then, of course, was an astronaut. We could go on and on with the list of people who sacrificed a great deal who now are serving their country in the U.S. Senate. But I think it is interesting to note Senator DOLE did not talk about himself. He has sacrificed as much as anyone in the service to his country. During the Second World War, he was wounded. He almost died.

So I think the record should reflect the courage of Senator DOLE in sponsoring this amendment and drafting this resolution. It would have been very easy for Senator DOLE—not only the majority leader but a Presidential candidate, who likely will be the Republican nominee for President next year—to have taken the easy way out. Would it not have been easy for him to demagog this issue and to be opposed to Bill Clinton? That would have been the easy thing for ROBERT DOLE to do, but he did not do that. It is because of what he did and what Senator MCCAIN did that there are people like Senator REID of Nevada, willing to swallow, maybe, a little bit of pride, and support this resolution about which these two men, who are certifiable heroes, have said: Our troops are on their way there. Some of them are already there. It is wrong not to have this body support them in everything that they do while they are there.

So I want the record to reflect the fact that Senator DOLE in his statement this morning did not mention his own name. I understand that shows humility, but I want the record to reflect that of all the people who served in the U.S. Senate who have records of heroism in service in the military, to our country, no record tops that of Senator ROBERT DOLE.

I do not want the men and women who go to Bosnia—not to make war but to support a peace—to wonder whether the American people support them, whether this Congress supports them, and whether this Senator from Nevada supports them. I support them.

The holiday season is upon us. My thoughts and my prayers are with the families who will not be together this year because of this deployment. We have seen them interviewed on CNN and in other news stories, how they are going to spend Christmas away from their wives and children and husbands. I commend the men and women who will serve this Nation with honor and courage in Bosnia. I do so with faith and hope in their ability to achieve this mission of bringing peace and stability to Europe.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I have a unanimous-consent request I would like to propound.

I ask unanimous consent to add to the sequence that has presently been placed in the RECORD a Republican Senator; following that will be Senator DODD; after that, a Republican Senator; after that, Senator BRYAN; after that, a Republican Senator; after that, Senator DORGAN; after that, a Republican Senator; after that, Senator GLENN; after that, a Republican Senator; after that, Senator HARKIN; after that, a Republican Senator, and after that, Senator LAUTENBERG.

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

Under the previous order, the Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, the most weighty factor in deciding how to vote on the Bosnian resolution is that United States troops will be deployed in Bosnia regardless of what Congress does, since there are not enough votes to cut off the funding. In fact, the advanced troops are already in Bosnia. Not only is the congressional vote nondeterminative, but the debate has been advanced and the votes expedited in the expectation that there will be some show of congressional support to bolster our troops' morale. Certainly we should do that. So that with the troops on the way and the congressional vote nondeterminative, all the Congress can do now is to make the best of it.

After extensive discussions with my constituents, my colleagues in the Senate, and executive branch officials, it is my view that the United States does not have a vital national interest in Bosnia to justify sending United States troops there. When President Clinton called me, almost 2½ weeks ago, seeking my support, I asked the President what was the vital United States national interest. He responded by commenting on the widespread killing.

I said I was very concerned about the atrocities, the mass killings and genocide, but asked him how that distinguished Bosnia from Rwanda or other trouble spots around the world. President Clinton then warned about the conflict spreading to other nations of Central Europe.

I asked if that posed a security threat to members of NATO, which would activate our treaty obligations on the principle that an attack on one is an attack on all. The President said that he was not basing the national security interest on a treaty obligation on that issue.

In extended informal discussions with colleagues, some Senators have argued that a vital United States national interest arises in a number of contexts. For example, some contend that the stability of Central Europe is vital to U.S. security. Other Senators have said that an opportunity to involve Russia in the joint action with NATO rises to the level of a vital national interest. Others say that there is a vital United States national interest in ousting the Iranians from Bosnia, so that the fundamentalists do not gain a foothold in that important region.

Former Secretary of State Henry Kissinger articulates a vital U.S. interest in the following way.

> The paradox of the decision before Congress is that, while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policy.

Dr. Kissinger continues:

> If other nations cease to believe our assurances, our capacity to shape events, to protect American security and values will be jeopardized.

The problem with Dr. Kissinger's analysis is that it gives the President the power to create a vital national interest by unilaterally making an American commitment without the consent of Congress in the context where the consent of Congress is necessary to bind the United States. My own judgment is that those considerations do not aggregate to a vital United States national interest.

U.S. national security is not imminently threatened, and we are not the world's policeman. It may be that at some point there will be consideration to the deployment of U.S. troops for international moral commitments or from some other standard, but the vital national interest context has been that which has traditionally governed the deployment of U.S. military personnel. So far, they are proposed to be only peacekeepers. But it is a short distance from being peacekeepers to being in harm's way, and really, even being peacekeepers is in harm's way, with the troops that are already there being apprehensive about taking a step off a tarmac out of concern about stepping on a landmine.

In 1991 on this floor I had the privilege to participate in the debate on the resolution for the use of force as to the gulf war. I believe that it was indispensable that Congress pass on that matter, even though it was a Republican President, President Bush, who in late 1990 said a number of things about dispatching troops there involving the United States without congressional approval. But ultimately the President did bring back the issue to the House and to the Senate. And we had debates about vital national interest. A number of us were on the floor at that time—Senator WARNER, Senator NUNN, and others—and comments in the media were that it was a historic debate about what are United States vital national interests.

At least, in my own judgment, we have not seen the establishment of the vital national interest in what we have present today in Bosnia. But that is a judgment call like so many other judgments that we have here.

In the absence of a vital national interest, it is my judgment that the Congress should support the troops, without endorsing the President's policy. Our congressional action should show as much national unity as possible under the circumstances and project American leadership to the maximum extent possible consistent with congressional policy not to give the President a blank check.

It is obviously going to be a tough winter and a tough year for our troops so we should be as supportive as possible where they are concerned.

I am encouraged by the testimony presented to the Senate Intelligence Committee from the executive branch. We convened those hearings in the Intelligence Committee, which I chair. The executive branch officials testified that our troops will be authorized by the rules of engagement to defend themselves on their finding of hostile intent rather than hostile action.

That means that our troops will not have to wait until they are shot at; but they can take preemptive action if they conclude that there is hostile intent. The anticipation of hostile action gives them the discretion to make the judgment that preemptive action is warranted.

It is obviously problemsome on U.S. international relationships for the Congress to pull out the rug from the President's unilateral commitments to our allies. However, it is fundamental in our constitutional separation of power that the President's authority in foreign policy and as Commander in Chief is limited by Congress' authority on appropriations and the declaration of war. And the Founding Fathers were explicit in having that kind of a separation of powers, and that is what we are concerned about here today.

My preference, as I expressed it to the President in our conversation, was that the President come to the Congress with authorization in advance of dispatching the troops to Bosnia. We have learned from the bitter experience of Vietnam that the United States cannot prosecute a war, or really any extended military operation, without the backing of the American people. And the first line of that determination is to have the backing of the Congress. The President chose not to do so.

When we take a look at what our allies' expectation has been, or should be, we have to note that repeatedly congressional action in opposing President Clinton's Bosnia policy has put our allies squarely on notice that the Congress might well disavow the President's promises. It was plain on the public record that the Congress voted overwhelmingly to lift the arms embargo unilaterally to allow the Bosnian Moslems to defend themselves against Serbian atrocities. In the Senate we had a vote of 69 to 29. In the House the vote was 298 to 128. All of that required a Presidential veto. And it was only after those overwhelming votes occurred in both Houses of Congress that the President's policy in Bosnia was activated.

For a long period of time many of us had urged the executive branch to undertake massive bombing using our tremendous air power, and we were met with the response that in the absence of ground troops the bombing would not be effective. Once that bombing was initiated, however, quite the opposite occurred from what the administration and the Department of Defense officials had predicted, and it brought the Bosnian Serbs to their knees. It brought them to the bargaining table. And this agreement has been worked out.

But it is in this context of the very severe disagreement that has been expressed by this Senator—and many others on this floor and in the House of Representatives—that the allies, the other party signatory to the agreement in Dayton, have been squarely on notice that the Congress might well disagree with the President.

The institutional conflicts between the Congress and the President on foreign policy have a long history. Many have challenged the President's actions in ordering United States troops to fight wars without congressional authorization in Korea and Vietnam. The War Powers Act was an effort to establish constitutional balance. But that War Powers Act met with little success.

President Clinton took the initiative in ordering an invasion of Haiti in the face of overwhelming congressional resolutions expressing disapproval of that Presidential action. Fortunately, it turned out to be a bloodless invasion when potential opposition withdrew.

So, Mr. President, our allies have been on notice. Depending on future events, the Congress may have to assert its authority to cut off funding, if we conclude that the President has exceeded his authority or has pursued unwise policies. Those are congressional prerogatives, and under our constitutional system of separation of powers they have to be zealously guarded and observed. But since the President is not now usurping congressional authority to involve the United States in war, and since the votes are obviously not present to cut off funding, we should make the best of the situation in formulating a resolution to support the troops, and demonstrate as much national unity as possible.

To the extent possible, the resolution should impose the maximum pressure to strengthen the Bosnian Moslems militarily to establish a balance of power in that area so that our troops may be withdrawn at the earliest practical date. An exit policy from Bosnia will turn on there being a balance of power there.

It is critical for the United States and its NATO allies to articulate a plan for equipping and training the Bosnian Army. Regrettably, the administration has been reluctant to articulate such a policy. But, in letters just publicized yesterday and today, we may have those assurances. And those assurances and that action ought to be subject to the maximum possible congressional power and persuasion.

Arming the Bosnians is critical for two reasons.

First, it will help ensure a balance of power in the region—a balance that currently favors Serbia and Croatia.

Second, the Bosnian Army must be armed before the NATO implementation force can leave. As former Under Secretary of Defense, Paul Wolfowitz, recently noted, ''Until the Bosnians have the capability of defending themselves, it will be impossible for us to withdraw without terrible consequences.''

In addition, we should do our best to use the current situation in Bosnia to establish important international law precedents against genocide, and to prosecute war criminals.

Bosnian-Serb leader Radovan Karadzic and army commander Ratko Mladic and others under indictment should be brought to trial in the War Crimes Tribunal. This is a unique opportunity to follow up on the Nuremberg precedent and to establish an international rule of law.

Since 1989 the United States has been a signatory to the International Genocide Convention. The United States has been a leader in instituting the War Crimes Tribunal.

For years, I have pressed resolutions adopted by the Congress to set up an international criminal court with the principal thrust to control international terrorism and drug dealing.

It has been my view that, while it has been impossible to get countries like Colombia to extradite to the United States, if there were an international criminal court, that might be doable in a practical political context. And we have yet to be able to put our hands on the Libyans under indictment for the terrorism against Pan Am 103.

And there again, if an international criminal court were present, it might

be possible to have extradition to such a court if extradition to Scotland or England or the United States cannot be obtained. And it is very important for us to press ahead on these prosecutions under the War Crimes Tribunal.

In 1993, my amendment was adopted to provide $3 million to assist the prosecutor in gathering evidence against those who committed atrocities and mass killings in Bosnia. We should press all parties to the peace agreement to make their maximum efforts to bring the war criminals to trial. My recent meeting with Chief Prosecutor Justice Goldstone provides encouragement that a significant international legal precedent can be achieved in that tribunal. International action against mass killings and genocide would promote an important goal of the law of nations.

My discussions with Secretary of State Warren Christopher and National Security Adviser Anthony Lake provide reassurance on the firm U.S. policy to bring the war criminals to trial. For myself and many others in the Congress, continued support of the Bosnian operation would be materially affected by the intensity demonstrated to bring such war criminals to justice.

While I do think it an unwise policy to deploy United States troops to Bosnia, I am very much concerned about the kind of isolationist rhetoric that we have heard in this Chamber in the past 2 days. I have consistently supported a robust national defense and a robust foreign policy by the United States, an attitude gleaned from my earliest days studying international relations as a student many years ago at the University of Pennsylvania.

The United States should not turn to isolationism, but neither should we turn to being the policeman of the world when there are incidents around the world, and so many of them, without having a vital U.S. national interest involved. But weapons systems, army divisions, and aircraft carriers are not enough to ensure our security. We must be committed to the notion that the United States needs to be engaged throughout the world diplomatically, economically, militarily, and always carefully. We need to use all our instruments of national power to shape the international security environment in a way that guarantees American security. In my judgment, for the reasons I have outlined, Bosnia and the Balkans do not rise to that level. But by the same token, we must be careful to resist instantaneous or knee-jerk reactions to any use of U.S. military force even where we did so in Desert Storm.

Mr. President, these are obviously matters of great complexity. We vote on them in a series of resolutions trying to exercise our best judgment, knowing that the troops are on the way, whatever we do. We obviously will follow the matter very closely through our congressional action in a variety of committees, including the Senate Intelligence Committee, which I chair, to bring our best judgment to bear on the Bosnian situation, to support the troops wherever we can and to bring them home as soon and as safely as possible.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senator from California is recognized.

Mrs. BOXER. I thank the Chair very much.

I rise today in support of the peacekeeping mission in Bosnia as long as it remains a peacekeeping mission. I also rise to express my strong support for our men and women in uniform who will be one-third of the peacekeeping force.

We are here debating one of the most difficult and important decisions to face us as legislators, the deployment of American troops overseas. The commitment of our troops is never an issue to be taken lightly, so I thank the leadership for bringing this issue to the floor.

I also wish to thank those committees that have held hearings on this issue over the past few weeks and the administration witnesses who have answered questions openly, candidly, and directly. These hearings have proven very informative and have helped me to reach my decision.

I support the participation of U.S. troops in I-For first and foremost because the mission as spelled out by the President and subsequently by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is a true peacekeeping mission. This is not like the Persian Gulf war when we were sending our men and women off to fight a war. We are sending our men and women to be one-third of a peacekeeping force, keeping the peace as a result of the Dayton peace accord which is supported by all the parties involved.

This is a point I believe must be made perfectly clear. The major combatants in Bosnia support this peace agreement. We are not going to Bosnia to force a United States vision of peace upon them. We are going to help implement their vision, their agreement.

If we were not truly peacekeepers, I could not support this mission, and if at some future date the Dayton peace agreement changes course, I will immediately reevaluate my position.

I have listened with great interest to Secretary Perry, General Shalikashvili, and other military and civilian leaders who have explained the rules of engagement for our troops in Bosnia. When I was a member of the House Armed Services Committee, I realized how crucial it is for our troops to have very clear rules of engagement. I have seen tragedy occur, and we have lost men and women in uniform because the rules were unclear. In my view, it is essential that our troops have the ability to aggressively respond to threats to themselves or to their mission. They must not be required to consult with anyone before responding to a potentially life-threatening situation.

On this point, I quote the Secretary of Defense, William Perry, who said:

> If our forces are attacked or if hostile intent is demonstrated by opposing forces, our rules of engagement will permit the immediate and effective use of deadly force.

In all of his speeches, the President has been very clear on this point. The message he has sent is clear and unmistakable: the first enemy that tries to harm our troops will never forget the lesson of the fateful misjudgment of our power.

So the mission is clear and the rules of engagement are robust. The final element is to assure that our exit strategy is adequate and, in my view, it is. After close examination, I am satisfied on these points.

The administration has publicly stated that our troops will come home in about a year. I support that kind of a timeframe. Our mission is to keep peace for about a year, and after that it is up to the parties to the agreement to sustain it. When we leave, we must leave with a much more balanced situation in terms of military balance. And I am pleased that Members of Congress have talked to the administration about this, and have received clear assurances that when we leave we will not go back to the status quo. This is very important.

I want to make it clear that I support our participation in the peacekeeping force, not because the President wants it but because I believe it is the right thing to do. I know that some have argued we should support deploying our troops simply because the President has committed us and we must not act to undermine the Presidency. However, I take a different view. I believe that as the President accepts responsibility for his decision as Commander in Chief, we must accept full responsibility for our vote on this matter.

I believe that the Congress has the absolute right to deny any President the funds to carry out this or any other mission. In this case, I did not vote to deny the President the funds, and I will not support the Hutchison amendment. However, the Senator from Texas has every right to offer it, and every Member here has every right to vote for it, just as they had every right to vote for the prior amendment we just disposed of which dealt with cutting off funds.

So I believe that when I cast a vote for the Dole-McCain-Nunn amendment, I am doing the right thing, and I take full responsibility for it. I am not ducking behind it and saying it is because the President thinks it is the right thing to do. I have not voted with this President before on the question of Bosnia. I have voted, in fact, against him on two other occasions. When I vote for this, I do not do so as a weak partner of the executive branch but as a strong partner. If at some future time I disagree with the administration policy, as I have done in the past, I will speak out and vote accordingly.

We now have the opportunity to help bring peace to Bosnia. I believe that as long as our troops are part of a larger force, as long as the mission is peace and as long as we have an approximate exit date, I will be supportive of this mission.

Mr. President, it is a rare moment in history that we have a chance to stop a genocide and generations of hatred. It is rare that we have a chance to stop the spread of war in a region where we have lost thousands and thousands of Americans. Some of our very own colleagues walk on this floor with the wounds of those wars.

This is not some area of the world where war is unknown. Sadly, it is. We have seen war spread. Now, maybe, just maybe, the President has done something here that will stop a war from spreading. We do not know that. I may be back on this floor saying, ''Bring the troops home. I was wrong.''

But in the war that I well remember that got me into politics, the Vietnam war, we said, ''Give peace a chance'' in those days, and I think ''give peace a chance'' has not lost its meaning in this circumstance, after generations of genocide and hatred. I lost part of my family in a genocide.

Now we have a chance to stop it. At the minimum—at the minimum—if things go reasonably well, when we leave there we will leave there in a way where the various parties to this conflict are at least on a level playing field, which I think is very, very important. If there is a pause in the fighting, it may lead to a lasting peace as a result of our participation in this force.

So let us give this peace a chance as long as it is truly a peacekeeping operation. Let us support our men and women who are going over there in a tough time, Christmastime. Let us not send signals of equivocation about that support. Let us support the Dole-McCain-Nunn amendment.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DOMENICI and then Senator KERREY are to be recognized.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

I ask unanimous consent that I be recognized to speak at the time that Senator DOMENICI was originally to be recognized in the unanimous-consent agreement, and that he take the place that I had.

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

Mrs. HUTCHISON. Would the Senator from Virginia let me make one more unanimous-consent request?

Mr. WARNER. Absolutely, Mr. President.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the names of Senators HATCH and CHAFEE be added to the next available Republican slots, which I believe would follow LEAHY and SIMON.

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

Mrs. HUTCHISON. I thank the Chair. And I thank the Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from California leaves the floor, I'd like to say I was greatly taken by her closing remarks. And I think I jotted it down accurately. I may be wrong. ''I may be back here on the floor asking that we bring our troops home.''

I say to the Senator, that is precisely why I oppose this Presidential decision to send to Bosnia a third significant element of U.S. troops—that is, troops on the ground. This Nation experienced the problem of Congress acting to withdraw our troops from Lebanon. This Nation experienced that problem in Somalia. I happened to have been on this floor protecting Presidential prerogative—at the time we took serious casualties in Somalia, some 18 killed in one day and some 80-plus wounded on that same day—and I said it is the President's decision as Commander in Chief when a military mission is completed and when our forces should be brought home.

We had a very vigorous battle right here on the floor of the Senate about that Somalia situation. And it was a tough fight to establish the President's clear right to determine when to bring those troops home and not rush to judgment in the sorrow of those severe casualties.

Mrs. BOXER. May I respond?

Mr. WARNER. This is what bothered me. The credibility of the United States of America will be far more endangered if we are faced in 6 or 8 months with a decision to bring our troops home because of casualties and other unforeseen problems, than if we make the stand now not to go forward with this mission.

Mrs. BOXER. Would the Senator yield for a very brief moment?

Mr. WARNER. Yes. I do not yield the floor, but for a question.

Mrs. BOXER. I understand.

I just wanted to respond to my friend. I will, of course, put it in the form of a question. But the deployments that my friend talked about I did not support. I come here to say that I think it is worth a try in an area of the world where we have lost thousands and thousands and thousands of Americans.

If the Senator believes that there is no chance that this war can spread and this mission cannot change that and is not important and is not worth trying, then he should absolutely vote against the Dole-McCain amendment. And I respect his right.

All this Senator is saying is that I have waited, and I believe—and I take full responsibility for that vote, and I respect my friend if he comes down on the other side—in this part of the world we have an opportunity to make a difference for peace. If it does not work out, we at least have tried to do so.

I do view it quite differently than in the other areas that my friend has pointed to. I did not support those deployments, I say to my friend.

I guess I did not have a question. I merely wanted to respond, but I have the utmost respect for my friend for whatever conclusion he reaches, and I hope he would have that same respect for this Senator if she comes down on the other side.

Mr. WARNER. Mr. President, I say to my colleague from California, this vote is a clear vote of conscience, not politics, and each of us has to draw on our own life experiences, our own best judgment and make this tough decision.

Mrs. BOXER. I agree with my friend.

Mr. WARNER. I am on the side opposite the Senator from California and will oppose the President's deployment decision.

Mr. President, I will go into some detail regarding my concerns. Indeed, this is one of the most important debates that I have been privileged to participate in in the recent history of the U.S. Senate. Our Nation has experienced a gradually growing involvement of its Armed Forces in the tragic civil war in Bosnia and other contiguous areas in the former Yugoslavia.

Over the past year, U.S. airmen have flown the majority of the air missions over Bosnia, and U.S. Navy and Marine Corps personnel stationed in the Adriatic off the Dalmatian coast have provided a very significant percentage of the ships and personnel involved in the naval operations in that region.

America is heavily committed militarily with its NATO allies and others at this very moment. There is a misconception that we are not involved in Bosnia and that we have to go. Wrong. We are there, very significantly, at this particular time, and we have been there for almost two years.

But now the President has directed a further and very significant expansion of U.S. military involvement. I credit the President, the Secretary of State, and others for working out an agreement which I do not refer to as a peace agreement. Nevertheless, it is an agreement that has led to a very substantial lessening of the hostilities. It is an agreement that possibly could at some future date form the foundation for a cessation of hostilities, but I do not find that condition to exist now.

Therefore, the President has ordered ground troops, some 20,000, for actual deployment to Bosnia and approximately another 14,000 to be deployed to nearby geographic regions as support and backup forces.

It is interesting, when this mission was first described by the President back in February 1993, it was always said that we were going to send in 20,000 ground troops. But now we learn that almost a force of equal size will be required as backup. That is prudent military planning, but the initial impression across the land was of a lesser number.

Ever since this Presidential decision nearly 2 years ago, I have consistently expressed my concerns. Today, I join with many other Senators in expressing my total disagreement with the President. I do so respectful of his role as President, as Commander in Chief, but I am sure the President recognizes I have a right to express my views and I do so as a matter of conscience.

President Clinton made this decision on his own, without that level of consultation from the Congress that I believe was necessary and might have contributed to a different decision.

And now the Congress is left with trying to decide how best, as the elected representatives of the people, we can ensure that the voice of the American people is heard. I am privileged to do so on behalf of many, many Virginians with whom I have visited and from whom I have heard over the past months.

Mr. President, I have always been a strong supporter of Presidential constitutional prerogatives in the area of foreign policy—I expressed that in my colloquy with the distinguished Senator from California—and particularly the President's authority as Commander in Chief. This very phrase is embodied in our Constitution. As Commander in Chief, the President has the right to deploy, send beyond our shores into harm's way if necessary, the men and women of the Armed Forces of the United States.

Presidents have judiciously exercised that awesome power since the very formative days of our Republic. Therefore, I do not challenge the constitutional authority of the President to deploy United States ground troops to Bosnia. He has that right under the Constitution. I do, however, challenge the wisdom of President Clinton's decision to involve this third significant element of United States forces, namely on the ground in the territory of Bosnia.

On the question of constitutional authority on this matter, I ask unanimous consent, Mr. President, to have printed in the RECORD following my remarks a very fine analysis of that issue by Lloyd Cutler, former Counsel to the President.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, since the beginning of the conflict in Bosnia in 1992, as I said, I have consistently opposed the use of United States ground troops. Today, we are faced with the situation of what do we do now, given the President's commitment? My votes today expressing opposition to this Presidential decision go back to the fundamental question: Does the United States have a vital—and I repeat and emphasize the word ''vital''—national security interest at stake in this region of the world, such vital security interest of a level that would justify the added deployment of United States ground troops into a region that we know is fraught with risk?

I see on the floor the distinguished Senator from Nebraska. I was privileged to accompany him to this region, the region of Krajina, in early September. We saw with our own eyes the ravages of this war-torn region. We looked into the faces of the refugees, combatants and noncombatants alike. This was the fifth in a series of trips I have conducted to this region over the years since the conflict has started.

I wish to acknowledge, Mr. President, to my colleague, how much I value the opportunity to travel with this distinguished Senator, a former naval officer, highly decorated, a man whose judgment and opinion I greatly value on military matters.

The reason I raise this is that I wish to apply a test to this deployment decision along these lines: Would I be able to go into the home of a service person who had been either killed or wounded in Bosnia as a consequence of this proposed deployment and explain to a parent or a spouse or a child why their loved one was sent to Bosnia and why their sacrifice was justified?

This is a duty I performed earlier in life as a young Marine officer and again as Secretary of the Navy, and it is not an easy one, Mr. President. I apply that test today.

I could not justify such a sacrifice, given the current situation in that region and the current status diplomatically and militarily of all the circumstances surrounding this peace accord.

I have listened carefully to the administration's justification for this deployment, but I do not find a vital United States national security interest at stake in Bosnia that would justify the use of ground troops at this time in that nation.

I do not want to see further American casualties in trying to resolve a civil war, based on centuries-old religious and cultural hatreds, which none of us understand. I certainly say, as hard as I have studied, and based on five trips, I do not understand how people in this civilized age of mankind can treat one another this way. These are well-educated people. Yet, they behave in such a manner as to be on the borderline of savagery. I cannot understand it, Mr. President.

I remember so well a hearing of the Armed Services Committee in the aftermath of Somalia. I remember a Col. Larry Joyce, the father of a young Ranger who was killed in the October 3–4 raid in Somalia which I described earlier. He came before the committee and he said to the Senators as follows:

> Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings the doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

I would hope that the Somalia experience would cause us to more carefully consider the policy decisions that put at risk the men and women who serve in the Armed Forces.

I have been deeply moved, as has every other Member of the Senate, and indeed all Americans, by the suffering we have seen in Bosnia as a consequence of the hatreds and atrocities in that region. I have seen it in their faces, in the hospitals we visited and in the wanton destruction of the homes and properties—homes which are so essential for the return of the many refugees. Senator KERREY and I witnessed, as we went through the villages, a row of houses, and one house with the geraniums out, the fresh laundry hanging out, and the house right next to it was flattened to the ground—flattened because it was once occupied by a Serb. That Serb had fled this village where he or she or the family had lived for years with their neighbors, but they were forced to leave in the face of the Croatian military advance. And the locals destroyed the Serb house—the house being a symbol of their hatred for that individual—and they blew it up, destroyed it, so that it would be of no use to anyone ever again. We saw that, as the Senator will recall, in village after village—a manifestation of hatred, which we cannot understand.

I remember so well the Secretary of Defense in his testimony before our committee saying, ''My greatest fear in this operation is the hatreds among the people in the region.'' That is what concerns me. I do not want to see 20,000 U.S. troops placed in the middle of this 500-year-old sea of hatred.

Mr. President, we have heard President Clinton say that United States troops are not being sent to Bosnia to fight a war, but rather to help implement a peace agreement. According to a December 2 radio address by the President, ''It is a peace that the people of Bosnia want. It is a peace that they have demanded.''

Yet, I say to my colleagues, most respectfully, I disagree with the President's assessment. I think the events of recent days, of recent weeks, of recent months, have been a harbinger of things to come. At the very time IFOR is beginning its deployment to Bosnia, Bosnian Croats are burning villages which will be returned to Bosnian Serb control—villages which we, the West, will have to rebuild. Reach into your pockets and take out the funds we are going to be asked to contribute to rebuild these houses, which have been wantonly destroyed, not as a consequence of troops marching through—in some instances, yes—but largely because of the hatred that exists.

These are not the actions of a people who have embraced a peace. At this point, all we can really say is that the three leaders of this region have done their best to work out an agreement. But only time will tell the extent to which the people will eventually embrace this agreement.

Nevertheless, the President has made a decision, and it is within his constitutional authority. The troops are being deployed. Initial elements have already arrived. We have seen the pride

with which the Marines and others have unfurled Old Glory on Bosnian soil. We salute them and we say: One and all, we in this Chamber unanimously support our troops.

It has been my privilege to work for 17 years on the Senate Armed Services Committee and to visit our troops many times throughout the world, wherever they have been deployed—in the Persian Gulf region, Somalia, and other areas—and to see our troops in action. So I commit myself unequivocally, in the same way I have throughout my entire adult life, to their support.

On that point, I would like to address an issue which I do not think has been addressed by any other Senator to date, and it concerns me greatly. Frequently, I have heard a few individuals in high positions, both in the executive branch and in the Congress of the United States, make a statement along the lines that, ''Well, they are volunteers, they can go.''

Mr. President, we are very proud in our country to have the All-Volunteer Force. It originated, again, when I was privileged to be the Secretary of the Navy in the Department of Defense, and it was a direct decision from the then-Secretary of Defense Melvin R. Laird. Having heard these statements and becoming greatly troubled, I contacted the former Secretary and asked for his views. For the RECORD I would like to explain how we decided to have this force. During Vietnam there was a great strife across this Nation, much of that strife directed at force conscription and the draft, and President Nixon and Secretary Laird said they were going to take a risk and initiate the All-Volunteer Force.

I will read from Mr. Laird's letter of December 12, 1995. I ask unanimous consent that it be printed in the RECORD.

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

MELVIN R. LAIRD,
Washington, DC, December 12, 1995.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The President's decision to commit United States military forces to Bosnia has brought renewed attention to the high level of patriotism and professionalism of the women and men who serve as members of the All-Volunteer Force.

The All-Volunteer Force was instituted during our service at DoD, yours as Secretary of the Navy and mine as Secretary of Defense. I regard the termination of the draft and the successful creation of the All-Volunteer Armed Force as the most defining action taken during my service as Secretary.

At this time of placing American military personnel in harms way, it is well to recall that the All-Volunteer Force came into being to end the inequities of pay and service of military conscription and to pay, train, and equip our military forces as professionals. That has been accomplished in large measure. Our country has the finest military force in its history. Because they have volunteered, as opposed to being drafted for military service, does not mean there can be less of a standard for when it's in our vital national interest to interject them into a dangerous environment.

It is important that the genesis for the All-Volunteer Force be a part of consideration for the justification for deployment of our military force.

With best wishes and kindest personal regards, I am

Sincerely,

MELVIN R. LAIRD.

Mr. WARNER. He stated:

Because they have volunteered, as opposed to being drafted for militry service, it does not mean there can be less of a standard for when it is in our vital national interest to interject them into a dangerous environment.

That is right on point, Secretary Laird. You are the father of the All-Volunteer Force. It has worked, and worked beyond our expectations, to the benefit of this country. I would not like to see this debate, in any way, erode the proud All-Volunteer Force concept that we have today.

The clear implication of those critics that use this phrase, ''Well, they are volunteers,'' is that we are willing to send those who serve in the volunteer force to a foreign land to do missions and take risks that we would not have asked of a military draftee. Wrong. This is an atrocious implication. I hope the Members of this Senate will dispel any idea that, because currently the members of the Armed Forces of the United States are all volunteers, that they should be treated with any less concern than we have for generations treated previous members of the Armed Forces, whether they were draftees, Reserves called up, voluntarily or involuntarily, whatever the case may be. Once they don that uniform they deserve no less than the highest concern by the Congress, and indeed the President.

Americans willing to ask these volunteers to risk their lives in the performance of missions that do not fit the clear test of being in the vital national security interests of this country have to ask themselves a question. When the Congress decided we would fill the ranks of our military with volunteers—a policy, as I said, that was initiated in the latter part of the Vietnam war, 1972–73—one of the concerns expressed at that time was that our military might be viewed as a mercenary force. Is that now the case?

You will recall from your history that the concept of mercenaries prevailed through much of Europe, in the history of the Middle Ages and, indeed, into this century. In fact, Great Britain sent mercenaries to our colonies, often, to try to subjugate us.

Anyway, I believe that every Senator in this body will agree that while soldiers, sailors, airmen, Marines, today are volunteers, they are not mercenaries. So let us put to an end any comment about, ''since they are volunteers, they deserve any less measure of concern by the Congress.'' The Congress stands, 24 hours a day, 7 days a week, 12 months a year, as trustees—trustees to guard the safety and the welfare of those who wear the uniform and of the families here at home who await them.

There are many aspects of this I-FoR deployment which I find troubling. First and foremost, I do not believe the mission of I-FoR has been carefully and clearly articulated. In addition to the specific military tasks with which I-For is charged in the Dayton accords, there are a list of supporting tasks which, in my view, will inevitably lead to mission creep and to I-FoR's involvement in implementing the nonmilitary aspects of the peace agreement.

For example, I-FoR is called on to assist the UNHCR, the U.N. High Commissioner for Refugees, and other international organizations, in their humanitarian missions, to prevent interference with the movement of civilian populations and refugees, and to respond to deliberate violence to life and person. It is not clear what guidelines, if any, have been given to the commanders on the ground to help those commanders determine when I-FoR should get involved in these supporting tasks. This must be clarified and the mission strictly limited to implementing the military aspects of the agreement. I think that should be done before another soldier, sailor, airman, or marine departs to go to that region.

I am also concerned about the administration's lack of an adequate exit strategy and an announced time limit of 12 months for this mission. Just announcing that we will leave in 12 months is not an exit strategy. We have to make sure that there is a balance of military power between these warring factions. That balance will serve as a far better deterrent, far better than anything else we can do.

I salute the distinguished majority leader, the Senator from Kansas [Mr. DOLE]. I have joined him in the past year, in trying to implement the concept of assisting one of those factions, the Bosnian Moslems, and bringing their level of armaments up to where they can possess a deterrent to attack.

I think it is naive to believe in 12 months the United States and NATO military involvement will wipe away centuries-old hostilities. What I fear we are facing is a temporary lull in the fighting until the international community withdraws its troops. Then, I ask my colleagues, what will happen to the credibility of the United States and NATO if this mission ends inconclusively, or is possibly even judged to be a failure because the conflict resumes after we depart?

Remember, remember those pictures of our brave Marines as they left Somalia with the people on the shore firing at them as they disembarked in their small craft to go out to a larger American warship and return home. I do not forget that. I do not forget those instances.

Because of the serious concerns which I have outlined, I will vote to oppose this deployment of U.S. ground

troops. This was not an easy decision for any of us to make but I do it as a matter of conscience. However, if that full deployment is to occur and does occur, then I will, as I have in every day I have served in this U.S. Senate, support the troops 100 percent in every way I know how.

Mr. President, I ask unanimous consent that recent editorials on this situation by the former distinguished Secretary of the Navy James Webb, and by a former professional Army officer, Col. Harry Summers, be printed in the RECORD and I yield the floor.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's ''superior force doctrine,'' no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the post-cold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be ''to supervise the separation of forces and to give them confidence that each side will live up to their agreements.'' This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to ''fight fire with fire and then some'' if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would ''continue to discourage the development of the necessary military strength Western European countries should provide for themselves.''

The Administration speaks of a ''reasonable time for withdrawal,'' which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answers to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gains further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasingly more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One can- not exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of Presidential discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put the at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

[From the Washington Times, Dec. 11, 1995]

AFTER THE DOUBTS, SALUTE AND OBEY

(By Harry Summers)

When it comes to the Bosnian intervention, ''the proverbial train has left the station,'' said Rep. Floyd Spence, South Carolina Republican, chairman of the House National Affairs Committee. But that did not mean he agreed with that deployment. ''I believe we will all eventually regret allowing American prestige and the cohesion of the NATO alliance to be put at risk for a Bosnian peacekeeping operation.''

Many senior military officers would privately agree with his assessment. But now is not the time to publicly express their doubts. Before a decision is made, the duty of a military officer is to speak up and express any reservations about a proposed course of action. But once the decision is made, the duty is then to salute and obey and wholeheartedly support the task at hand.

And that support especially includes keeping their doubts to themselves. Commanding a rifle company in the 2nd Armored Division in 1965, my executive officer, Lt. Thomas E.M. Gray II, had grave reservations about our emerging Vietnam policy. Expressing those concerns in a Troop Information lecture, he was surprised when the soldiers turned on him with a vengeance. Many were already alerted for Vietnam, and they wanted to believe in what they were being ordered to do. They had their own doubts and fears to contend with, and what they needed from their leaders was reassurance that the task was both necessary and doable.

Like Jesus' centurion, a soldier is ''a man under authority,'' and when his civilian and military leaders say go, ''he goeth.'' Despite his misgivings, Lt. Gray himself went to Vietnam and was tragically killed in action while serving with the 1st Infantry Division's 1st Battalion, 16th Infantry. Like Lt. Gray, many others served in Vietnam, and will serve in Bosnia as well, despite their private reservations.

One who did so in Vietnam was Vice President Al Gore, and on the day of the president's address, the vice president invited several of us to the White House for a briefing on Bosnia. In the course of our talk, he called attention to a Nov. 27, 1995, New York Times article headlined ''Commanders Say U.S. Plan for Bosnia Will Work.'' But those comments may not be as telling as he believed. They may well reflect only the traditional military reluctance to undermine soldiers' confidence and morale on the eve of a hazardous operation.

Whether the military commanders have private misgivings about the Bosnian operation is not knowable, but what is becoming clear is the lengths they have gone to ensure that the military mission was limited to doable military tasks.

Until recently, according to press reports, the military operation was to include not only the ''peacekeeping'' task of keeping the warring parties separated, but the ''nationbuilding'' task of rebuilding the Bosnian political and economic infrastructure and also the job of training and equipping the Bosnian Muslim military to bring it up to par with its enemies.

At our White House meeting, the vice president took particular pains to disavow any such ''mission creep.'' The ''nationbuilding'' notion that led to such grief in Somalia will not be a U.S. military mission, he said. That will be a task for the Europeans, specifically the OSCE, the Organization for Security and Cooperation in Europe, which has several ongoing missions in the area. Training of the Muslims, originally said to be a task for the U.S. Army's 10th Special Forces Group, will now be done by third-party nationals. And the vice president categorically ruled out any manhunts for war criminals, such as the one that led to the disaster in Mogadishu.

To their credit, the senior military leaders have done their best to limit the mission to doable tasks. But the one thing they have not succeeded in doing is resolving the issue of military casualties. This is an issue of major concern, and at the vice president's briefing and later in the presidential address to the nation, it was emphasized that the Bosnian operation is not risk free, and that casualties will occur.

But casualties per se are not the limiting factor. It is whether those casualties are disproportionate to the value of the mission. In World War II, the value was national survival, and we willingly paid more than a million casualties in its pursuit. In Somalia, the value was never established, and 16 became too many. The task for President Clinton is to establish the value of what we are trying to do in Bosnia as the basis for the costs in both lives and treasure that such an operation will entail.

If the polls are correct, that value has not yet been established. And if that task remains undone, then even one casualty may prove to be too many and Mr. Spence's warning will prove to have been only too correct.

EXHIBIT 1

[From the Washington Post, Nov. 26, 1995]

OUR PIECE OF THE PEACE—SENDING TROOPS TO BOSNIA: OUR DUTY, CLINTON'S CALL

(By Lloyd N. Cutler)

After months of sustained effort, the Clinton administration has succeeded in negotiating a peace agreement among the three warring ethnic factions in Bosnia. The agreements initialed in Dayton would require us and our NATO allies to place peacekeeping units of our armed forces in Bosnia for a year or more. This raises once again the biggest unresolved issue under the U.S. system of separate executive and legislative departments: Is the constitutional authority to place our armed forces in harm's way vested in the president or in Congress, or does it require the joint approval of both?

President Clinton has said he would follow the precedent set by George Bush before the 1991 Desert Storm invasion and seek a congressional expression of support before committing American units to the enforcement of the Bosnian peace agreement. But he has also asserted the constitutional power to act on his own authority, just as Bush did. This time, it is Republican congressional leaders who are challenging a Democratic president's view that the president can lawfully act on his own, but, more typically it has been Democratic Congresses challenging presidents of either party.

During the coming debate, Congress would be wise to bear in mind, as it did five years ago, that the world will be watching how the one and only democratic superpower reaches its decisions, or whether it is so divided that it is incapable of deciding at all. Congress needs to recognize that we cannot have 535 commanders-in-chief in addition to the president and that some deference to presidential judgments on force deployments is in order. That is especially true when, as in Korea, Iraq and Bosnia, the president's proposed deployments are based on United Nations Security Council resolutions that we have sponsored and on joint decisions with our allies pursuant to treaties Congress has previously approved.

In the case of Bosnia, the argument for committing U.S. forces to carry out a peace agreement is a strong one. All of us are revolved by the ethnic cleansing and other human rights abuses that the various factions have committed. These abuses are likely to continue if the peace agreement is not formally signed in mid-December as now scheduled, or if it is signed but not carried out. If the war goes on or soon resumes, it may well spread to other parts of the former Yugoslavia and to the rest of the Balkans, still the most unstable region of Western and Central Europe. Any widening of the Balkan wars could well spread to Eastern Europe and the Middle East and pose a substantial potential threat to U.S. national security.

Some foreign forces are needed to separate the contending armies and to control the standing down of heavy weapons. Under our leadership, and only under our leadership, NATO is ready to supply the necessary forces. The stronger the forces, the better the chance that they will not be attacked and that they will accomplish their mission. All these reasons argue for a significant U.S. military commitment, now that a promising peace agreement has been reached.

In 1991, the Democratic Congress narrowly approved President Bush's decision to reverse the Iraqi invasion of Kuwait, thus mooting the issues of whether the president could have acted alone. Today, the Republican congressional leadership, while sounding somewhat more conciliatory than in recent weeks, is challenging President Clinton to make his case for the proposed deployment. This war powers question has come up repeatedly since the 1950 outbreak of the Korean War, when President Truman committed our forces without first seeking congressional approval, but has never been resolved.

In foreign and national security policy, as in domestic policy, neither Congress nor the president can accomplish very much for very long without the cooperation of the other. This is so for both constitutional and practical reasons. The Constitution gives Congress the power to ''declare war,'' but both Congress and the president share the power to raise armies and navies and to raise and appropriate funds for their maintenance and deployment. Only Congress can enact such measures, but it needs the president's approval or a two-thirds majority of both houses to override his veto. Only the president can negotiate treaties, but he needs a two-thirds vote of the Senate to ratify them. The president's separate powers are limited to receiving ambassadors, serving as commander-in-chief of the armed forces and faithfully executing the laws. If as commander-in-chief he orders our armed forces into a combat situation, he still needs congressional approval to finance such a commitment over an extended period of time.

Before the United States became a superpower, disputes over the authority to commit our forces rarely arose. We had few occasions to deploy our military units abroad, much less commit them to conflict. Armies, navies and news of battle traveled very slowly. Air forces and long-range missiles did not exist. There was plenty of time after learning of a threatening event for the president to deliberate with Congress about the proper response. Occasionally, presidents committed us unilaterally, as in our attacks on the Barbary pirates in Tripoli in Jefferson's time, but it was rare for Congress to claim that its own prerogatives were being usurped by the president.

Since World War II, all this has changed. As commander-in-chief of the democratic superpower, presidents now deploy our armed forces all over the world. We can attack, or be attacked, within moments. On numerous occasions, presidents have committed our forces to armed conflict, sometimes of a sustained nature as in Korea and Vietnam, without asking Congress to declare war. In Vietnam, as it had in Korea, Congress initially supported the president's initiatives by appropriations and other measures. But as the duration and scope of our military actions in Indochina escalated, an increasingly restive Congress enacted the War Powers Resolution over President Nixon's veto. The resolution laid down a series of rules that require a president ''in every possible instance'' to ''consult with Congress'' before he commits our armed forces to combat or to places in which hostilities are ''imminent.'' It also requires the withdrawal of those forces if Congress fails to adopt an approving resolution within 60 days.

President Nixon and all subsequent presidents have challenged the constitutionality of these prescriptions, but the Supreme Court has never accepted a case that would resolve this dispute and is unlikely to do so in the near future. When presidents ''consult'' with Congress before committing forces, they are careful to avoid saying they do so ''pursuant to'' the War Powers Resolution; they say they do so ''consistent with'' the resolution.

There are obviously situations where modern technology makes advance consultation with Congress impractical—most notably the case where our sensor equipment indicates that a missile attack has been launched on the United States or our NATO allies, or where speed and secrecy are key factors, as in the rescue of American hostages or reprisals against a terrorist act abroad.

But presidents have continued to commit our forces to armed conflict or situations where conflict was clearly ''imminent,'' whether or not split-second timing was imperative. President Ford, for example responded forcefully to an attack on a U.S. vessel (the Mayaguez) off the Cambodia

coast; President Carter launched a military mission to rescue our hostages in Iran; President Reagan put our forces into Lebanon, the Sinai, Chad and Grenada and ordered bombing attacks on Libya; President Bush sent troops into Panama, Liberia, Somalia, Saudi Arabia, Kuwait and Iraq.

As for President Clinton, he has already ordered our forces into Somalia, Rwanda, Haiti and Macedonia and has authorized our air units to enforce the U.N. no-fly zone over Bosina itself.

Moreover, in the 22 years since the War Powers Resolution became law, Congress has never undermined these presidential uses of force by action (or inaction) in a way that would have blocked the mission or required withdrawal within 60 days.

All this does not mean that Congress must cede the power to make national security decisions to the president. Congress successfully forced Johnson and Nixon to limit and finally to terminate the undeclared Vietnam War. Congress successfully stopped Reagan's covert sales of weapons to Iran and his covert and overt military aid to the contras. As these examples show, presidents cannot effectively exercise their separate constitutional powers over national security and foreign policy over an extended period without the cooperation of Congress. That is why Clinton, like Bush in 1990, has invited Congress to express its views before our forces are committed to support the peace agreement in Bosnia.

A week ago Friday, while the Dayton negotiations were still going on, House Republicans passed a bill that would bar the expenditure of any funds to sustain U.S. forces in Bosnia. Fortunately, the Senate is unlikely to follow, and even if it did, a presidential veto would be difficult to override. But the House Republicans who launched this preemptive strike would do better to emulate former Republican congressman Dick Cheney.

In 1990, when we had a Republican president and Democratic majorities in both houses of Congress, Cheney was the secretary of defense. As he said before we entered the Gulf War, ''When the stakes have to do with the leadership of the Free World, we cannot afford to be paralyzed by an intramural stalemate.'' The decision to act, he noted, ''finally belongs to the president. He is the one who bears the responsibility for sending young men and women to risk death. If the operation fails, it will be his fault. I have never heard one of my former [congressional] colleagues stand up after a failed operation to say, 'I share the blame for that one; I advised him to go forward.' ''

This does not mean that Congress must approve the president's proposed commitments without change. For example, following the Lebanon precedent, Congress could require its further approval if the forces were not withdrawn within, say, 18 months, a period that expires after the next elections. The president and Congress have the shared responsiblity of finding a solution that shows we can function as a decisive superpower and as a responsible democracy at the same time. The public expects no less.

It may be too late to help in the Bosnia debate, but there is one change in our process for making national security decisions that ought to be adopted. The National Security Council (NSC), the statutory body created to advise the president on national security affairs, consists entirely of officials in the executive branch. When the NSC takes up issues related to the potential commitment of our forces, the president could invite the attendance of the speaker, the majority and minority leaders of the House and Senate and the chairmen and ranking members of the national security and foreign policy committees of each house. Since the NSC role is purely advisory, no separation-of-powers issues would arise. In this way Congress, in its own favorite phrase, would be effectively consulted before the takeoff, rather than at the time of the landing. The cooperation on national security issues that the nation wants and expects might still elude us, but the president would have done his part to carry out George Shultz's admonition that trust between the branches must be Washington's ''coin of the realm.''

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is next to be recognized under the previous order.

Mrs. HUTCHISON. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. KERREY. I am pleased to yield.

Mrs. HUTCHISON. I ask unanimous consent Senator SNOWE be sequenced following Senator BRADLEY in speaking order.

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

The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first, the Senator from Virginia just gave very eloquent testimony, not just to the U.S. abilities in the past to accomplish good things, but the risks contained in them.

I did have a great honor to be able to travel with the Senator from Virginia earlier this year, to Zagreb and down to Split and down to Knin in the Krajina Valley where the Croatian forces had succeeded in driving, by some estimates, close to 200,000 military and civilian personnel from that valley. It was very clear to me that I was in the presence of a man who understood, not just that particular region as well as any, but understood the great value and importance of we Americans leading where we can and doing what is possible to make the world a safer and better place. I have many of the same misgivings the Senator from Virginia just expressed and I know that, in expressing opposition to the resolution and the deployment, in his own statement just now he wants this mission to be successful. He wants this operation, this NATO operation to be a success.

I also must say——

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague. We will travel together again to other places in the world on behalf of our Armed Forces.

I will be pleased to hear the Senator's remarks.

Mr. KERREY. I look forward to the travel. I learned a great deal in a relatively short period of time from the distinguished senior Senator from Virginia. I look forward to having a chance to travel and learn again.

The goal of any policy, particularly a foreign policy, I presume and hope, is success. But, in a complex and confused conflict, such as this one, which has festered for centuries, success is extremely hard to define. The civil war in the former Yugoslavia is the consequence of a very confusing sequence of events that very few people understand fully. Yugoslavia itself was an intricate construct of religions and nationalities. Even the future consequences of U.S. inaction now are not immediately clear. Also, there has been considerable disinformation put out by all sides in the conflict, to justify the claims that all sides have to the status of being a victim.

The international solution coming out of the Dayton agreement is not exactly simple either. A NATO force, including non-NATO units and even Russian units, is to separate the parties along a meandering 600-mile boundary line and then oversee the restoration of civilian government functions in Bosnia.

Meanwhile, the European Community and international donors put together a financial program to rebuild Bosnia's infrastructure. The plan may or may not be brilliant, but it certainly is not simple.

So it is not surprising, Mr. President, that well-informed citizens—and I am thinking in my case of Nebraskans who I had the honor of visiting with this week to discuss this policy—do not fully understand the Bosnian case.

As I indicated earlier, I had the opportunity to travel to the former Yugoslavia, have attended hours of briefings in the intelligence community, and have visited the National Military Joint Intelligence Center in the Pentagon the last two Fridays. I must say I do not fully understand this problem, either.

Mr. President, I do understand that American leadership has already made it better. My response to those who despair of improving this tangled region is that from the moment of President Clinton's decision last summer to lead the way to a solution, the former Yugoslavia has become a more peaceful place. Bosnia is now a safer place for its inhabitants.

Mr. President, it was only last summer that the only access to Bosnia's capital, Sarajevo, was over the dangerous Mount Igman road. Three American diplomats were killed in July on that road. The airport was closed. Sarajevo's very life was at risk from mortar attacks, from snipers, and from the cutoff of the energy and food on which life depends.

Then came the United States commitment to lead, Ambassador Holbrooke's full-court press, and today Bosnians are safer as a consequence. C–130's now land at Sarajevo. Sarajevans' daily brushes with death are over, we pray forever. Energy and food deliveries are resuming, Mr. President. I am describing the indicators of success—success we have already achieved.

The distinguished Senator from Virginia earlier indicated, and I think quite properly, a test that all of us should apply to an operation, to a mission of this kind. That is, would we be able to go into the home of a family

who had lost a loved one in a conflict and tell them what their loved one had accomplished? Was it worth their sacrifice?

Mr. President, you would, I think, be hard pressed not to be able to go into the homes of the three diplomats who gave their lives to secure peace in Yugoslavia and not be able to say that, thanks to their bravery in July, being willing to run the risks associated with travel to Sarajevo at the time, that as a consequence of their bravery we now have peace in that city.

There are many people who are planning trips there and lots of travel going on there. Mr. President, there has been a tremendous success accomplished already.

Last August when I visited Yugoslavia, Sarajevo was judged so dangerous that the administration said that I and the delegation that I traveled with should not go there. We could not get to the capital of the country which is at the heart of this problem. Today, not only is Sarajevo accessible, but Tuzla, where our troops will be stationed, is accessible as well. Already, several congressional delegations have traveled there in the past few weeks to see for themselves the conditions our troops will face. That access is the fruit of policy success.

But success in any enterprise, Mr. President, is temporary unless you are willing to secure it and to build on it. The Dayton agreement provides for military forces to enforce separation of the parties and to ensure compliance with the agreement. If all the parties comply with the agreement, success will be achieved and a peaceful, secure Bosnia will not just be a possibility but an odds-on likelihood.

Mr. President, given what has happened in Bosnia and what could happen without the decisive impact of American leadership, I contend this would be a highly successful outcome, one in which all Americans could take great pride.

Mr. President, much has been said—I have listened to many colleagues, and I have heard, particularly on talk radio, concern expressed—about President Clinton as Commander in Chief. First of all, let it be said that Mr. Clinton, our President, is the architect of this policy and he is the Commander in Chief of our Armed Forces. As the distinguished majority leader has correctly stated, we only have one President, one Commander in Chief. Our Armed Forces have a high level of good order and discipline. They recognize that fact. They will follow the orders the President gives them. They will proceed to the places named in his orders.

When we do our constitutional duty of debating deployment such as this one, we should not say or do anything which might separate the Armed Forces from their properly constituted chain of command. A resolution of this body declaring support for the troops but opposition to the action the President has ordered the troops to take could have very negative consequences for the morale of the Armed Forces as well as for the outcome of the mission.

A statement by one Senator such as I read in this morning's New York Times to the effect that this Senator has spoken to soldiers at a military installation and said, ''They're with me. They're mixed. They know I'm for them and I'm trying to keep them out,'' is not helpful. The troops are with their Commander in Chief and with no one else, regardless of the outcome of this debate.

There is also a good deal of talk, as I said, on talk radio criticizing Bill Clinton's right to deploy American forces and his ability to command those deployed forces because he did not go to Vietnam.

I will address this topic, Mr. President, head on. Having not served, I must say, can be a handicap for people serving as Commander in Chief of the military, no two ways about it. There are parts of a job you grow into, and I believe strongly that the President has really grown as a Commander in Chief. He inherited Somalia from the Bush administration, and as Commander in Chief of the Somalia operation, Bill Clinton has experienced the human tragedy of being the leader when United States casualties occur. He has not flinched from hard talks with the families of casualties that occurred on his watch. Those talks are a sobering and maturing experience for any commander, even a President. He is not naive or starry eyed about what he is ordering young Americans to do.

There is another aspect of Presidential service that must be considered, particularly as we engage in this kind of debate. Bill Clinton may not have been in combat in Vietnam, but in a very real way he, like all his predecessors, is experiencing combat now. He is experiencing the daily danger which, unfortunately, is part of his job. His residence has been attacked twice. He suffered the loss of a friend and ally, Prime Minister Rabin. He knows firsthand every day the sense of an unknown but ever present threat to your life and the life of your family, which is an essential part of combat. In this sense, too, he has matured a lot. The job has that effect on people.

In the final analysis, though, the most important tool that the President brings to being Commander in Chief is the fact that he is properly sworn. He is the duly elected President of the United States of America. Mr. President, that is all it takes. Every American soldier, every American sailor, every American airman and marine must understand it.

As far as a national interest, Mr. President, it does fall to the President of the United States to define the Nation's vital interests and then act to defend them. Such interests are at issue in the former Yugoslavia. The most important one, in my judgment, is the stability of Europe.

We have learned in this century that we ignore European instability at our peril. Twice we have made the mistake of thinking Europeans, with their money and sophistication and long experience as countries, could maintain their own stability. Twice we have had to send millions of our soldiers to fight in Europe to correct the mistake and to lead Europeans into stable, peaceful arrangements with each other. There may come a time when Europeans can do this all by themselves, but the Yugoslavian experience of the past 4 years shows that time is not yet here.

At the end of World War II, America determined to shore up the stability and security of Europe. Former friend and foe alike were a shambles, communism was a growing force in European domestic politics, and the Soviet Union showed both the ability and the inclination to incorporate all the continent into his family of satellite states.

To our farsighted leaders of the period, a crisis was apparent. They responded with a decisive commitment of American leadership. They organized an alliance of the United States, Canada, and 13 European countries, an alliance with a simple but breathtakingly open-ended commitment, an attack on any member was an attack on all. In other words, we would go to war to defend any NATO member. With the implementing vision of the first Supreme Allied Commander, Dwight D. Eisenhower, the NATO alliance began a record of achievement that climaxed not a year later but 40 years later with the fall of the Berlin wall and the collapse of Soviet communism.

Whenever we give speeches about what we are proud of in America's accomplishments since World War II, we brag, and very properly so, about our victory in the cold war and the U.S. leadership of NATO which made victory possible. Mr. President, our commitment in 1949 was not totally assured of success. Far from it. And our commitment was not accompanied by a congressional requirement for an exit strategy. In 1949 our leaders acted boldly to leverage American leadership into an alliance with a good chance of success. Today, with a new situation in Europe, we face a requirement to act again, boldly, to restore and maintain European stability. Again, NATO is the instrument of choice. If we do not act, instability will spread more broadly in a region in which major European powers have historic interests and have not shrunk from war to advance those interests. If we do not use NATO as our instrument, this alliance will not be available to continue its 40 year role as the guarantor of a peaceful, stable Europe.

It was not so long ago that our major European allies were usually at each other's throats. NATO created a framework of defense cooperation in which shared interests outweighed rivalries. Today NATO expansion carries the potential to extend the same cooperation

into Eastern Europe and I hope, eventually, Russia and other former Soviet States. I cannot think of a better way to lock-in the benefits of the end of the cold war. But without NATO as a vibrant, capable organization, it will not happen. NATO cannot be such an organization without U.S. leadership. Mr. President, stability in Europe and the continued viability of NATO are our vital interests, and they are at issue today in the Balkans.

We have other lesser, but important interests there. We have an interest in a peaceful, stable, Russia which cooperates with us and with NATO on defense matters and with which we can share mutual confidence. The deployment of Russian units to the I-FOR under United States command provides a potentially priceless opportunity to build such a relationship. Also, we have an interest in developing a better relationship with the Moslem world. Moslems have clearly been the underdog in the Yugoslav war, and American leadership to preserve and secure a Bosnia which is again safe for Moslems will have positive effect on United States relations with the Moslem world. It will show the truth of our national character, which is we seek justice and fairness and do not play ethnic favorites.

DRAFT A RESOLUTION TO SUPPORT SUCCESS

What we vote today matters. We should not hamstring our commanders with requirements that make success harder to attain. When we require the administration to supply armaments of the highest quality to one of the combatants, the highest quality being the best the United States has in its own arsenal, or when we pass a resolution which sets an artificial time limit on an operation which should only be bounded by accomplishment of the assigned task, we are placing handicaps on Admiral Smith's ability to accomplish the mission. I know none of us wants to do that. Once our troops are committed, all of us wants them to succeed.

I must also add my concern about Congress declaring U.S. creditability to be a strategic interest. We may be issuing an open-ended invitation to Presidents present and future to make unilateral commitments and require Congress to support them on the fuzzy basis of credibility. The stability of Europe is reason enough for this operation, in my view.

Mr. President, I have been to briefings at the Intelligence Committee and have spent the last two Friday afternoons at the National Military Joint Intelligence Center at the Pentagon, trying to learn all I can about this mission and the intelligence support our commanders will be getting. I am immensely proud to have a military that can do a mission like this—to go into difficult terrain in tough weather conditions and be able to provide its own support and security while being prepared to engage any or all of three contending armies. I am proud of the work our national and military intelligence communities have done and are doing to support our troops with the best intelligence available, and also support the NATO and foreign forces in the I-FOR. No one else in the world could do this, except the United States. We are doing it, as I said, to protect vital interests. We are doing it in a good cause.

If all the parties to the Dayton agreement abide by it, our leadership will be brought peace to the Balkans. More importantly, we will have extended the guarantee of European stability to which we have been committed, in NATO, since 1949. If we lead with the vision of our post-war predecessors, we can achieve success in Bosnia.

Mr. President, finally, let me point out what should be obvious. The success that has been achieved thus far has been a success of the President of the United States committed to achieve peace in the Balkans, but a success that has been put together by diplomats, by politicians, some elected and appointed leaders, not just of the United States but of all three of the nations in the Balkans. And if success is to be the end goal, and if we are to achieve that success, the military can only do part of it. In order for the military to be successful, we political leaders are going to have to do the hard work of making certain that all the parties adhere to the agreement that we expect them to sign in Paris tomorrow.

I believe there is a good chance of success—of further and continued success—a chance of success that is worth the risk that we take, the risk of lives and the risk of capital in the Balkans.

I hope that the debate about this resolution—a nonbinding resolution that does not necessarily impact the President—I hope that the President hears throughout all of this debate perhaps some criticism. But even critics have to grudgingly, I hope, acknowledge that there is peace in the Balkans, that you can fly to Sarajevo, that children and civilians in Sarajevo markets do not worry on Sundays—as they did when I was there on the 28th of August—that 120-millimeter rockets and mortars were going to rain down on them and take their lives. That fear is gone today. The fear of sniper attack is gone.

If the standdown of forces occurs in the first 30 days and in the next 45 days and the next 180 days, if we can just stand down the forces, the United States of America will continue to be able to say that we are saving lives. There are people alive today in Sarajevo that would not have been alive were it not for leadership of the President of the United States and the people of the United States backing that President.

I hope we understand and appreciate the great success that only the United States of America could achieve under the leadership of Bill Clinton. I hope this debate does not cloud that success, and I hope this debate does not prevent and make more difficult a continuation of our efforts to build upon that success.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator LOTT be traded in speaking order for Senator DOMENICI, who would be next, and also that Senator KASSEBAUM be added after Senator NUNN in the speaking order.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for accommodating my schedule and allowing me to change the order of the list of speakers. I also want to thank her for her leadership in this area. It is not easy. It takes a lot of courage, and the Senator from Texas has done an excellent job on this issue. I support her resolution because it best reflects my views on this issue.

This resolution expresses opposition to the decision to put United States troops on the ground in Bosnia, and also it says that we support our troops. Certainly, we all do, whether they are in the Continental United States or anywhere around the world. This resolution is simple. It is direct. It is to the point. And, I agree with it. I oppose the decision to send U.S. ground troops to Bosnia.

Conversely, I intend to oppose the resolution by the distinguished majority leader, and the Senator from Arizona, Senator MCCAIN. They have done excellent work on their resolution. They have improved it considerably. But it still has language that to me—leaves the impression that a vote in favor of the resolution equates to authorizing, or agreeing with the decision to deploy ground troops. It does not say exactly that, but it still has language that gives me discomfort in that area.

I also have difficulty with our putting United States troops on the ground—supposedly as neutral I-For troops between the Serbians, the Bosnians, and the Croats on the other side—all while the United States leads an effort to train, equip, and arm the Bosnians. That is a precarious position for U.S forces. I think that is a very impractical arrangement. You cannot appear to be, or try to be neutral while you are in fact leading an effort to train one party of the three factions involved. So I have not been able to get that problem worked out in my mind with the language that is before the Senate in the resolution by Senator DOLE.

Mr. President, in 1921, Oliver Wendell Holmes wrote:

> A page of history is worth a volume of logic.

Without an understanding of history, it is easy to repeat the mistakes of history, and it is in that context of history that we must carefully review President Clinton's decision to send United States ground troops into Bosnia.

On November 21, 1995, President Clinton announced that an agreement had been reached in Dayton, OH, an agreement which he believed would secure peace in the former Yugoslavian Republic of Bosnia. According to him, key to its success would be participation of 20,000 American military personnel on the ground. Without American involvement, the President suggested there would be no peace and U.S. leadership of NATO would suffer, perhaps to the point of rendering NATO useless. But the President's dire warnings must not be simply conceded under the assumption that he is right. The decision to send United States troops to Bosnia should not be reached because of feared diminution of United States leadership in the world or of NATO.

The fundamental decision should be based on answers to two simple specific questions: Are vital United States national security interests under threat in Bosnia? Do we have an effective exit strategy?

Before going further, I want to say that the President deserves credit for creating a negotiating framework which brought together the leaders of the warring parties and for fostering an environment of serious work to bring peace to war-torn Bosnia.

But the decision to deploy United States troops to Bosnia is much more complex than just simply affirming a peace agreement negotiated in Dayton. Much more must be considered before our troops are deployed en masse.

Before addressing the two immediate questions regarding this decision, though, whether to deploy the troops, we must understand the history of Bosnia, if for no other reason than to gain some sense of the potential success or failure of that Dayton agreement.

In his second State of the Union Address in 1862, President Lincoln counseled the Congress to remember that we cannot escape history. That same counsel applies to the strife-ridden Bosnia.

The former Yugoslavia found its birth in 1918 as the Kingdom of the Serbs, the Croats and Slovenes united under the reign of King Alexander. In 1929, the country was renamed Yugoslavia, but the recent civil unrest in Bosnia can be traced much further back than that. The deep hatred and animosity of the Serbian, Bosnian, and Croatian peoples was not born from their forced union in 1918. It reaches back to the mid-1300's when the Ottoman Turks subdued the Serbian state.

History is clear that death, civil strife, and general mayhem between the Serbs, Croats, and Bosnians was prolific between the mid-1300's until Tito solidified his control of Yugoslavia at the close of World War II. In most cases, the hostility between the parties was based on religious and cultural divisions and the leadership of the day, whether it be King Alexander or Tito, used these religious and cultural hatreds as tools to suppress, to check, and to trump the national aspirations of each of the parties in the region. The result was nearly continuous bloodshed between the three warring factions.

This backward, bloody, and ugly history led British Prime Minister Benjamin Disraeli to tell the House of Lords in 1878 these words, which are applicable to today's situation. He said:

> No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia, Herzegovina and other provinces—political intrigues, constant rivalries, a total absence of all public spirit—hatred of all races, animosities of rival religions and absence of any controlling power . . . nothing short of 50,000 of the best troops would produce anything like order in these parts.

That was in 1878. If it would have taken 50,000 troops then, how many troops would it take today?

When King Alexander was assassinated in 1934 by Croatian extremists, Yugoslavia began to split apart at the seams. Why was King Alexander assassinated? Well, in 1929 he tried to create an autonomous Serb, Croat, and Slovene government under a unified federalist structure called Yugoslavia. While one central government was to remain under his leadership, the three parties would achieve independence.

The Dayton agreement—at its fundamental base—seeks to resurrect much of King Alexander's failed plan of 1929. But instead of creating three separate states under one central government, the Dayton agreement seeks to create two parts, the Croat-Bosnian Federation and the Serbian Republic, all under one central government.

Just as President Lincoln said, ''We cannot escape history,'' neither can President Clinton escape the history of Yugoslavia, nor can any of us afford to ignore it. Based on this history, it is likely—and unfortunate—that there will be no peace in Bosnia with or without United States troops on the ground to support it.

No international troop presence on the ground in Bosnia will restore peace to a region which has forgotten peace, does not remember peace, and does not forgive past violations of peace. United States troops should not be squandered on such a prospect.

Yes, we all hope for peace, but the peace must be achieved in the hearts and minds of the people there who have been warring for centuries. America cannot impose it with military troops.

The United States has a history, a noble history, and a heritage born from war in search of peace. Ours is a noble history and heritage, but this heritage should not and does not commit us to blind military commitments, the goal of which is to right historical wrongs or impose tranquility where tranquility does not exist or has not existed for over 600 years.

War is an ugly, gruesome undertaking. War should not be pursued or waged for mere political expediency or humanitarian gains.

Now, there are those who will say there is not war here; this is a tenuous peace. Yes, but how long will it be that way? As I pointed out, one of the things that worries me is if we go in saying we are neutral but acting in a partisan way supporting one faction, how long will that peace hold?

While we must be good at waging war, not all wars are fit for the United States to come in and solve the problem. Why must we always be the one that sends our troops in, no matter where it is around the world, when we do not have a vital national security interest? The United States should only participate militarily on the ground in places in which U.S. interests are clear and understandable.

I have looked long and hard to find United States vital security interests which are under threat by the civil strife in Bosnia. I have not found any. The United States does have vital security interests in Central and Western Europe, but the civil war in Bosnia does not threaten these interests. Therefore, we should not go. That is the fundamental hurdle that I cannot go over.

If our vital security interests dictate that we should place troops in harm's way, then we must go. We should and we will. We will be prepared to fight for our vital national interests and win. We should go, though, as combatants prepared to fight, to do whatever is necessary, but only if our vital security interests are required.

The President has talked about robust rules of engagement.

But he has not clearly and specifically outlined his commitment and intent to respond disproportionately should U.S. troops come under attack or siege. If our troops go, there must be no limits. If Serb forces take hostages, or others, or attack U.S. patrols, the President must be willing, committed and intent on taking the conflict to the safe haven of other countries that are involved, specifically Belgrade.

I have not heard this commitment from the President, nor do I read this level of commitment as his intent. Anything less will sentence U.S. ground personnel to a hunkered-down, bunker existence suffering casualties in disparate hit-and-run attacks. U.S. personnel would become targets, plentiful and ripe.

We have made that mistake in the past. We made it in Somalia. And we should not repeat it. It may not happen immediately. Maybe it will not happen in the cold, snowy winter months after we first arrive. But it would, I think, happen sooner or later. And the price of American lives should not be set so low for a goal so distant from our own vital security interests.

As President Clinton announced his intention to send U.S. troops to

Bosnia, I pulled out his National Security Strategy, a document that the President presented to the Congress in July 1994. Under the section addressing peace operations, on page 14, it says:

> Two other points deserve emphasis. First, the primary mission of our armed forces is not peace operations; it is to deter and, if necessary, to fight and win conflicts in which our most important interests are threatened. Second, while the international community can create conditions for peace, the responsibility for peace ultimately rests with the people of the country in question. That is what President Clinton had to say just in July of 1994—only 17 months ago.

The President's own national security strategy does not warrant sending troops into this area. Bosnia does not represent a conflict in which our most important interests are threatened, nor have the people of former Yugoslavia assumed the responsibility for peace.

The second issue which must be considered prior to sending troops is the question of identifying a clear, definitive exit strategy. How will we know when the mission is completed and it is time to leave? We have been told a year, or was it about a year? Will it be 14 months or 15 months? How much will it cost? We were told, well, $1.5 billion. And then we were told, $2 billion. We all know it will be $4 billion or $5 billion.

The President said the U.S. mission in Bosnia will be ''clear, limited, and achievable.'' But I have not heard articulated the most important point: How will we know the mission has been achieved so that we will know it is time for us to leave? If we do not have a clear, identifiable exit strategy, we will be suspect to expanding our reason for going. New missions will be added, like we have seen in other instances. Success will be harder to identify.

A successful exit strategy cannot be driven by a time limit as the President has suggested and as, quite frankly, the Congress has sought. Is it just that we will stay 1 year, wait for the Bosnians to be sufficiently trained and equipped, and then leave? I do not think that is what was intended, but perhaps that is the real exit strategy. It must be constructed with the intention of leaving behind a locally supported peace that does not require an open-ended commitment of U.S. troops. Once again, the history of the region does not lead to any rational conclusion that is what would happen.

I do not believe that the American people are willing to support a prolonged occupation by U.S. troops in Bosnia, and we will have one if no clear exit strategy exists.

In the Persian Gulf we had a clear, measurable, and definite exit strategy—expel Iraq from Kuwait. Many people think we should have gone further. I am not one of them, because, you see, we had a strategy. It was to remove Iraq out of Kuwait and then leave, period. No one disputes the results of the gulf war.

This is not the case in this present situation. Under the President's own National Security Strategy, he acknowledges that successful peace operations can only be sustained when the responsible parties want peace. Once again, the history of the region does not lead anyone to believe that the leaders of Serbia or Croatia and Bosnia want peace at all costs. And this plan will not grow the seeds for such a desire.

I urge my colleagues to look at the proposed settlement map. As I understand it—and there has been some disagreement and controversy about this—but there will be some repatriation of displaced Serbs into Croatian-held territory. Maybe we will not be actually doing that, but as I understand the agreement, we will be responsible for protecting them and at least in some ways assisting in this operation.

How do you think the Croatians will react to this repatriation? Approvingly? Or the Bosnians when people of Serbian descent are repatriated to Bosnia? Do not forget that this current conflict started when the Serbs decided they wanted to exterminate the Bosnian people from territory they considered theirs from centuries before.

I just do not believe this plan will work. If it could work, it could work without U.S. ground troops on the ground. King Alexander tried it 68 years ago. He paid the price with his life at the hands of a Croatian loyalist and extremist. If we try it, Americans will die in a faraway land, one steeped in hatred and one in which we have no vital security interests under threat.

The United States should not resign itself to rubber stamp this decision—one based on noble intent, yet ill-conceived. The President has tried to explain the logic of deploying U.S. troops on the ground in Bosnia, but only one page of the history of this troubled region explains why we should not go.

I urge my colleagues to vote for the Hutchison resolution and against the Dole-McCain resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MACK be added in speaker order after Senator SARBANES and Senator JEFFORDS be added after Senator KERRY of Massachusetts.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Under the unanimous-consent order, the next speaker on the Democratic side was to have been the Senator from Virginia.

Does the Senator from California ask unanimous consent to change that order?

Mrs. FEINSTEIN. Yes. It is my understanding that for the time being I am taking his place.

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

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I have really come full circle on the question of whether or not to send U.S. troops to Bosnia to try to keep the peace. I must say I was initially very skeptical. I believed that you could not keep a peace that the people in Bosnia do not want kept. And in the earlier meetings of the Foreign Relations Committee I was not convinced by the arguments presented by Secretaries Christopher and Perry and the Chairman of the Joint Chiefs of Staff.

But as events have developed, I have come to the conclusion, after attending every classified briefing and every Foreign Relations Committee meeting, that the President's policy is the only way to stop this war and prevent its spread. I believe there is far greater risk in doing nothing and seeing the spread of this war than there is in doing something and trying to bring about a just peace.

The Dayton peace agreement would not have been reached without U.S. leadership, and it will not be successfully implemented without our leadership either.

I have also become deeply convinced that the United States has a moral mission here, that the cause is noble and the cause is just. Today one-half of the people of Bosnia are either dead or homeless. Rape has become an instrument of war. Atrocities have been committed that have not been seen since World War II. This must end. People have had enough of war.

The United States is being asked essentially to provide one-third of the peacekeeping forces. The other day I was visited by the new British Ambassador. He pointed out to me that Great Britain is going to provide 16,000 troops, a nation far smaller than ours; 13,000 in Bosnia itself and 3,000 in Hungary and Austria.

He also said, ''Know this. If the United States goes, we go, too. We in Great Britain and in Europe look at you as the leader of NATO.'' If NATO is to function, the United States must lead and perform. And I believe that is essentially the way it is today, whether we like it or not.

At our most recent Foreign Relations Committee hearing on December 1, I was deeply impressed with the arguments put forward by Secretary Christopher, Secretary Perry, and General Shalikashvili. They laid out not only the rationale for our involvement but a clear and well-defined plan for carrying out our mission.

Some of the opponents of this policy are making the argument that they oppose the policy but they support the troops to carry it out. In fact, the Hutchison resolution that we will be voting on shortly says exactly that. But as I listened to these arguments, I must say that to me they strike me as a figleaf at best and disingenuous at worst.

We all support our troops. That goes without saying. But what message do we send to our troops if we send them off to do a job and in the same breath declare that the job that they are doing is illegitimate? How can you say, ''I condemn the mission you are being sent to do, but I support you in doing it''? Will our troops really believe they have our support if this is what the Congress of the United States says?

Some have raised the specter of a repeat of Vietnam in Bosnia, but the real repetition of Vietnam would be to send United States troops to carry out a mission without supporting that mission. Some of my colleagues have asked: ''Does anyone believe we are really going to stand by our young men and women that we are going to send to Bosnia?'' Well, I certainly am, the President is, the full force of the United States military is, and I believe that the Senate will in the long run as well.

In my view, the Hutchison resolution undercuts the troops. It says it supports the troops, but it is designed to give the President a back door to pull the rug out from under them. Instead of giving lukewarm support to the troops by questioning the wisdom of their job, we should unify behind the policy and commit to giving our troops every advantage, all the equipment and all the support they need to carry out the mission successfully.

We cannot have it both ways. If we support the troops, we should support the policy.

I have had an opportunity to review the Dole-McCain resolution, and I support it and I support it strongly. I would like to set aside some of the myths that I think have been raised by those who are opposed to it.

The first is the myth of the intractable nature of the conflict. There are some who appear to have bought into the argument of ultranationalists on all sides. Yes, there have been wars for hundreds of years in the Balkans, but there has been a history of war and brutal atrocities in Britain, in France, in Germany. Today these nations are at peace.

As the distinguished Senator from Ohio pointed out yesterday, we had Prime Minister Shimon Peres on the floor of the House yesterday speaking about the long history of violence in the Middle East. That goes back to the Crusades, and even beyond. Conflict has been endemic to the Middle East for centuries, but today peace is beginning to take hold.

What about Northern Ireland? That conflict has gone on for a long time as well. But I do not think anyone here would suggest that the Middle East or Northern Ireland are beyond help and doomed to an eternity of conflict, and I do not think we should come to the conclusion that the only way of life in Bosnia is a way of death and atrocities and the spread of the war.

The fact is that there is now an opportunity for peace, perhaps the only opportunity that we will have. If we fail to take this opportunity, this war will surely spread to Kosovo, to Macedonia. It then involves two NATO allies— Greece and Turkey—and then it involves the rest of Europe, and Europe has always been a vital interest to the United States. Our men and women have fought two wars on the European Continent because of that interest.

There is also the myth that there is no clear and defined mission, and I would like to debunk that.

Some of my colleagues have complained that this operation is not clear, and that it is not achievable. But if you listen to the President, to Secretary Christopher, to Secretary Perry, to General Shalikashvili, to General Joulwan, and to others in our military, it is clear that this mission, in fact, is clearly defined. As a matter of fact, General Joulwan said yesterday he should know within the first 3 months whether the mission can succeed or not.

There is a clear exit strategy. Our troops are not being asked to go to Bosnia to engage in all sorts of nationbuilding activities. The military mission and the goals are explicit, and they are limited. We will not be engaged in civilian policing. We will not be engaged in refugee resettlement. We will not be engaged in civilian reconstruction. We will not be engaged in election monitoring.

The President and NATO leaders have been quite clear. Our forces in Bosnia will monitor the military aspects of the peace agreement, the cessation of hostilities, the withdrawal of forces to their respective territories, and the lines of demarcation. They will monitor the redeployment of forces and heavy weapons to designated areas and the establishment of zones of separation. That is the mission.

I want to speak about the one part of the Dole-McCain joint resolution that does concern me, and that is the part that appears on page 4 and speaks to the balance of power. A major portion of this effort is to see that when the United States pulls out in approximately 1 year, there is a defensive balance of power so that the Bosnians, if need be, can defend themselves. This can be a deterrent to future wars if it is carried out correctly. However, it cannot become the launching point for radical Islamic fundamentalism on the European Continent, and I want to stress that.

The Dole-McCain resolution very clearly describes periodic reports on the armaments provided to the Bosnians that the President will make to this Congress, and I think that is extremely important. I think every Member of this body should be militant in seeing that destabilizing weapons do not go into this area and that the balance of power that is achieved is a defensive balance of power. I think that is extraordinarily important, and I think it has to be clearly stated.

There is another myth about the lack of U.S. interests in the region. People have said, ''You know, many of our citizens can't recognize Bosnia on a map. We don't want to send our people there. They may die. We have no major national interest in the area.'' And I thought this originally. But I believe the United States does have an interest in a safe, secure, and stable Europe. The United States does have an interest in assuring that this conflict does not spread and become the third general European war of this century.

The United States does have an interest in supporting our NATO allies and assuring that NATO can continue in its role guaranteeing European security.

Because of World War II and because of the threat of Communist aggression from the Soviet Union, the NATO alliance was set up to provide peace and stability for the NATO nations, and this Nation has always been in the leadership of that effort. We have made the commitment to it throughout the years, and the reason we have done so is because of the failure of Europe in World War I to protect itself, in World War II to protect itself, and, I am sorry to say, that same failure we see there today. You see, very few strong European leaders are willing to come forward and say, ''We will tackle this job alone because it's on our back door.''

Now, we can be repelled by this, we can be reviled by it, we can view it with dismay and with some shock, but it is the real world out there, and, therefore, this is where the credibility of the NATO alliance comes in. The United States is critical to the success and survival of the NATO alliance.

As the British Ambassador said to me 2 days ago, ''We will be there as long as the United States is. If the United States leaves, Great Britain leaves.'' Period. The end. That, to me, spoke volumes of the importance of U.S. leadership. There was no European country that could effect the peace. It took the United States of America to effect the peace. So I believe we have an interest in reaffirming our own position as the global leader of the free world and protecting that leadership and that freedom.

I believe the United States has a moral interest in ending crimes against humanity. I, myself, could have been born in Eastern Europe, in Poland. I would never have been privileged to have a good life had that been the case. Well, the same circumstances are present today in Bosnia. I remember all during the 1940's, when people were saying, ''How could we not have responded?'' ''How could we not have known?'' ''How did we not know that these boxcars were traveling throughout Europe and turn a deaf ear to what was happening?''

It is moral. It is just. It is noble. We are not asked to fight a war. We are asked to give peace a chance.

Thank you, Mr. President. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator HATFIELD is on his way to the floor, and he is next in line to replace Senator DEWINE in the order. I wanted to take this opportunity until he gets here to answer what several Senators have said on the floor—most recently, the Senator from California, and before that, the Senator from Connecticut—regarding people who would support my resolution, who are in full support of the troops, though they have questions about this mission.

I think it is very important that every one of us in this body give to each other Member the right to have a vote of conscience. And there are many of us who do not think this is the right mission, but who are going to go full force to support our troops. In fact, we believe we are supporting our troops in the most effective way by opposing this mission because we think it is the wrong one.

I do not question anyone's motives, or how they feel, if they vote against the Hutchison–Inhofe resolution. But, by the same token, I think it is important that those who are going to support the Dole-McCain resolution and the Hutchison–Inhofe resolution—that it be known that they, too, are doing what they think is right.

It is a tough decision for anyone to vote to put troops in harm's way. And if someone decides that they can best support the troops by opposing the President's decision, I think that everyone knows, or should know, that that is the right of every Senator to do.

There have been other missions in the history of this country, in which the people have been good people, supported by America, well equipped, given everything they need to succeed in their mission, but nevertheless the same people in America have not agreed with the mission.

I think the mission in Vietnam was certainly controversial. But the people of this country loved and revered the people who went to Vietnam from our Armed Forces and fought there for our country. So I do not think there is any question whatsoever that you cannot support a mission and support the troops fully. I think that each of us has the ability to make this decision for ourselves.

As I have said, I think it is incumbent on a Member of Congress to make this decision. It is a constitutional responsibility that we were given by the Founders. They did not want it to be easy to send troops into a foreign conflict. That is why they put Congress in the power to declare war. I do not know that our Founders had even thought about peacekeeping missions and the nuances that we would have on declaring war. I do not think they thought about a Commander in Chief sending our troops into what is talked about as peace, but which, in fact, is sending our troops into military conflicts. I think they would have envisioned that Congress should authorize a peacekeeping mission that the President and the Secretary of Defense and the Chairman of the Joint Chiefs have said is going to put troops in harm's way, where there may be casualties, and I believe our Founders would have wanted authorization by Congress.

They did not want it to be easy to send our troops into harm's way. That is why they made it the decision of Congress to declare war, while the Commander in Chief would run the operation. The Commander in Chief does have the right to run the military. There is no question about it. But it is very clear in the Constitution that Congress should be consulted and authorized any time our troops are sent into harm's way.

I was holding the floor for the distinguished senior Senator from Oregon, who has now arrived. I yield the floor to him for his comments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, on Thursday, the leaders of the warring parties in Bosnia and Herzegovina will formally sign a peace agreement that was initialed last month in Dayton, OH. This formal signing will pave the way for the deployment of the 60,000-strong NATO peace implementation force.

Congress has a role to play in making decisions about the use of U.S. troops in hostile situations. In fact, we have an obligation to our constituents to raise questions about any mission that will lead to our troops being put in harm's way.

After the Vietnam war, Congress insisted that it have a partnership role with the President in future conflicts. So the Congress passed the War Powers Act. Under this act, the President retained the power to dispatch troops when there was an emergency. But within 60 days of the deployment Congress had to take action to specifically authorize the deployment, tell the President to bring the troops home, or to continue to evaluate the situation after another 60 days extension. It was intended to force Congress to take action, to participate in the decision.

Unfortunately, Congress has found ways to avoid taking action. Since 1965, Congress has voted only twice to authorize the deployment of United States troops and, in recent years, we have voted on nonbinding resolutions, in some cases, and we have allowed troops to be deployed in the Persian Gulf, Somalia, Rwanda, and Haiti, without authorizing legislation. We are about to do so again today.

During the course of this debate, the Senate will have the opportunity to vote on three different measures relating to the use of United States forces in Bosnia. We have already completed the first one. The President has requested congressional authorization, but has said that he intends to deploy U.S. troops with or without that authorization.

Of course, he would like to have Congress' support. The Senate's consideration of these measures will provide us with the opportunity to participate in the debate. However, do not be misled. With the exception of the measure passed by the House that we have defeated today, the other two resolutions which we will consider, and likely pass, are not legally binding.

Mr. President, I want to reflect for just a moment on some very interesting history on Vietnam. Many who can recall during that war period, Members of the Senate, particularly, would stand before the television cameras for the evening news and wring their hands about how awful this war was and why it should not continue. But at no time during that period was any Member of Congress willing to take responsibility. All they wanted to do was to criticize the President. I have a feeling that there is a reluctance over the last few years, since we passed the War Powers Act, for Congress to stand up and take responsibility. It is much easier to criticize the President, whether Republican or Democrat, than to assume a partnership role, as provided under the War Powers Act.

Let me say that while I know that the President is sincere in his attempt to bring peace to Bosnia, I find it hard to believe that anyone can define a successful military mission which will ensure a lasting peace in the region.

The ethnic struggles which have led to war in Bosnia and Croatia are the result of more than 800 years of hatred and mistrust. How are we going to change the course of history in one short year? In my view, this is an impossible and unrealistic military mission.

I will go back to school-teaching days and say I hope that people would take the time to read one very brief synopsis of the history of this region of the world. Robert Kaplan's ''Balkan Ghosts'' is a very straightforward treatise on the history, and the impossibility of this kind of a mission I would apply to that history. Read the history. We do so little reading, we do so little reflection on how we got to where we are and what were the forces that made that possible in our own country, let alone an area of the world that is probably one of the least understood areas of the world from either political, economic, social, or cultural history.

During the last 3½ years we have seen more than 50 partial and general cease-fires signed in this region with these contestants, these parties. All have been broken within several weeks of their signing. My dear colleagues, they have been doing this for 800 years, lying to one another, not meaning what they were doing, because of that deep hatred that they have. To see this happening here, even in our own day we do not seem to be taking much lesson from it.

In addition, we have seen three previous peace agreements come and go. Given this history, it is impossible for

the President to promise he can protect U.S. troops. No one can guarantee their safety if the peace agreement falls apart.

The Dayton peace accord calls for the immediate transfer of peacekeeping control from the U.N. peacekeeping forces to the NATO peace implementation force. The approximately 20,000 U.N. peacekeepers in Bosnia will be replaced by 60,000 heavily armed troops under NATO command.

Mr. President, this is not a peacekeeping force. This is an army. It proves that we are trying to solve a political dilemma, a religious dilemma, a cultural dilemma, with military troops rather than through diplomacy and negotiation.

One must only look at the peace agreement to see this. The primary mission of this course will be to implement the military aspects of the peace agreement. This includes monitoring and enforcing the requirements that each entity promptly withdraws their forces behind a zone of separation which will be established on either side of the cease-fire line, and that within 120 days each entity withdraws all heavy weapons and forces to barrack areas.

However, under the agreement, the current warring armies will continue to exist. Each entity is permitted to maintain their army. The NATO forces will be made up of enough firepower to, in the President's words ''respond with overwhelming force'' to any threats to their safety or violations of the military aspects of the agreement.

This does not sound like a peacekeeping mission to me, and it should not be promoted to the American public as a peacekeeping mission.

Furthermore, while the agreement calls for the parties to enter into negotiations before the Organization for Security and Cooperation in Europe on future arms and heavy equipment restrictions, the agreement also contradicts that arms control goal by lifting the international arms embargo on Bosnia, Croatia, and Serbia.

Now, get this. We are not only sending our troops in there and letting them maintain their own troops; we are saying we are going to lift the arms embargo so that they can look forward, after 180 days, to getting into an arms race, escalating their military equipment, their arms.

The agreement states that no side may import arms for 90 days after the agreement enters force. There is this 180-day restriction, I repeat, on the importation of heavy weapons, mines, military aircraft, and helicopters. After that, all bets are off. In fact, administration officials have indicated that, if necessary, the United States Government will begin rearming the Bosnian army as early as next summer in an effort to bring a balance of power between the warring factions.

In other words, arms beget arms, violence begets violence. And we are going to continue this worldwide arms merchandising that we have been doing with such efficiency during and ever since the Cold War.

In addition to equipping the Bosnians, the United States will also provide necessary training. The agreement sets a precedent that military arms must be maintained to achieve stability in the region. In my view, this will only lead to an unfettered arms buildup and further undermine our ability to bring lasting peace to the region.

The arms embargo was not a success to begin with. At the same time we now go through that charade, to think we are going to do something to reduce the arms. We should be pushing to get the region disarming; disarming, not rearming.

There is no question that the war in Bosnia has had a terrible human toll. More than 140,000 Bosnians have been killed during the conflict. Another 3.6 million refugees and internally displaced persons have been created by this action and have had to flee their homes. Although the peace agreement includes provisions allowing refugees to return to their homes, it is unclear how many will be willing or able to return. And we see in the news of the sacking, the burning of those homes that are being vacated for the transfer of population.

Cases of ethnic cleansing continue to come to light as mass graves are uncovered near the so-called safe havens that have been overrun by the Bosnian Serb Army.

No side to this conflict has clean hands. I can assure you that during the time that this was happening, there were some of us who were raising the question of choking off the arms, choking off the arms that were flowing down the Danube from our allies, from our friends—from Greece, from France, from Italy, from Germany. And who knows what kind of arms out of our country were in a third-party transfer? We never did try with great effort to stop the flow of arms, even under the embargo. Now we are going to lift the pretense of an embargo in order to make them much more available and accessible.

In order to end this human tragedy, we must take away the means to make war. A successful peace will be one that includes a strategy to diminish the war-making capability of all sides to this conflict. It is amazing how we can orchestrate 25 countries of the world for a common purpose to fight a war for oil, but somehow we do not find our ability to orchestrate our allies for the cause of peace, or to disarm an overly armed area of the world that is a great trouble spot.

During the course of congressional consideration of the war in Bosnia, we have failed to take the steps necessary to limit the war-making capability. The only votes that the Senate has taken since the war began in 1991 have been to unilaterally lift the arms embargo. I have opposed these resolutions in the past because I felt that lifting the arms embargo would only lead to more bloodshed. Those who supported the lifting of the embargo did so because they felt, if we arm the Bosnians, they would be able to defend themselves, thereby doing away the need for U.S. troops to become involved in the ground war.

Rather than joining with our allies to secure and enforce the embargo against all warring parties in the region, we could only see military might as the solution to the complex problem. How many people do we have to kill in actions of war to realize the total fallacy of that thesis? We now say we are going to send more troops in. We are talking about injecting our own troops into the war—and that is what it is, because there has been no peace reached yet. As I said before, we are going into Bosnia with an army and we are going to force the peace. This is different from the traditional notion of peacekeeping missions, such as the ones we have seen in countries like Korea and others.

I do not take this deployment lightly, nor do my colleagues. American soldiers will likely be killed during this mission in Bosnia. We have to accept that reality. Our brothers, sisters, wives, husbands, and children will be at risk. In Bosnia and Croatia there are nearly 6 million landmines in the ground. These hidden enemies pose the greatest risk to our troops. In fact, landmines have become the leading cause of casualties in Bosnia of peacekeeping forces.

Even though the peace agreement requires all sides to participate in identifying and removing these mines, the reality is that little information exists about the layout of the minefields scattered throughout Bosnia. As we have seen in Cambodia and Afghanistan, mine removal is a tedious task which takes years. Landmines in Bosnia endanger not only our troops and peace implementation forces, but also civilians who are trying to return home and rebuild their lives.

I will not support any resolution that explicitly or implicitly gives the Senate's support for United States troop involvement in Bosnia. While I will wholeheartedly support our troops once they are there, not under their own doing, under the Commander in Chief, I cannot and will not endorse this military mission.

We must bring a lasting peace to Bosnia, but we must do so by limiting, not increasing, the war-making capability of all sides in the conflict. In my opinion, the mission outlined by the President fails to meet this basic requirement. I yield the floor.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what I want to do, if we can—I know there are some people who still want to talk. I know the Senator from Texas would like to have a vote on her amendment. I would like to have that vote, if we can, at 4 o'clock.

I have just been on the phone with the President. He would like to have the vote as early as possible. I know the House is involved in debating resolutions over there. I know some of our colleagues have yet to speak, but there will still be one additional resolution; that is the Dole-McCain-Nunn-Lieberman, and others, resolution. So people could still speak in general debate.

It seems to me there is no reason not to vote on the amendment by the Senator from Texas. There is no use making a request if it will be objected to. Does the Democratic leader think we can proceed on that basis and still have plenty of time for debate?

Mr. DASCHLE. I have consulted with a number of our colleagues on this side of the aisle, and many of them feel very strongly about their need to speak prior to the time they will be called upon to vote on either measure. They would prefer to give one speech rather than two.

In my urging to limit Members to one speech, and hopefully to keep those speeches to a minimum length, I will have to accommodate them and their interest in speaking and being protected in their opportunity to speak prior to the time that they would be called upon to vote.

I am compelled at this point to object to the scheduling of the vote prior to the time that they have had the opportunity to speak.

My preference would be that we have both votes back to back to accommodate the speeches, and I think we can get some cooperation in limiting the lengths of time, if that can be done.

Mr. DOLE. Certainly this Senator does not have any problem with back to back—anything that would expedite the process. I think most people have spoken with reference to one or two of the amendments. I do not know how many more speakers are on this side. Some have spoken a number of times.

I think if we limit our speeches to one per Member, or at least two per Member, that would help some. Maybe we can have a back-to-back vote at some time.

How much more time do you think it will take on your side?

Mr. DASCHLE. A lot of our colleagues are not willing to commit to a time limit yet. We are working on getting at least an agreement that everybody speak just once and then hopefully limiting their time for speaking.

At this point, I am not able to give the leader any specific estimate as to the amount of time we need.

Mr. DOLE. I do not make the request, then, because the Democratic leader has obviously not been able to give me the consent, so there is no need doing that.

In the meantime, we will try to see if we cannot find some consensus, some agreement here, where we could have back-to-back votes at some reasonable hour.

We have how many speakers left now?

Mrs. HUTCHISON. Mr. President, if I could answer, I think there are at least 20 people signed up to this point.

I was, of course, hoping that the distinguished minority leader might be able to put a time agreement together, and then I think we could gauge the length of the speeches a little more and perhaps reach a conclusion, and I assume that everyone would like to do this before the President leaves at 6 o'clock or so.

Mr. DOLE. I think there is a phone on the plane.

Mrs. HUTCHISON. I am sorry to hear that.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous-consent the Senator from Florida, Senator GRAHAM, be added in the next Democratic slot on the list of speakers.

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

Mrs. HUTCHISON. Will the Senator from Virginia yield for a unanimous consent request to add Senator HELMS in the next available slot?

Mr. ROBB. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent Senator HELMS be added in the next available Republican slot.

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

The Senator from Virginia.

Mr. ROBB. Mr. President, we cannot and should not attempt to act as the world's policeman. But that eminently sensible acknowledgment of the limits of U.S. power cannot and should not deter us from acting when it is the United States and only the United States that can end aggression and bloodshed, or in this case the genocide that has already claimed the lives of over 200,000 human beings and left over 2 million as refugees.

I understand the concerns and reticence of many of our colleagues, indeed most of the American people. Calls in most congressional offices remain overwhelmingly against putting United States ground forces in Bosnia. But without U.S. leadership, there would be no peace. The Europeans tried nobly but in vain. The fighting did not stop until the United States led NATO in the air and led the diplomatic efforts which culminated in the initialing of the agreement in Dayton and the final signing that will take place tomorrow in Paris.

Without U.S. leadership and active participation on the ground, the peace will end and the carnage will continue. We now represent the last, best hope to bring the war in the Balkans to a close.

Are there risks? Certainly there are risks, serious risks. Of course there are some risks to our troops even in normal training exercises. But I believe the risks are even greater if we fail to honor this commitment. I do not relish putting our troops at risk in the barrens of northeast Bosnia.

But for each of us, I would suggest that there are some risks—something that we consider so important that we are willing to work, that we are willing to risk dying for it. I think, for example, we would all agree that we would do whatever it was necessary to do in order to protect immediate members of our family. But there are also larger risks that are worth dying for—as a Nation worth putting our troops at risk for. I have seen some of these risks. I have seen war. I have had men literally die in my arms in combat. I have written letters and talked to the parents of those who have lost their lives under these circumstances. It is not easy. But the cost of freedom is high. Yet, it is a price that I believe that we have to be willing to pay.

We cannot shrink from the role that only the United States of America can play in making peace work in faraway lands when America is now the only nation with the capacity to lead this effort to a successful conclusion. No one supports the atrocities which have occurred daily in Bosnia. But the question we face is whether the lives of American service men and service women are worth risking to stop it. And I believe that risk is appropriate. I believe we have a moral responsibility to act.

In that vein, I was struck by Elie Wiesel's comments this morning when he said, ''We in the United States represent a certain moral aspect of history. A great nation owes its greatness not only to its military power but also to its moral consciousness.'' He went on to say ''What would future generations say about us, all of us, here in this land, if we do nothing?'' And I remember his deeply-felt plea to the same effect some 2½ years ago at the dedication of the Holocaust Museum when he turned and urged President Clinton to stop the war in the Balkans.

Mr. President, doing nothing represents an abdication of our responsibilities as the leader of NATO and the larger community of nations. Doing nothing increases the likelihood of a larger war in Europe. Doing nothing amounts to tacit acceptance of more slaughter in Bosnia.

The Prime Minister of Israel, Shimon Peres, yesterday at a joint session of Congress was eloquent and powerful in saying to us

> You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Thanks to the support you have given, and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us, and feel sufficiently strong to take measured risks to wage our campaign of peace.

Mr. President, we now stand alone as the only country capable of restoring order and a sense of hope in Bosnia and Herzegovina. The American imprimatur carries enormous weight among the community of nations. We can and should seek to spread the word of peace to places like the Middle East, and Ireland—and, yes, Bosnia—that have

known the language of violence and war for too long.

Mr. President, these war and peace decisions are difficult, and they reach deep into our emotions. I believe our Founding Fathers were wise to vest in the President the responsibilities of being the Commander in Chief of our Armed Forces while providing Congress with the power of the purse and the exclusive right to declare war.

We have only one President at a time, and he has acted in his capacity as Commander in Chief. Were we in his shoes we well might have taken 100 different courses of action in the Senate, and perhaps as many as 435 different courses of action in the House. Indeed, I have long urged more assertive action by the United States for several years.

But, Mr. President, it is the President of the United States who is ultimately responsible for this decision, and the American people and ultimately history will hold him accountable. His choice to deploy troops to Bosnia may not be popular with the American people. But you cannot lead by following the polls, and for this I commend his courage.

The President has made a choice in favor of leadership over isolation—in favor of standing shoulder to shoulder with our allies instead of abandoning them, in favor of morality rather than allowing the crimes against humanity to continue. I applaud his choice to grapple with these problems and to seek a comprehensive solution. He deserves enormous credit for taking on this cause of peace and freedom that is so ingrained in our American way of life.

I happen to have a very high level of confidence in our troops who are the best led, best trained, and most powerful fighting force that the world has ever known. When they have successfully completed their limited mission in Europe, there is clearly going to be more to do with respect to a residual force. And, in that respect, I believe that Europe will step up to its responsibility at the appropriate time.

In the same context, Mr. President, I would like to salute our majority leader, BOB DOLE, and Senator JOHN MCCAIN in particular, who have risen above whatever partisan gain might have accrued to them by taking a different course of action, to join the President in leading the country to support our troops—just as I was pleased to help lead the effort and support our troops, and support President Bush when he asked for our help in the gulf war.

Mr. President, I believe the President of the United States has made a strong case for U.S. leadership. Absent American participation peace will fail in the Balkans, and ongoing war will have continued to threaten our national security interests.

Mr. President, I believe our security depends on joining with our allies in times like this, and I urge my colleagues to do what I believe in this case is the right thing to do. And that is to support the deployment and to support our troops in the commitment that the President of the United States acting in his capacity as Commander in Chief has made there and on our behalf.

With that, Mr. President, I ask our colleagues to vote against the resolution which would be a resolution of disapproval, and vote for the bipartisan effort that the majority leader and others have sponsored to support our actions, notwithstanding some of their own reservations, so that our troops carrying our flag will know that they have our backing when they are placed in harm's way.

With that, Mr. President, I thank the Chair. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time has been reserved for the Senator from New Mexico?

The PRESIDING OFFICER. There are no time limits.

Mr. DOMENICI. I will try to finish in 8 minutes. Would you notify me when I have used 7?

Mr. President, fellow Senators, first of all, I think everybody knows of my great support for Senator DOLE. I am, for the most part, at his side in all the battles that are fought in the Senate. I cherish that relationship very, very much. I am also fully cognizant, at least as cognizant I can be, of the Commander in Chief concept that is discussed here so eloquently by many who know more about it than I and by people like the distinguished Senator from Virginia, who understands it from the battlefield.

Mr. President, I have heard other Senators talk about the derivation of that constitutional power of the Commander in Chief. I heard one of the eloquent Senators last night, Senator COHEN, describe it in a way that I will repeat very briefly. Between the Congress and the President, the exercise of this constitutional power is somewhat like a race—whomever gets there first has this power. If Congress, 6 months ago, would have enacted an appropriations bill prohibiting United States involvement in Bosnia and prohibiting the expenditure of funds for that purpose, then it would be illegal to spend these funds. There would be no constitutional issue because the Commander in Chief would have no authority to spend any money.

The power of the purse strings and of using the taxpayers' money to pay for events, whether they are here or overseas, is that of the Congress. If the President decides to involve our troops in an issue such as this, in a commitment such as this, and the troops are deployed before congressional action, then it is said that we must support this decision because he had the inherent power as Commander in Chief.

Now, I do not want any misunderstanding as far as this Senator is concerned. There is no one in the Senate that I take a back seat to in terms of supporting the defense of our Nation, and I have had a lot to do over the last 15 years with how much we spend on defense, not necessarily the details, but a lot to do with the total that we spend. I have come down for the most part on the side of spending more rather than less. We must have the best equipped force rather than take any risks. We must pay our All-Volunteer Army enough so that it remains an all-volunteer army in the concept originated under the Nixon administration. They must be paid with some parity to civilian jobs so we get and keep the very best.

All of this is said by this Senator to suggest that I want a very strong American military. I am proud of the fact that when we send our military to get involved in the world, they do their job. As far as our soldiers are concerned they always come out of it, with few exceptions, as being good people, if you can do that and have war. We are a good nation and we have good motives, and, with few exceptions, that is how we behave.

But, Mr. President and fellow Senators, in spite of these inherent powers, we are each elected as a Senator from our State. American men and women are going to be assigned to a foreign country in large numbers—20,000, maybe 25,000—to accomplish a mission, and I believe paramount to all of these various powers is my right as a Senator to express myself either in favor of it or opposed to it.

I am opposed to the involvement of the 20,000 American troops with 40,000 from other countries, mostly the countries that were formerly NATO. Now we have expanded NATO's role and we have a few countries involved that were not part of NATO. I believe it is my right to say I do not think this is the right thing to do.

Now, nobody should doubt that this view is going to lose and that the American troops are going to go there, and nobody should doubt that once they are there they will find this Senator agreeing to pay to keep them there and keep them the very best. When our generals say you need money to make sure they are as safe as possible, I will be right here among the first and the clearest saying I am for it.

I am expressing myself, fortunately, before the troops are there. There is a small contingency there. And let me even say that my remarks might not even be addressed at them because that is a small contingency. They are there, and I do not want to see anything happen to them. But this issue I am addressing is— should we put 20,000 Americans there to maintain the peace? Frankly, I think it is a mistake almost any way that I look at it. We are powerful, and if we go there, people will think we are powerful. If we go there, Europe will think it is great. They will say, America is leading again.

But the question is, leading what? What are we trying to do? And is there

a real, bona fide probability that what we are trying to do will not work? I happen to know less than most around here about what went on in that country for the last 600 years. But I do know something. I do know that the only times these people have lived together in peace and harmony in modern times were two events in history: One, when the Germans occupied it. Clearly we do not intend to keep the peace among these people who do not seem to want to have peace among themselves with an occupancy like Hitler's. I hope we do not, and we are assured we do not.

The other peaceful time in modern history was the reign of the dictator Tito. The Communists' most pervasive way of keeping peace and harmony is block by block behavior that must be consistent with the state or something happens to you, right? That is a simple way of saying you behave or we kill you. This was maybe not like the Nazi occupation, but that also maintained the peace.

We are not going to do that. There is no one around suggesting that anyone is going to do that. And so we have three new countries born of new boundaries and we are going to ask of that leadership, the leadership of those countries, what I perceive to be impossible. We are going to ask them to do a ''Mission Impossible''—disarm those who would cause harm with weapons. How are they going to do that? I do not believe they are strong enough, and I do not believe they will get it done. There will be plenty of guns around for rebels who want to kill each other, who are angry because they do not belong in that country or their houses are occupied by people they do not want.

We are also asked to be part of making sure that these countries get a balance of military power amongst themselves. I am not even so sure that will work. We have been talking about it for a long time, but I am wondering even if a military balance is reached then pull our troops out, that Bosnia could be an even bigger tinderbox and more war with more killing. So my own feeling is we are sending our troops to do something that will not work, to exhibit our leadership in a situation that we ought not be leading or even supporting.

Now, obviously, it is easy to get up on the floor of the Senate and talk about how great America is, and how wonderful our military men and women are. We can almost envision in our mind's eye the great, beautiful sight when they arrive and show up with all of our new tanks and all of the American flags. It is going to be a great scene. And believe you me, I am going to feel very proud, because it is a fantastic—a fantastic—accomplishment of the people of the United States who regularly have been paying taxes. Let me mention right now, they are paying about $270 billion for the defense of our country, so that we can have men and women like these that we are sending there.

So I close today very simply by saying I would not send any more people in, and I am voting for the resolution that says we do not approve of this. It is with reluctance that I will vote against the Dole resolution when it comes up because I do not think it is the right thing to do.

I hope I have explained myself that I am not trying to pass judgment on these constitutional powers, be they inherent or otherwise. I am talking very, very simply about what I perceive to be my right and my responsibility. I express it as best I can here on the floor. And that is the way I feel. For those who have led this cause, with far more effort than I, I thank them for it. And I thank the junior Senator from Oklahoma for his leadership.

I do believe we are going to be there for quite awhile and spend a lot of money. I pray that is all we spend there, and we do not spend any lives there. I truly believe it is possible that we will lose a lot of lives. But I am not standing up here saying I am frightened singularly of that. I just do not think we ought to do this. I do not think it is the right mission for us. And since I feel that way, neither our tanks nor our resources nor our men and women should be there trying to accomplish this job. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, today or tomorrow the Senate will be voting on the President's decision to deploy United States military forces as part of a NATO peace enforcement mission in Bosnia.

There are many different views of how we got to this point. You have my own views on that. I will discuss them at another time. I have already discussed them in the past on numerous occasions.

But it is my hope that the Senate will now be able to concentrate its focus on the choices that are now before us. There are few things about the current situation that we know; a few things that we believe based on reasonable judgments but not certainty; and many unknowns that are subject only to reasonable speculation at this point, even if it is reasonable speculation.

The things that we know are what I will try to deal with in a short and brief set of remarks today.

First of all, we know that President Clinton has decided to commit United States military forces to this mission in Bosnia.

Second, we know that NATO has decided to commit the NATO alliance to this peace enforcement mission. And we know that all NATO nations that have military forces are participating.

Third, we know that several hundred American troops are now on the ground in Bosnia; and several thousand troops will be on the ground in Bosnia in the next few weeks.

Fourth, we can debate the constitutional power of the Commander in Chief, as we have many times in the past and we will again, and we can debate congressional responsibility to declare war, but we all know that Congress has neither the ways nor the means to prevent this deployment unless we cut off the funds. We know that. It has already been decided by the Senate today that we are not going to cut off the funds. We know that.

Fifth, we know that the Defense appropriations bill has passed, been signed, and the President, like his predecessors of both parties, will finance the operation out of operation and maintenance funds and then seek reimbursement of these funds next year in a supplemental appropriation.

Sixth, we know that if Congress cuts off the funds at this point, it would require a majority in both Houses to pass and two-thirds vote in both the Senate and House to override a certain veto. The Senate rejected this cutoff of funds decisively today when we voted on the first resolution because I believe the Senators concluded this would have an adverse effect on our own military forces, an adverse effect on our allies, an adverse effect on our leadership in NATO and the world, as well as an adverse effect on the parties on the ground in Bosnia.

The President has decided on deployment. The NATO alliance has decided on deployment. The United States forces are on the way to Bosnia. What then is the congressional role in this important national security decision?

Mr. President, I would like to talk at length today about some of the constitutional challenges we have in terms of determining the role of Congress in the post-cold war era. I will return to that subject shortly.

But today we must face a world of reality. The cards have been dealt. The administration's actions—starting with the President's commitment almost 3 years ago—and that was a public and international commitment that United States forces would participate in a NATO force to implement a Bosnian peace agreement—have put Congress in a situation in which a great deal is at stake, including United States reliability and leadership, but also including the peace agreement itself, the ending of the tragedy in Bosnia, as well as the future of NATO as an alliance.

We also know that a cut off of funds will not become law, but passage of this type of legislation—followed by a veto and a vote to override, if the House passes it or we pass it today—would put our military forces in limbo in the middle of their deployment—when they are most vulnerable. To me this is unthinkable and unacceptable.

We also know that the effect of such action would erode the value of U.S. commitments around the world and would increase the danger to U.S. military personnel in harm's way that are stationed in dangerous places around the world.

That danger certainly would be an increase to our military forces whether

in the Korean Peninsula or in Europe or in the Middle East because the greatest thing they have behind them is United States credibility and the credibility of our own word.

The bottom line—Mr. President—if today Congress found a way to prevent the President from going forward with his commitment, the damage to America and the increased danger to our troops in the world is certain. There is really no doubt about that.

If we do give the President the green light and permit the mission to go forward in a carefully prescribed manner, the risks are considerable but there is at least a chance of success if that term is narrowly and carefully defined.

I will not dwell on the definition of success in these remarks today. But before the week is out I do want to give a much more detailed presentation including what I think we should do in terms of the definition of success, including the risk of this operation as well as the opportunities of this operation.

Mr. President, my main concern today however is the message the Senate sends to our military forces who are about to embark on this NATO mission to Bosnia.

I would like to read into the RECORD and place in the RECORD a letter I received today. It was dated December 12. It is signed by Michael S. Davison, General, U.S. Army, retired—many will remember General Davison for his service to our Nation—Andrew J. Goodpaster, General, U.S. Army, retired, who also served as the Supreme Allied Commander in Europe as well as the head of NATO forces, Walter T. Kerwin, General, U.S. Army, retired, who had a very distinguished career in the Army, William J. McCaffrey, Lieutenant General, U.S. Army, retired, William Y. Smith, U.S. Air Force, retired, Harry D. Train, Admiral, U.S. Navy, retired, and others.

For those of us who have been here very long in the Senate, this is a sterling list of outstanding military leaders that have served our Nation with distinction. Here is what they say:

DEAR SENATOR NUNN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command must make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to ''dual-key'' aberrations.

Continuing the quote from these distinguished retired military officials.

As our leaders consider our country's involvement in Bosnia, we encourage them to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

And then the letter is signed by these generals.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

December 13, 1995.

As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their county—that is, by the whole American people—in their difficult and dangerous assignment.

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MICHAEL S. DAVISON,
GENERAL, U.S. ARMY (RET.)
RUSSELL E. DOUGHERTY,
GENERAL, U.S. AIR FORCE (RET.)
JOHN R. GALVIN, GENERAL,
U.S. ARMY (RET.)
ANDREW J. GOODPASTER,
GENERAL, U.S. ARMY (RET.)
WALTER T. KERWIN,
GENERAL, U.S. ARMY (RET.)
WILLIAM P. LAWRENCE,
VICE ADMIRAL, U.S. NAVY (RET.)
WILLIAM J. MCCAFFREY,
LT. GEN., U.S. ARMY (RET.)
JACK N. MERRITT,
GENERAL, U.S. ARMY (RET.)
BERNARD W. ROGERS,
GENERAL, U.S. ARMY (RET.)
BRENT SCOWCROFT, LT.
GEN., U.S. AIR FORCE (RET.)
GEORGE M. SEIGNIOUS, II,
LT. GEN., U.S. ARMY (RET.)
WILLIAM Y. SMITH,
GENERAL, U.S. AIR FORCE (RET.)
HARRY D. TRAIN, ADMIRAL,
U.S. NAVY (RET.)

Mr. NUNN. Mr. President, I agree with every word in this letter. I think they are absolutely right on target. This is where we are today. And this is the kind of consideration that the Senate must take into account today. We will have plenty of time to debate how we got to this point. But today I think we first and foremost need to consider the effect of what we do on not only the military forces themselves that are in the process of deploying, but on their families and on their mission.

Mr. President, I urge the Senate today to support—or tomorrow, whenever we vote—the Dole-McCain resolution. This resolution has been the subject of intense and constructive negotiations on a bipartisan basis with a Democratic working group headed by Senator DASCHLE, Senator PELL and myself.

The Dole-McCain resolution, as now worded, has a key paragraph which I believe conveys the kind of support our American troops and their families both need and deserve. I quote that paragraph because I think it basically follows almost exactly what these distinguished retired military generals and admirals have said to us in the way of advice.

Quoting the paragraph in the Dole-McCain resolution:

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery and believes that they must be given all necessary resources and support to carry out their mission and ensure their security.

Mr. President, that is the heart of what we are going to be voting on. I hope that our colleagues on both sides of the aisle will understand the importance of what we are doing, and I hope they will put the military forces first and foremost in their minds.

Mr. President, before we vote on the Dole-McCain resolution, it is my understanding we will vote on the Hutchison-Inhofe resolution. I have great respect for both Senators who sponsored this resolution. They are on the Armed Services Committee, and they do a sterling job of representing their States and representing the American people on this committee. But the Hutchison resolution does not provide what our troops need. It does not provide a sense that the Senate backs them and their mission. It tells our military forces, in effect—''We don't agree with your mission. What you're doing is not important to the United States. It's not important enough for you to risk your life.''

These are the people who are going to be risking their lives. ''It's not important enough for you to risk your life and neither is the NATO alliance and its mission.''

''Enforcing the peace agreement in Bosnia''—and this is my paraphrasing of the Hutchison-Inhofe message; these are not the words. I do not want anyone to think I am quoting the words. This is the effect of those words. ''Enforcing the peace agreement in Bosnia is not something we agree with.'' That

is what we are going to be saying implicitly if we adopt this resolution. Certainly we will be saying it if we adopt this resolution and do not pass the Dole-McCain resolution. We are also saying implicitly the President is totally on his own without the backing of the Congress and the American people.

We go forward and say in the Hutchison-Inhofe resolution—again, in effect, these are my words—''We will pay you, we will equip you and we will wish you well. We don't agree with the mission, we don't think it's important enough for you to risk your life, but we are going to equip you, support you and wish you well.''

Now, how are our military men and women and their families going to feel about undertaking this kind of mission where, indeed, many of them will be risking their lives? I hope not many will end up being injured or killed. I hope none. But nevertheless, there is a very serious risk here. We know that. How are they going to feel if we send them off on this undertaking with this message from the U.S. Senate?

Mr. President, I understand the temptation of my colleagues to vote for the HUTCHISON–Inhofe resolution. It gives Senators the ability to say we were against this mission from the beginning but we support our troops. This resolution, which will be voted on today or tomorrow, may be what some Senators need, but it is not what our troops need at this juncture.

It is entirely possible—I hope it does not happen—but it is entirely possible the Hutchison-Inhofe resolution could be agreed to and the Dole-McCain resolution could fail. If this occurs, then our American military will have the worst of both worlds. We will be saying, ''Full speed ahead on a risky mission that we don't agree with, don't approve of''—and that is what we are going to be saying—''Full speed ahead on a risky mission with the clear knowledge the mission is denounced at the outset by the U.S. Senate.''

I urge my colleagues to vote against the Hutchison–Inhofe resolution, and I urge them to vote for the Dole-McCain resolution.

I urge all of those who at this stage are thinking about voting for the Hutchison resolution to think very carefully. It is essential for the morale of our military forces that we send the clear message of the Dole-McCain resolution which says, in effect, ''We may not agree with the President or how we got to this point, but we believe the commitment of U.S. military forces to Bosnia is important; it is important to prevent the spread of the conflict, to maintain United States leadership in NATO, to stop the tragic loss of life, to fulfill American commitments and to preserve United States credibility.''

There is a different message, a fundamentally different message that will go forward if we adopt the Hutchison–Inhofe resolution. If we pass the Dole-McCain resolution, in spite of the clear concern expressed in that resolution about how we got to this point, there is no doubt that the Dole-McCain resolution fully supports the American military forces and fully supports the mission that they are going to be undertaking.

I want to read again the paragraph in the Dole-McCain resolution that makes this abundantly clear, and I hope Senators will concentrate on the difference between this language and what is in the Hutchison–Inhofe language.

The language in the Dole-McCain resolution says:

> The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their missions and ensure their security.

Mr. President, in closing, I urge the passage of the Dole-McCain resolution so that our military forces and their families will understand not only that we in Congress support them, but that the mission they are undertaking and the risks they will bear are important to America.

I know there are others waiting to speak, and I am not going to go into great detail, but I do want to say, just in summarizing my prepared remarks, which I will not give today but will give at a later point in this debate or thereafter, that the Congress of the United States needs to take a fundamental look at the role we are playing or not playing in terms of these national security decisions.

Congress must understand—if we do not at this point, we must begin to, and I have understood it for a number of years—the War Powers Act does not work. The longer this outmoded and unworkable legislation remains on the books, the longer we will continue the illusion that Congress is playing a meaningful role in the commitment of U.S. military forces to these types of missions.

President Clinton will be viewed by most in Congress as assuming the full responsibility for the fate of the United States military mission in Bosnia. That is because this commitment by President Clinton was made in 1993 without consultation with the Congress or the congressional leadership.

There is a similarity between this and the Persian Gulf where the President of the United States, President Bush then, committed the United States internationally without an approval of Congress. That is the parallel. We are going to face this situation over and over and over again, where Presidents commit internationally before they get approval at home.

We have to address this. I think it is in our court. I think it is Congress' responsibility to make the correction. An awful lot of this comes from the illusion that the War Powers Act may some day miraculously work. It has never worked. It is not going to work. It is based on the fundamental flaw that assumes that congressional inaction can require the Commander in Chief to withdraw forces from abroad. Congressional inaction will never, ever force a Commander in Chief to withdraw forces. The only way we can do that is by cutting off funds, and we need to recognize this.

No President will or should allow U.S. forces to be withdrawn from a military mission because of simple congressional inaction. I think, Mr. President, it is time to repeal the War Powers Act and replace it with legislation that is realistic and workable. We must find a way to create regular, full, and comprehensive consultation between the President and the Congress before the President makes concrete commitments and before U.S. troops are committed to harm's way.

We do not have that mechanism now. We do not have the consultation taking place in a timely fashion, and that has been true both in Republican and in Democratic administrations.

So I hope out of this we will begin looking at the War Powers Act and begin to make changes to correct it.

I see that the Senator from Delaware is on the floor. He and I and Senator BYRD, as well as Senator WARNER and several other Republicans, several years ago sponsored a revision of the War Powers Act. I hope our colleagues will begin to think along those lines because it is leading us down the primrose path of having a law on the books that supposedly involves Congress in these decisions when, by the time Congress gets involved, the international commitment has already been made and the choices are regrettably limited.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the debate that has been undertaken here in the U.S. Senate and the remarks of individuals who are sincere on both sides of this question. I do think, however, that in characterizing the resolutions upon which we will be voting, it is important to understand the wording of the resolutions and to take them for their face value.

The distinguished senior Senator from Georgia has sought to characterize the resolution of Senators HUTCHISON and INHOFE as being one which would not signal to the troops that we really support them. I would like to read section 2, which is entitled ''Expressing Support for United States Military Personnel Who Are Deployed.'' The wording is simple, straightforward, and unmistakably clear:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general framework agreement for peace in Bosnia/Herzegovina and its associated annexes.

It seems to me that that is a very clear and generous statement. It is an

honest statement by the U.S. Senate, which allows that even if we disagree with the President—and many of us do—when such a deployment is made, in the words of the resolution, we will strongly support the military personnel who are ordered by the President to implement the particular mission which has been designated. In this case, it is to implement the general framework for peace in Bosnia and Herzegovina and the associated annexes.

Today, Mr. President, the United States again finds itself faced with the conflicting demands of a confused and chaotic world. Today's debate carries the name of ''Bosnia,'' but it is a debate that this Congress has faced numerous times before—it is just the name that has changed.

At stake and at question are the specific terms, conditions, and reasons for deploying U.S. troops, and the nature of U.S. foreign policy generally. These are not small or trivial matters—not for the President or for those of us here in the Congress, not for the military, and certainly not for the families of America's service men and women, who are preparing for deployment in Bosnia.

Like all Americans, I want to see an end to the killing and cruelty that have come to define the daily existence of millions of people in Bosnia. The atrocities committed by all parties are so heinous as to offend all of our consciences and to fire within us justifiable outrage. That these horrors come to an end is not a point of debate; that the United States has a special responsibility in the world, as the only superpower, is likewise not a matter of genuine debate.

But today's debate is much more narrowly focused—it is a debate about a so-called peace plan—brokered by the United States, agreed to by the warring parties, signed in Dayton—and whether that plan warrants the involvement and possible deaths of U.S. ground troops in the Balkans. I believe that until the Clinton administration can clearly and convincingly answer why, how, and under what conditions we ought to be involved, I cannot support the President's decision to deploy American soldiers to enforce the peace agreement.

In any deployment of U.S. ground troops, I believe that we must meet at least a five-part test. I will state the parts of that test again today, just as I have consistently over the course of the last year.

First, I think we have to identify the vital U.S. national interests. It has to be a security interest. It has to be an interest which is important to the continuing existence of this country.

Second, we need to outline clear U.S. military and policy objectives.

Third, we need to construct a timetable and strategy for achieving those objectives.

Fourth, we need to develop an appropriate exit strategy; and,

Fifth, we really need to gain the support of the American people for the policy initiatives and the military objectives in any deployment.

What we determine to be our vital interests is dynamic. A geographical region that might be vital to our interests at one time may not be at another time. Technology might change. Broadly defined, ''vital'' U.S. interests are defined as being those interests that have a direct political and economic effect on the Nation. They ought to have an interest about our capacity to survive and succeed as a nation. Threats to strategic assets, to shipping lanes, to our strategic allies, and threats to our traditional sphere of influence, similarly represent ''clear and present danger'' to the United States. Less clear is the nature of humanitarian interest, and how and when such interests are considered vital U.S. national interests.

Despite the protestations of members of the Clinton administration, it is this final category that I believe we are dealing here. In the course of the past few weeks, I have had the opportunity to hear from a number of the architects of the Dayton accord—Secretary of State, Warren Christopher; Secretary of Defense, William Perry; Chairman of the Joint Chiefs of Staff, General John Shalikashvili, and chief negotiator Richard Holbrooke. Their explanations of why we should be involved, in my judgment, lacked credibility. Their rationale has never included a valid explanation of how vital U.S. national security interests are at stake in the Balkans at the close of this century.

On the one hand, they have said that we have a risk of an expanded full-scale Balkan war that could domino its way all across Europe. Such assertions fly in the face of fact. Secretary Christopher has stated that a major reason the peace agreement was reached is that the warring parties are suffering from battle fatigue. This is an internal conflict that has raged for years, stemming from differences which have divided people for centuries. If the fighting factions are war weary, then what evidence is there to suggest that the potential for the war to spread is imminent or greater now than it has been in the past?

We have seen some 30 cease-fire in this region before, which begs the question, is this the cease-fire of the century or a cease-fire of the season, with another long winter's nap? While the threat of another massive European war makes for good headlines, baseless threats make for lousy public policy.

The President has argued that our continued leadership in NATO is at stake here. He believes that it is a vital U.S. interest to prove ourselves overseas. U.S. perception and leadership overseas are clearly vital. The question that no one has answered, however, is how the deployment of U.S. ground troops will help.

The only response I have been given that comes close to answering this question is that U.S. ground troops must be deployed in order to vindicate the President because in a speech 2 years ago, he made a promise to send troops. Retreating from that promise would somehow signal a failure in his leadership. Well, very frankly, we should not put American lives on the line just to rescue an outdated Presidential promise.

Following the gulf war, world perception of our resolve—of our determination to get things done—was clear, the United States meant what it said and acted accordingly. Since that time, world perception has taken a dramatic turn for the worse. Our foreign policy objectives have been unclear, and our resolve has been uncertain. Before we deploy U.S. troops anywhere in the world we must determine whether our vital national interests must be at stake.

I am confused about the explanations by the administration which allege that this indeed involves a set of vital interests because when you ask the administration about the deployment, they say that the deployment will be for 1 year. The achievement is not of a vital interest. The achievement here is a time of duration. If these interests are so vital, if they are critical to the success and survival of this country in the next century, why is it that they are only critical for a year, and we will leave whether or not we will achieve them in a span of a year?

The idea this is a deployment for a term of days rather than for the achievement of vital and specific interests is an idea which shakes and threatens the very foundation of the allegation that there are vital interests here. I guess there is the question about whether the United States should be a world policeman that imposes her morality on the world. The United States is the world's only superpower, and that role carries with it responsibilities no other nation has. These responsibilities include the responsibility to use our forces judiciously. We should not decide to deploy U.S. troops simply because we can. We should not exercise military prowess to conquer a mountainous civil war merely because it is there. We should not be a 9–1–1 on call to respond to every world dispute or civil disturbance. We must recognize that it is possible to squander our power and our resources by misusing them.

Mr. President, according to the administration, we have an expiration date but we have no achievement strategy. Why deploy ground troops in the first place if we are going to pull them out whether or not anything is accomplished?

There is a related issue about this agreement that troubles me. It has to do with the assignment of our soldiers that they are being asked to undertake. There are some components of the Dayton accord which really elevate values in which we do not believe. We should ask ourselves, under the Dayton

accord, will we be going abroad with our troops to enforce things and values which are not things that we are willing to support or that we respect at home? As a matter of fact, are we going there to support or reinforce things which we abhor at home? Would we be going there to enforce a type of ethnic de facto segregation that we are fighting against at home? Is it possible that we are deploying America's soldiers to fight for values of ethnic isolation that run contrary to America's values? Are we asking our troops to defend territorial lines among ethnic factions which were gained through offensive atrocities? Are we validating ethnic segregation of the parties to promote peace, when our Nation painfully learned that it is only ''united we stand, divided we fall.''

For generations we pursued an international strategy of promoting democratic values. I think we have to ask ourselves, is that what we are doing here? There are a lot of nuances and uncertainties about foreign policies. This is not one of them. We fight abroad for our interests and our values. We must not agree to work for something that is both not in our vital national interests, but contrary to our values.

Let me just say in conclusion that I believe that we must make sure that the deployment of our troops is not merely the appetizer and that the main course becomes massive foreign aid that is felt as an obligation of this country and Congress as a result of having had the deployment of our troops on the soil of a foreign nation. All too frequently, we feel that we must follow our troops after a deployment has been concluded, with an outbreak of nation building and infrastructure construction and resources which are beyond the ability of our culture to afford for ourselves—certainly not within our capacity to provide for everyone around the world.

There is a substantial expense in this whole operation that is going to take $2 billion out of our defense budget this year, and there will be requests for additional money to support this deployment. Frankly, it will hurt—it will hurt our ability to provide defense in other areas.

I am convinced that we have to be careful not to weaken our ability to defend strategic vital national interests where they occur around the world by deploying our troops in areas which do not have clear objectives, where there are no strategic vital national interests, or where those interests are not clearly outlined and where our commitment is not for the achievement of a specific objective but it is for a term of days.

Mr. President, I intend to vote in favor of the Hutchison resolution because I believe that it is appropriate for us to indicate to our troops that when they are deployed we will provide them with all of the resources necessary for their security and success. But that Hutchinson resolution, cosponsored by a number of other Senators, including the leadership of the junior Senator from Oklahoma, Senator INHOFE, also provides an opportunity for Members of this Senate to express their disagreement with the decision of the President to deploy ground troops in Bosnia. I believe that is the appropriate position for this Senate to take. I urge other Senators to do so. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair notes the list I had indicated Senator BIDEN had spoken before Senator ASHCROFT, so the Senator from Wisconsin would be in order.

Mr. KOHL. I yield my position to Senator BIDEN, and I will speak after Senator INHOFE, if that pleases the Chair.

Mr. CHAFEE. Senator INHOFE and I have switched off, so I am taking the place of Senator INHOFE. I will follow Senator BIDEN.

Mr. KOHL. I ask unanimous consent, if I yield to Senator BIDEN, that I may speak after Senator CHAFEE.

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

Mr. KOHL. I yield to Senator BIDEN.

Mr. BIDEN. Mr. President, I think a little bit of immediate past history is important for us to recall here.

With regard to whether or not this policy that has been pursued in this administration relative to Bosnia and Herzegovina was a sound policy or not, it is the same policy that was pursued by the Bush administration. The Bush administration set a policy in motion that said we would support an arms embargo against the Bosnian Government, as well as others, and that we would not use air power to relieve the genocidal actions of the Serbs.

To my great disappointment, although there were faint efforts to change that policy by attempting to convince our allies to lift the embargo, the truth of the matter was this administration did not change the position.

Some of us, as long ago as the last 4 months of the Bush administration, argued loudly, if not persuasively, that the Bush policy was an incorrect policy. We argued that we should lift the arms embargo. In addition to that, we argued that we should supply weapons to the Bosnian Government which at that time was a multiethnic government made up of a council of Presidents, roughly divided in thirds among Moslems, Croats, and Serbs within Bosnia, and a Bosnian Army made up of Bosnian Serbs, Bosnian Croats, and Bosnian Moslems. We even passed the so-called Biden amendment through both Houses of the United States Congress that authorized the President of the United States to seek a lifting of the embargo and to transfer up to $50 million worth of weaponry, off the shelf, to the Bosnian Government. That was in the last months of the Bush administration.

I—and I do not say this to speak to what I did or did not do, but to mark it historically—I, after Senator MOYNIHAN, was one of the few people who went to Sarajevo, went to near Srebrenica, went to Tuzla, went to Belgrade, went to Zagreb, met with Karadzic, met with Milosevic, met with UNPROFOR, met with the Croatian leadership, came back and wrote a report, and was debriefed by the Secretary of State and the President. The report called for lifting the arms embargo and using air power to strike at the Serbian genocidal undertakings.

Back then, I—and I was not the only one in the world community—I came back and pointed out that this was raw, unadulterated genocide. The Serbs had set up rape camps, a policy explicitly designed to take Moslem women, primarily, into camps, rape them, have them carry the children to term, in order to intimidate and pollute the Moslem people in Bosnia. Everyone said that was not going on; this was not 1937 or 1938 or 1940. But now, no one questions it occurred.

I remember coming back—after going up through Mount Igman and over the mountains into a place called Kiseljak and going through villages—and saying, ''There are graves.'' You could ride through a village in the mountains and see three or four homes in a row, pristinely kept, window boxes with flowers. The next home, a hole in the ground. The next home, perfectly kept. After that, two holes in the ground or a chimney sticking up. And graves at the end of the town road.

I was told by our own people as well as the French, God bless them, and the Brits, that these folks are all the same. They are all bad guys. They are all like this. They have all been doing this for all of the last 4 centuries—which is historically inaccurate and was inaccurate in terms of what was taking place at the time.

I remember when we watched on television—the Senator from Arizona and I spoke to it on the floor that night—when they overran Srebrenica. You could actually see U.N. soldiers sitting there with their blue helmets and hats on top of tanks, watching the Serb conquerors take the women and children and send them in one direction and take the able-bodied men and send them in the other direction—for extermination. This was not because they wanted segregated prison cells. They took them to the woods, they dug holes, they shot them, they dropped them in the holes, they poured lye on their bodies and bulldozed the dirt over them.

We were told no, that is not happening.

Now we have satellite imaging that uncovers this—surprise. Surprise. ''Oh, my Lord this is happening.''

The reason I bother to say this, because I know you all are tired of hearing me saying it for the last 3 years, is to make one very important point. One, with all due respect, I do not

think the President has accurately made. And that is, what is our interest in Bosnia? Is there a vital interest? Or, as my friend from Missouri said, ''Does this action represent our interest and our values?''

If this does not represent our interests and our values, then nothing that has happened since the end of World War II represents our values. How many in this Chamber, like me, have gone to Holocaust memorial events and heard the refrain, ''Never again.'' Never again? On the same continent, in the same proximity, the same death camps—it is happening again. And it happened again.

This time it was not Jews. It was primarily Moslems. In 1935 and 1937 and 1939 and 1941 and 1943, had it been Catholics like me, or Protestants, like many in here, who were being taken to death camps, the world would have risen up years earlier. But it was not. It was Jews. And we all turned a blind eye, as a world.

I respectfully suggest, were it not Moslems this time who were in the rape camps, were it not Moslems who were being exterminated as part of this new phrase ''ethnic cleansing'', that the world would have behaved differently. I wonder how many of us ever thought, as students of World War II or as participants in World War II, that we would ever serve in the Senate and hear the phrase, openly used by one party in a conflict, ''ethnic cleansing.'' Ethnic cleansing. Is that not an antiseptic term?

And notwithstanding the fact only the Serbs used the phrase, I kept hearing on this floor that, ''They are all the same. They are all the same.''

There have been atrocities committed by Moslems and by Croats. But they have not set up rape camps. They have not set up death camps. They have not mass murdered as part of a coherent plan for people, based upon their ethnicity and their religion. That is called genocide—genocide. That is what it is. And now, even in our move to state what our vital interest is, this administration and others who support it are afraid to use the word. We are told we are not taking sides.

I am here to take sides. Milosevic, the leader of the Bosnian Serbs, is a war criminal. He is no better than Himmler. He is no better than Goebbels. He is a war criminal. Karadzic is a war criminal.

I might add that the leader of Serbia, Milosevic, is also a war criminal, although he is the only one not indicted so far.

So I hear people stand here and say, ''What is our interest? What is our interest?'' Our interest is that history repeated itself.

Let me be presumptuous enough to go on a little more to what I think the next history lesson will be. The Soviet empire has collapsed—the good news. The bad news is that all of the ethnic hatreds, all of the ethnic fighting, all of the atrocities that occurred 100 years ago and 40 years ago are now uncovered again. There are 25 million Russians living outside the border of Russia, in the Ukraine, in the Baltic countries, in Kazakhstan. There is war in Armenia, in Georgia, and almost all of it is based on ethnicity.

What is the message we send to the world if we stand by and we say we will let it continue to happen here in this place but it is not in our interest? We do not fear that it will spread? I am not here to tell you that, if we do not act, it will spread and cause a war in Europe—tomorrow or next year. But I am here to tell you that within the decade, it will cause the spread of war like a cancer, and the collapse of the Western alliance. What is so important about the Western alliance? NATO for NATO's sake so that we can beat our breast?

What I am about to say is going to cause me great difficulty if I am reelected and come back here as the ranking member or chairman of the Foreign Relations Committee. But Europe cannot stay united without the United States. There is no moral center in Europe. When in the last two centuries have the French, or the British, or the Germans, or the Belgiums, or the Italians moved in a way to unify that continent to stand up to this kind of genocide? When have they done it? The only reason anything is happening now is because the United States of America finally—finally—is understanding her role.

So we do have a national interest. Our national interest goes well beyond the genocide that will spread like a cancer. I will not take the time, because others wish to speak, to explain what the rest of it is. But I do in my longer statement which I will put in the RECORD.

But there is a second question it seems to me after first asking what is the national interest of the United States. Once you establish that there is a national interest—and I believe there is one—then, is the proposed action by the President the one that can meet that national interest? I respectfully suggest this is not the best one. If the President and the administration and the last administration, in my view, had the gumption, they would have told our European allies that we are lifting the arms embargo.

This is not a Vietnamization program. The Vietnamese and South Vietnam were not sure where they wanted to be, North or South. That is why it never worked.

The Bosnians know where they want to be. They want to be free. They will fight for themselves, and all they have ever asked for is lifting the arms embargo.

Prime Minister Silajdzic came after my first visit to Bosnia. I had him in my office and 12 of my colleagues—very good men and women came, Democrats and Republicans. The word was then, if we lift the embargo, it is just going to make it worse for those poor folks and more are going to get killed. One of my Republican colleagues, who is very informed on policy, and a Democratic colleague at my conference table asked the same thing of Silajdzic. Silajdzic said something I will never forget as long as I live.

He looked at this Senator, and he said: ''Senator, at least do me the honor and the privilege of letting me choose how to die.''

''Senator, do not send me food to fatten me and my family in the winter only to be assured that I will be killed with the full stomach. Give me a weapon. Let me defend myself, and have the good grace to let me choose how to die.''

He then went on to add, ''I am not asking for you to send a single American troop. I am not asking for you to send a single American. I am asking you to lift this immoral embargo.''

That is what should have been done, as a student of history of the Balkans—I suspect that I have read as much as almost anybody here, at least I have tried my best, and I have gone there twice and I have spoken with everyone I could. During the last two Balkan wars, the only time they ended was when all parties concluded that they could not achieve any more on the ground than they could at the peace table.

But events have overtaken us. And the event that has overtaken us is called Dayton. I say to my friends here in the Senate, the part that I do not like about being Senator is when Presidents do not get it right, and we do not get to make the best choice. We get to choose among bad choices.

It is that old thing about the Hobson's choice. Two bad choices is no choice at all. The best choice is to lift the embargo, provide air cover, wait while it is being done, and let the Bosnian Government establish itself because Serbia has already lost. Milosevic has no interest in continuing because he is a pariah in the Western community. Have the War Crimes Tribunal go forward and let it be settled. But we did not do that.

We have one of two choices now: One, we participate with a better than even chance. We provide enough time for the Bosnian Government to get the physical wherewithal and economic strength to defend themselves, and then we leave. Two, we do not participate at all, which means nothing happens because the Europeans have no center on this issue. Nothing will happen except the embargo will be on, the genocide will continue, our interest will be badly damaged, and the cancer will spread. My son may not go to Bosnia today, but he may be in eastern Germany in 8 years. My grandchildren may not be in Bosnia today but they will be in Europe fighting a war 15 years from now.

So given the choices, I support this resolution. I support it because we do have a vital national interest, and we do have a moral rationale for our engagement.

If we thought we had a moral interest, a national interest in restoring the Emir of Kuwait to the throne—restoring the Emir of Kuwait to the throne, God bless his soul—to send 500,000 troops there, tell me, tell me why we do not have a moral interest in stopping what was international aggression by Serbia crossing the Drina River into a U.N.-recognized country and participating in genocide?

In Kuwait we had a single example of one young woman who was raped and beaten, which turned out not to be true, to enrage people about the awful thing Saddam Hussein was doing. And here we have mass graves. I have visited with BOB DOLE a hospital in Sarajevo. Do you know who was in the hospital? Seven children. Do you know why there were only seven children? Because the Serbs sit in those hills and they have as a campaign of terror, the maiming of children. Walk with me through Sarajevo's streets and see draped across the roads blankets and sheets. I thought it was a Lower East Side in 1919 of New York.

I asked why. Do you know why they are there? To take over the line of fire from Serbian snipers shooting children. We pretended it did not happen. Ask BOB DOLE.

We stood beside a beautiful raven-haired child who looked at us as we spoke. And the neurosurgeon said, ''The reason she is not turning is she has no sight. He turned her head. The bullet had gone through the back of her head, severed the optic nerves, and came out the other side.

There were seven children in that hospital. Nobody else. It was a planned campaign by Mladic and the Serbs to terrorize the Moslem community.

So let me tell you. If your moral center is oil, I understand you. If your moral center is humanity, there is no comparing the restoration of the Emir of Kuwait with the ending of genocide in Bosnia.

But there is only one exit strategy, I say, Mr. President, there is only one.

I hope the President, with all due respect, means it. That we will not be able to leave unless—what BOB DOLE, Joe BIDEN, Joe LIEBERMAN, and a whole bunch of others insist be in this resolution—the Bosnian Government is armed and prepared to defend itself. That is the ticket home for Americans.

There is a moral reason for this. There is a U.S. interest. It is not the best way to do it, but, as Senators, we only get to choose among the bad ways offered to us. It is worth doing.

In this Christmas season, as I saw off the first group to go to Bosnia from Dover Air Force Base, the only thing I could think to say is ''thank you; watch where you walk—there are a million landmines—and God bless you. I am telling you, you are doing something right but you are being put in a position that is not the one you should have been put in in order to accomplish it.'' It is a hell of a way to send them off, but we have no choice, it seems to me, to meet our moral obligation and our national vital interest.

Mr. President, after nearly 4 years of indifference, half-measures, national policies of European governments pursued in the garb of international peacekeeping, and other sophistries devoid of moral content, the western world has finally been moved to put an end to the murderous fighting that has left Bosnia and Herzegovina in ruins.

While the dilly-dallying has gone on, more than a quarter-million Bosnians of various ethnic and religious affiliation have been killed, and an additional 2½ million persons—over half the total population—have been driven from their homes.

But, Mr. President, numbers alone cannot begin to convey the savagery, the barbarity, the depravity that has reigned in this small balkan country.

There have been wars since time immemorial, many on a larger scale than the war in Bosnia. There have been refugee flights in other countries that dwarf the Bosnian numbers.

This century has seen the Jewish Holocaust, the Armenian Genocide, the murderous collectivation of Ukraine, and the killing fields of Cambodia. So, Mr. President, I suppose cynics might say that we have become hardened to the unspeakable.

Yet what has happened in Bosnia and Herzegovina not only has had components of the other horrors the 20th-century, it has actually added a diabolical new feature: The unprecedented, centrally planned campaign of mass rape that the Bosnian Serbs have used as a calculated weapon of terror designed to demoralize Bosnian Moslem communities.

Mr. President, why was this allowed to happen? To help answer this question, let me offer a piece of counterfactual analysis that I have delivered before on this Senate floor:

''What if'' a Moslem-dominated Bosnia-Herzegovina had attacked a peaceful orthodox Christian Serbia, carried out barbaric atrocities against Serbian civilians, and then proudly announced that its policy of ethnic cleansing had been successful—would Christian Europe then have sat idly by, conjuring up excuse after excuse for not halting the cruel and cowardly aggression?

Mr. President, I think the answer is self-evident.

European Jewry was yesterday's victim. The Bosnian Moslems are today's. If we let the barbarism in Bosnia stand, who knows who will be tomorrow's?

Now at last, thanks to the belated—nonetheless, praiseworthy—leadership of the United States, we stand on the verge of a massive international effort designed to put a stop to the depravity, to try to restore a modicum of normal, civilized life to that sorry land.

I fear that the chances for success are a long-shot. But Mr. President, make no mistake about it: if the United States does not continue to lead this effort, the chances for even a semblance of peace in Bosnia are zero.

And yet the choice is not an easy one. Like almost every other decision concerning foreign policy that a U.S. Senator has to make, our choice about whether to support President Clinton's decision to deploy 20,000 American troops to Bosnia as part of the international peace implementation force known as I-FoR is a reactive one.

The U.S. Congress rarely gets to formulate policy. We cannot, and should not, write arms control treaties or other international agreements. Most of the time we are asked to react to proposed solutions that are far from ideal, perhaps not even the best. But often these solutions, however risky they may be, are nonetheless better than not acting at all.

That is exactly how I feel about the proposed deployment of U.S. troops in the I-FoR. For more than 3 years, since September 1992, I have been calling for lifting the illegal and unjust arms embargo against the Government of Bosnia and Herzegovina, the victim of Serbian aggression, no matter what our European allies think about such a decision.

Concurrently, I have called for striking from the air at the offending Serbs while the Bosnian Government was building up its own military strength.

Finally, I have advocated making clear to the Government of Serbia that it would suffer massive air strikes upon its territory across the Drina River if it increased its assistance to the Bosnian Serb aggressors.

Moreover, the Biden Amendment, which I introduced in 1992, and which was successively approved by Congress in 1993 and 1994, authorized assistance to Bosnia through a drawdown of up to $50 million of Defense Department weapons stocks and other military equipment. This year's foreign operations conference report has increased this figure to $100 million. As soon as the President receives and signs the foreign operations appropriations bill, he will be able to use this source any time upon termination of the arms embargo.

Up until 1 month ago this policy that I proposed remained, I am convinced, the best option open to the United States. It would have created the conditions of military parity in Bosnia and Herzegovina that are essential for maintaining a lasting peace.

Then came the talks at Wright-Patterson Air Force Base. The peace agreement that emerged from those talks is not perfect—no international agreement ever is—but we have to deal with the situation now at hand.

Let me take this occasion to congratulate Secretary of State Christopher and his negotiating team for their tireless efforts that achieved what no one else had been able to accomplish for 3½ years: a multilateral agreement that offers the only real promise of ending the worst bloodshed in Europe since World War II. It is a highly significant achievement, which brings great credit to the United States of America.

Yet Secretary Christopher, Secretary of Defense Perry, and General Shalikashvili would be the first to add that the Dayton Accords are still only a building block for the structure of peace for the former Yugoslavia, which remains to be put into place.

Let me underscore that the involvement of American ground troops in the peace enforcement effort—the solution less preferable than the lift-and-strike policy I have consistently advocated—in no way lessens the necessity of equipping and training the Bosnian Federation's army in order to allow it to defend itself when all foreign peace implementation forces leave. The bipartisan resolution specifically mentions this point.

So I would like also to be perfectly clear that if the administration had not assured that this equipping and training would take place—if not by uniformed U.S. military personnel, then by contractors—I would not support the participation of U.S. ground troops in the I-FoR. Third countries may, of course, also contribute weapons and training to the Federation, but a failure of Americans to take the lead in this effort would quite simply be a prescription for a prolonged involvement of our ground forces in Bosnia, a policy which the American people will not countenance.

President Clinton's outstanding televised speech to the Nation went a long way toward explaining to the American people the rationale for, and mission of our troops in the I-FoR. I do not take issue with any of the President's arguments.

Above all, I would emphasize to those who wish to restrict America's involvement abroad that the choice facing us is not between a risky foreign mission and the status quo. If the United States does not participate in—or more precisely, lead—the I-For, I am convinced that the war will re-ignite, escalate, probably spread, and open the door for a radical destabilization of southern Europe. And that most assuredly is in our vital national interest to prevent.

Finally there is the issue of American leadership in NATO and in the larger community of civilized nations. I have long criticized some of our European allies, first for their utilization of the purposefully hamstrung U.N. peacekeeping operation in order not to take the militarily resolute measures that could have stopped the Serbs in their tracks in 1991, and second for their obstinate unwillingness to allow NATO—principally American—air power to cripple the Bosnian Serb war machine.

It took the massacre in the Sarajevo market at the end of August and the withdrawal of the hobbled European peacekeepers, for us finally to overrule our timorous European friends.

Yet, Mr. President, the President of the United States has given his pledge of American troops; the United States was the driving force in crafting the Dayton accords; and our credibility as the leader of NATO is on the line. Bosnia has revealed strains within NATO that must be addressed, but this is not the time to exacerbate the tensions. Moreover, France has just re-entered the alliance's integrated military command, a sign that a successful operation in Bosnia may bode well for a stronger NATO in the future.

Some of the opponents of our involvement have trotted out the cliche that the United States cannot be the ''world's policeman.'' Well, of course we can't solve every crisis everywhere. But as President Clinton said in his television speech, that obvious fact does not mean that we cannot help anywhere.

The slaughter, rape, and destruction in Bosnia and Herzegovina should be an affront to the sensibilities of every American. The I-For mission at the very least will give the brutalized people of that land a last chance to stop the killing and to re-enter the world community.

For all these reasons, then, our participation in the operation is vital. There are, however, serious risks associated with sending our troops to Bosnia, and it is incumbent upon the administration to explain how we are planning to minimize them. These risks include:

Millions of lethal mines, which will probably be hidden by snow for several months;

The brutal Balkan winter that makes driving hazardous;

Irregular forces, foreign extremists, and other rogue elements that may specially target American troops; and

The likelihood that an armed, hostile Bosnian Serb populace in several locations could both harbor attackers and engage in disruptive activity itself.

From administration testimony in hearings before the Foreign Relations Committee, I am satisfied that these concerns have been thoroughly analyzed, and counter measures developed to the fullest extent possible.

Last Friday at 5 o'clock in the morning, I went to Dover Air Force Base in my State of Delaware to personally say good-bye to a detachment of our troops as they embarked for Bosnia. They are as fine a group of American men and women as has ever represented the Armed Forces of this country. Every possible precaution must be taken to lessen the threat to their person as they carry out their duties in Bosnia. In this regard, I emphasize that the robust rules of engagement for our troops must not be altered under any circumstances.

In larger terms, I believe that the criteria for the mission's success and a responsible exit strategy must be delineated even more clearly than has already been done. For example, is the absence of serious conflict after 1 year sufficient progress to warrant a declaration of mission accomplished?

Stated more precisely, will we withdraw our ground troops after precisely 1 year even if the envisioned democratic institutions of the Bosnian central government are not yet functioning? If so, will other international units remain for a longer period?

My own belief is that the I-For mission should be limited to creating the basic conditions for democratic institution-building to take place. There must be no mission creep for our military forces.

Yet if the civilian aspects of the agreement do not proceed, then the American troops and their international colleagues will have served in vain. Hence, a premium must be put on coordinating the mission of the American military force with the work of the international civilian agencies preparing to implement the electoral, refugee, and humanitarian aspects of the Dayton accords.

But it may well be unrealistic to expect construction of a working democracy in 365 days or less. Therefore, plans must be drawn up immediately for a ''follow-on'' force to remain in Bosnia after the United States troops leave. My strong feeling is that this force should be led by our European NATO allies, augmented by units of European neutrals with experience in peacekeeping operations.

Finally, let me repeat once again the absolute necessity of creating a balance of military strength on the ground so that when the international peacekeepers are withdrawn, the federation of Bosnia and Herzegovina will not be vulnerable to renewed attack.

The peace settlement is far from perfect. There is no guarantee that it will be implemented. The involvement of American ground forces means—although I pray I am wrong—that casualties and fatalities are likely to occur.

But, as I have indicated, we live in a highly imperfect world. To do nothing would be to invite larger problems in the future that would require a much riskier and bloodier American involvement.

If the conditions I have outlined are met: retention of very robust rules of engagement for our troops; no mission creep for our troops; but close coordination of the I-For with international civilian efforts in Bosnia; a United States lead in coordinating arming and training the army of the federation of Bosnia and Herzegovina; and a finely drawn set of criteria for mission success.

Then I believe that President Clinton's policy deserves the support of the Congress. The President has promised to meet these conditions. Therefore, I will vote for the bipartisan resolution, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Dole-McCain resolution which authorizes the participation of U.S. military forces in what is known as the I-For, the NATO implementation force. The purpose of this is to monitor the peace agreement in Bosnia.

The Dayton peace agreement and this NATO deployment represents, in my judgment, the only opportunity to achieve a long-term peace in Bosnia and with it a more stable Europe. That is a very important point, Mr. President—a more stable Europe, which is a matter of profound interest to the United States.

The Senate's vote on the Dole resolution involves the question of what role the United States should play in Europe and throughout the world as we approach the 21st century. Let us just take a brief look into history, if we might. It was an assassination in the Balkans, in Sarajevo itself, that triggered World War I, a conflict into which the United States was reluctantly drawn. Indeed, we stayed out of it for nearly 3 years.

At the conclusion of that devastating war, the United States made a very conscious decision, and that was to withdraw from any involvement in European security affairs. From 1919 until 1942, the United States remained aloof from Europe, even though World War II raged for 2½ years during that period. Yet, inevitably, we were dragged into that war, the most costly of all wars in terms of lives and treasures.

We have now learned that the United States, the world's lone superpower and the undisputed leader of the NATO alliance, simply cannot withdraw from European security matters, nor should we. Our active engagement in Europe for the past 50 years since the end of World War II has brought enormous benefits to us, to the Europeans, and to the world at large. Western Europe has enjoyed peace, it has enjoyed freedom, it has enjoyed democracy, and it has enjoyed economic success ever since the end of that war.

This has largely been due to U.S. leadership in NATO. Our leadership has assisted in bringing about the fall of communism and the liberation of Eastern Europe. But despite these successes, Europe today is not free of war and bloodshed and instability. We need to look no further than the war that has raged in the Balkans for the past 3 years. Others have spoken about it, and sometimes we forget these statistics: 250,000 people have lost their lives in that conflict, and more than 2 million people have been displaced or are refugees. This war has the potential to spill over into the rest of Europe.

The history which I just touched on has taught that maintaining a free, democratic and peaceful Europe is very much in our interests, in our security interests, and deployment of the NATO force in which the United States provides one-third—not one-half, not two-thirds, but one-third—of the troops will help ensure the type of Europe we want: A Europe that is free, that is Democratic, and that is peaceful.

I would ask, Mr. President, those who oppose this deployment to answer this question. If we, as part of NATO, cannot lead an effort to try and end the war in Bosnia, then why should we be members of NATO? Let us forget the whole thing, at least our participation in it. It seems to me that helping to end destabilizing military conflicts inside the borders of Europe such as Bosnia represents is the type of responsibility NATO should undertake in the post-cold-war world.

May I remind my colleagues that the implementation force includes many non-NATO forces—not just the NATO forces, but others—that share our interest in securing peace in the Balkans.

Those opposing this resolution, the Dole resolution, also argue that U.S. troops will be at a risk of being drawn into nonmilitary activities and may also suffer needless casualties.

To this I say, take a look at the Dayton peace agreement. Unlike some recent failures—we have had them in this Nation, particularly if you think of Somalia—where United States military roles were not entirely clear, the Bosnian deployment plan and the administration's pledges are very specific about what our troops will and will not do. I am reassured by this part of the written statements.

In addition to its own self-protection, the mission of our force is to oversee and enforce implementation of the military aspects of this peace agreement. Now, what are we talking about? We are talking about cessation of hostilities, withdrawal to agreed lines, creation of a zone of separation, return of troops and weapons to their encampments. Civilian authority such as the United Nations, not our troops, will be responsible for many of the nonmilitary aspects that are envisioned by the agreement.

Now, what are we talking about there? Overseeing elections, conducting humanitarian missions, helping civilians move about, acting as local police forces. You can be sure that Congress and the American people are going to be watching carefully. We are going to be monitoring this to see that our troops do not engage in any activities for which we are not responsible.

I do not want to suggest, Mr. President, that sending United States military forces to Bosnia is without risk. Regrettably, we may well suffer casualties, as is often the case in military operations such as in the Balkans. But please remember that the United States and the 25 other nations are sending a force totaling 60,000 ground troops, forgetting those that are in the air or on the waters. This is an overwhelming numerical advantage over any group or faction that would challenge our authority.

I would also point out that unlike former United Nations peacekeeping missions in Bosnia, we will be completely prepared to defend ourselves. This is a mission in which if we are shot at, we are going to reply with bullets and shells.

Mr. President, the rest of the world looks to the United States to be a leader in promoting peace and democracy, and this is certainly the case in the Balkans where the three signatories have authorized our intervention. If a United States-led NATO force can help secure peace in Bosnia, it will make an enormous contribution to world security.

On the other hand, Mr. President, if we abdicate our responsibilities to our NATO allies, it will send a clear and I believe very troubling signal that the United States has once again retreated into Fortress America. It will show that we are not there when a difficult job has to be done. That is not a signal we can afford to send. So, therefore, I urge my colleagues to support the deployment of United States troops to Bosnia and to vote for the Dole-McCain resolution.

I further would urge a vote against the Hutchison amendment, which, in my judgment, sends a very confusing message. It says, on the one hand, to our troops, we do not think you should be in Bosnia, but nevertheless we support you. I do not think that is the kind of message I, for one, would like to receive if I were risking my life or on a mission of this nature in Bosnia. The message, again, seems to say we are for you, but you should not be there. I do not find that a message of much comfort or encouragement, in my judgment.

So therefore, Mr. President, I hope that my colleagues would support the Dole-McCain amendment.

I thank the Chair.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

Mr. President, the question of sending American men and women on a dangerous mission, whether it be to fight a war or, as in this case, to strengthen a fragile peace is always a difficult one. A healthy debate has been carried on across the Nation, and it is clear that Americans are reluctant to send U.S. forces in harm's way.

While I share that reluctance, my reluctance does not stem from a sense of isolationism; but rather, I am reluctant to commit our troops when the situation on the ground is so tenuous. I understand that the combatants themselves have asked us to help them implement the Dayton accords; however, I remain skeptical about their commitment to peace. I question whether the presence of a large NATO force will be enough to overcome the daunting challenge of national reconstruction facing all the Bosnian people. And, given the deep hatreds that exist there, I wonder how realistic it is for us to think that once United States troops leave Bosnia the peace will hold.

At the same time, what are our alternatives? I agree that the situation on the ground may have been different if the President had heeded Congress and lifted the arms embargo. However, as one of our colleagues pointed out to me recently, even if the administration had agreed to lift the arms embargo

and the Bosnian Moslems had been better armed, there still would have been the need for a peace accord, and we would still be facing the difficult question of whether to send in United States ground forces to guarantee the peace.

After 4 years of anguish over the atrocities in Bosnia, I believe we have a responsibility to try to end this war. We cannot turn our backs on the innocent men, women, and children who have lived through the unspeakable atrocities committed by all sides. We cannot turn down a request that is probably the last and best opportunity to end this harrowing civil war.

At the same time, we cannot allow emotion to sway our decisionmaking about sending United States ground troops into what until now has been a war zone. We would all like to see an end to the bloodshed in Bosnia, and an end, for that matter, to bloodshed everywhere. But, it is disingenous to say that we are sending ground troops to Bosnia out of a sense of moral responsibility that we must police the entire world. We have already determined that neither do we have the desire nor the means to be the world's policeman.

Recognizing we are not the world's policeman does not mean that there are no circumstances under which we should send U.S. troops abroad. If we are to take advantage of winning the cold war and retaining our capacity to shape events in this changing era, then we must demonstrate leadership and be willing to take risks for peace. The difficult question is, when should we take these risks?

I have always held that any determination to commit U.S. troops abroad should meet four criteria:

One, there must be a clear and compelling issue of national interest.

Two, the benefits must outweigh the cost of endangering American soldiers.

Three, there must be an established plan of action—including plans for troop withdrawal.

And, four, there must be support and involvement of the international community.

Unfortunately, without the stark black and white of the cold war to guide our foreign policy, it is less clear when our vital national interests are at stake. The world has become a far more complicated place, and there is much disagreement over whether there is a vital national interest at stake in Bosnia.

Some say this is a European problem and we should leave it to the Europeans to solve. Indeed, the Europeans realize that they have more at stake here than we do. That is why they are supplying the majority of the forces and why they are providing most of the funding and technical support for the crucial task of rebuilding Bosnia.

Then, why could not this be a European-led mission with American support? Frankly, the Europeans have been indecisive and unable to do this on their own. Yet, if this civil war rages on, it poses a serious threat to European stability. Just as that possibility poses a threat to our European allies, it also threatens us.

That is why America must assume the mantle of leadership. The future stability of Europe is, and always will be, in our national interest. We have fought two major wars in Europe, and in the 50 years since the end of World War II we have committed U.S. troops and resources to the defense of Europe and to the leadership of the NATO alliance. Because of our ties to Europe—historically and economically—it is in our interest for NATO to be strong and it is in our interest to continue to lead NATO.

That said, do the potential benefits of this mission outweigh the costs? There are many ambitious—I might say overly ambitious—goals laid out in the Dayton accords: The return of refugees, the negotiation of arms control agreements, the prosecution of war criminals, and the reconstruction of civil institutions. I am pessimistic about the prospects for realizing many of these nation building goals in the short term.

Nonetheless, I believe there is still a potential benefit to participate in a strong peacekeeping force. The ominous warnings of many opponents of this mission belie the fact that the NATO Implementation Force is not embarking on a combat mission, nor is it a mission to impose a peace. This is not Somalia. Furthermore, our troops will not be leading the nation building efforts. This is not Haiti. This mission is in response to a direct request by the combatants to help them implement a peace agreement that they negotiated. The greatest and most achievable goals of this mission are strictly military goals: Separating the forces and creating an environment for the continued cessation of hostilities. And 1 year may not be enough time to rebuild Bosnia, but we cannot underestimate the potential of a 1-year breathing period to lay the groundwork for a more stable peace down the road.

How do these benefits measure up against the potential costs? There has been a strong consensus in the United States that sending ground troops at an earlier date would have been too risky and not worth the cost. Are we now risking the same entanglement we so assiduously avoided by sending in ground forces to implement this shaky peace? As peacekeepers, will our troops be a lightening rod for some of the more controversial provisions of the peace agreement many in Bosnia are not sure they want?

Over the past few weeks, I have explored these and other issues related to the risks. I have met with the National Security Advisor, and yesterday with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Vice President, and with the President himself to express my concerns directly, and to listen to their responses.

I have come to believe that it is most unlikely we will become entangled in a full-scale war. We are participating in a NATO operation to implement a peace agreement painstakingly negotiated over several weeks. The Dayton accords set forth clear military goals for the implementation force. Our troops have a limited mission—limited in the specific tasks designed to strengthen the peace and limited in its duration. We have made no commitment to stay on should the peace fail. And, should all out war break out before the year is up, then we surely will leave. Contrary to the views of some of my colleagues, I believe that Secretary Perry and General Shalikashvili have established a clear plan to action and a clear exit strategy.

In the unlikely event that our troops become targets, we have learned from earlier mistakes: Our troops will be well armed, will be sent to Bosnia in sufficient numbers, and will be operating under the right rules of engagement, allowing them to defend themselves fully.

To be sure, we can never eliminate all the risks. Even under the best of circumstances, Bosnia is a dangerous place. On balance, however, I believe that this mission is worthwhile.

Can we state with certainty that our efforts will pay off, and that the war is over? Unfortunately, it is too early to tell whether the conditions in Bosnia are really ripe for peace. But, that does not mean we should not proceed. If this diplomatic effort fails it will be a failure of the Croatians, the Moslems and the Serbs to take advantage of the international commitment to help them implement the peace. Only time will allow us to test their commitment to the peace accord. In the meantime, we cannot afford to turn our backs on the most serious diplomatic agreement to date.

Mr. President, I am disappointed that the majority leader has been compelled by members of his party to have three separate votes on Bosnia. Either we support this policy or we do not. It is too easy to say that the President has made his decision, that he has committed U.S. forces, and then take no responsibility for the mission but still vote to support the troops.

In this case, I believe that the President has demonstrated leadership. He has acted in our national interest, and he has done so cognizant of the risks the men and women of our Armed Forces will face. Now that the Bosnian people have taken a step toward peace, we have the chance to do something concrete, specific and finite to help bring this bloodshed to an end. And so I say, let us do it.

Mr. President, I will be voting against the Hutchison resolution and in favor of the Dole resolution.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, at the outset of my remarks on Bosnia, I want to state for the record my total support for our men and women in uniform deployed in the Balkans. I know they will serve the Nation with honor and distinction. I commit to them today that I will make every effort to provide for their safety, to make every available resource for their defense and to work hard and look forward to their safe return home.

Let me say that I have lived my entire life in a small eastern North Carolina town that is surrounded by Fort Bragg, Camp Lejeune, Seymour Johnson Air Force Base, and Cherry Point Marine Base. My whole life, I have literally been surrounded by people who are strongly committed to serving our Nation and our Commander in Chief.

I am confident that the bravery of our soldiers deployed in Bosnia and their respect for their commanding officers will serve as an example and an inspiration to all Americans. While I have nothing but praise to offer for our troops, I come to the floor to voice my strong opposition to the President's decision to deploy United States forces in Bosnia.

Despite repeated requests by Congress and the American people, the Clinton administration has yet to show a compelling national security interest which would justify the commitment of United States ground forces in Bosnia. In fact, President Clinton's Bosnia strategy over the past 3 years has been an incoherent jumble of vacillating policies.

As a candidate, Bill Clinton criticized the policies of the Bush administration and advocated a forceful interventionist role for the United States. Once in office, President Clinton dithered while the Balkan situation degenerated into a brutal, dehumanizing ethnic civil war. Much of the tragedy we see in Bosnia occurred on President Clinton's watch.

Without consulting Congress, President Clinton entered into an agreement to commit U.S. ground forces. He has not come before a joint session of Congress to explain his policies on this issue. Rather, from the Oval Office, President Clinton delivered a televised national address and then boarded Air Force One bound for Europe. It struck me as though he was more eager to collect congratulations in European capitals than to explain his Bosnian policy to Congress and the American people.

Despite this absence of Presidential leadership, a rejection of the Clinton administration's troop deployment plans does not mean a rejection of American involvement in the Bosnia peace process, nor a retreat into isolationism.

The United States has played a significant role in Bosnia, and we should continue to do so. United States military commanders provided leadership to NATO in advocating the use of airstrikes to break the Bosnian Serb military advantage, while the Clinton administration dallied with the United Nations.

In the end, the administration failed to take a leadership role in convincing the United Nations to lift the arms embargo which would have allowed the Bosnian Moslems to defend themselves at a much earlier date and might have alleviated the need for our ground forces there at any time.

We brought the warring factions to the peace table, and we have an interest in seeing that the peace agreement is implemented, but we do not—we do not—have a vital national security interest, which is the only thing which would justify putting at risk the lives of 20,000 American soldiers and marines. The President was wrong to make this commitment, and Congress will be wrong if we endorse it.

Some believe that President Clinton's hastily concluded decision on ground forces will demand congressional approval in order to preserve international respect for the Office of the Presidency. I disagree. Respect for the power of the Presidency is preserved and enhanced when the holder of that high office has led the Nation toward a consensus on military intervention before troops are deployed. Bill Clinton has turned Presidential leadership on its head. He is trying to build a national consensus after having committed U.S. forces. This is not leadership.

On the ground, our troops will face overwhelming logistic hurdles. In addition to arriving at the height of the harsh Balkan winter, our troops will face 6 million landmines covering much of Bosnia. The exact whereabouts of many of these mines is unknown and their detection will not be easy, as many are made of plastic.

The infrastructure of Bosnia has been devastated by years of war. The bridges, roads, and railroads which remain usable are simply not capable of supporting the weight of M1–A1 tanks and any other heavy armaments. Most existing airstrips have been seriously damaged.

Clearly, we will have to spend millions of taxpayers' dollars, American taxpayers' dollars, in infrastructure before we can begin to adequately police the so-called peace agreement. Once we begin that effort, we will then spend billions more on military equipment and personnel. How much will this latest effort in nation building cost? And that is what we are doing, nation building. Some estimates are as high as $100 million a month. I suspect that probably is not high enough.

Further, I have written to the Clinton administration requesting information about its plan to start supplying foreign aid to Bosnia. I have not yet received a response.

We have an opportunity to avoid repeating the tragedies of Lebanon and Somalia. Now is the time to use our technological superiority to spare American lives. Many of those who opposed our investment in advanced military hardware and cut defense spending would now lay aside that advantage. Now is the time for the U.S. Air Force and the Navy to take the lead in enforcing this peace agreement, which grows less certain by the day. It is simply a bad policy to put U.S. ground forces between enemies who have been fighting each other for over 600 years, and that is how long this battle has been going on. One year of American troops will not end it.

President Clinton stated that our troops will fight fire with fire. However, this pledge is useless when it is impossible to distinguish between a Serb, a Croat, and a Moslem.

Mr. President, it is not impossible to identify a vital national security interest. The invasion of Kuwait and our response provides a textbook example of how to do it. It should be clear to all Americans that President Clinton has yet to measure up to the standards of Desert Storm. Until he does, I will continue my strong support and respect for our troops by opposing the President's decision to deploy ground troops in Bosnia.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, as a member of the Armed Services Committee, I have spent a great deal of time analyzing the risks involved in the United States joining the NATO effort or not joining the NATO effort. There are risks both ways. I have concluded that the risks of not acting, not joining the NATO effort, are greater than the risks of acting with our NATO allies, and I will, therefore, support the Dole resolution.

The risks of acting are clear, and include the risk of casualties from mines, from accidents on the road, possibly from snipers. Those risks are real, and I think the American public should be fully aware of what those risks are. As hard as we have tried to reduce those risks—and the Joint Chiefs and the commanders have made an extraordinary effort to reduce those risks in every way possible, through training and equipment and in other ways—those risks are there and they are real.

But there are risks of not acting to join our NATO allies. Those risks of not participating with NATO are also very real and, in my judgment, are greater than the risks of joining. The risks of not acting, of not participating with NATO, include the risk of a peace agreement falling apart because of NATO's absence. That, in turn, could lead to a wider and more dangerous war, with continued killing, ethnic cleansing, rape, and other atrocities, more civilian refugees and humanitarian catastrophe in Bosnia, Croatia, Slovenia, Serbia, but also possibly in Kosova and Albania and Macedonia, and even possibly in Greece and Turkey.

The effects could be felt beyond the region as well. Of great importance

here—and this is something which I do not believe has been given enough attention—is that Russia is now willing to participate with the United States and our NATO allies in the peace implementation force in Bosnia. In fact, Russia is willing to place their troops in Bosnia directly under an American commander. That would be historic cooperation with long-term benefits for European security and for world security.

But if this agreement falls apart and the war widens because we do not participate with NATO, and we know NATO will not carry out this operation without the United States, NATO would be weakened and fractured, and the United States and Russia could be pulled to opposite sides in a Europe newly divided.

Hardliners in Russia would balk at working with the United States and would gain political points domestically in upcoming elections. So, in addition to the region becoming inflamed again, in addition to the United States potentially being dragged into a widened war in Europe, just as we have been dragged in twice before this century, we could see a Russia become more threatening to Europe and to United States interests, precisely when NATO is fractured and less able to deal with that newly threatening Russia.

So the failure to participate here could well sink our efforts to improve the United States-Russia relationship, to build strong democracies in Europe, to expand NATO, and to integrate Russia into permanent European security arrangements.

When President Clinton wrote to the Speaker of the House last month, he highlighted the costs of not trying to help secure the peace efforts of the warring parties, and this is what he said:

> Unquestionably, there are costs and risks to all involved in making peace. Peace is the less risky alternative. But there will be no peace without America's engagement.

Madam President, I have asked a lot of questions about this mission over the last few weeks, as a member of the Armed Services Committee. The first question is: Are there important U.S. interests at stake? I believe the answer is yes.

The United States has an interest in helping the parties establish peace and stability in Europe. We have an interest in preventing the war from spreading, which also could fracture the NATO alliance and which could put Russia and the United States on opposite sides of a renewed and wider war.

The second question I asked: Is the mission clear, and is it limited and achievable? The Chairman of the Joint Chiefs of Staff has testified that it is, and the military commanders agree. The NATO mission has three primary military objectives: maintaining the existing cease-fire, physically separating the warring parties, and overseeing the division of territory agreed to by the leaders in Dayton.

Our military leaders have been clear about what our troops will not do, so there will not be any mission creep. They will not oversee election security; they will not conduct humanitarian relief missions; they will not help civilians relocate or act as local police.

Now, there is a fine line between actually performing those tasks, which U.S. and NATO troops will not do and that the U.N. agencies and other private organizations will attempt to do, and helping to create a secure environment, which NATO's force will do while they are there so that those other tasks can be accomplished.

NATO and U.S. military leaders say that they have sufficient guidance to make the judgment about that fine line. Our troops will not be directly responsible for disarming the Bosnian Serbs or equipping the Bosnian Government to achieve an equilibrium of forces on the ground. While both of those missions are desirable, it is appropriate for the NATO force to be able to maintain its evenhandedness in dealing with all of the parties and therefore to leave those tasks to separate mechanisms.

The third question I asked: Has the risk to our troops been minimized? Bosnia, even after this agreement, is a very dangerous environment. I have been particularly concerned, as have many of us, about the threat posed by landmines, which some have estimated to number 6 million. General Shalikashvili has testified last week that the troops have received extra training before deploying to the theater specifically against known hazards, such as landmines and snipers. They will be well-armed, equipped with robust rules of engagement that they need to protect themselves, and local commanders will have the authority that they need to make decisions about using force without any cumbersome dual-key arrangements.

Secretary Perry testified that they have the authorization to use deadly force, if necessary, and National Security Adviser Tony Lake warned that—

> . . . if anybody fools with our forces, they will get hit, hit immediately and very hard, and we expect that any other challenge or threat to our forces would be intimidated.

In addition, there is a clear chain of command with U.S. commanders at the top. General Shalikashvili testified that he believes the risk of physical danger to be small and that he would anticipate more casualties from accidents than from hostile action.

The fourth question I asked: Are there clearly defined conditions under which United States forces will not go into Bosnia? The answer is yes.

We have received repeated testimony that NATO will not fight its way in. The parties have initialed an agreement, and they are scheduled to sign it in Paris tomorrow. Vanguard NATO units are in Bosnia. We must see evidence of compliance with this agreement before deployment. Otherwise, General Shalikashvili has testified that we are not going in. We are not going to fight our way in. We are going there to help implement a peace agreement which the parties want.

The fifth question: Is there a clear exit strategy? Administration officials are clear that the deployment of United States forces with NATO will last approximately 1 year, and they have said that most of the military tasks that the NATO force is charged with achieving may be achievable in less than 12 months.

There are two key issues here. One is whether an effective equilibrium of forces can be achieved between the parties in such a way that the Bosnians can defend themselves when the NATO forces leave. There is still a lot of doubt about this. The goal is not part of the military mission itself. It is a separate commitment from the United States to all of the parties, which all of the parties, we are told, have accepted.

Now I remain skeptical, as indeed do some of the officials who testified before us, that an arms control agreement as outlined in the Dayton agreement can by itself effectively achieve that equilibrium. Secretary Perry says that he believes that the United States commitment to assure success of this effort to rearm and train the Bosnians if the arms control effort fails, will actually help that arms control effort succeed.

We will need to watch closely to see if the parties abide by their obligations to reduce armaments, working with the Organization for Security and Cooperation in Europe. For instance, they have agreed not to import any weapons for 90 days and any heavy weapons for 180 days. If they do not abide by these aspects of the agreement, the United States is prepared to assure that arms and training will be provided to the Bosnian Government. This must be premised, of course, on the most reliable possible assessment of all sides' current military capabilities, and the assessment of what constitutes an effective equilibrium: defensible territory with sufficient armaments. If the arms control agreements are not carried out, as Secretary Perry testified, the United States can and will need to try to accelerate the arming effort during the 12-month NATO deployment period.

The second key issue on exiting is whether a secure environment can continue to exist after the NATO force leaves. Annex 11, signed by the parties, establishes an international police task force assistance program to monitor, observe, inspect, advise, and train law enforcement agencies to improve public and state security. But that may not be enough. In addition to the international police task force, full and lasting implementation by the parties of all aspects of the peace agreement may require the presence of a smaller residual military force in the former Yugoslavia for longer than the 1 year planned for the NATO implementation force, and any such residual force

should be comprised primarily of Armed Forces from European nations without U.S. Armed Forces.

I believe there should be planning underway now for a European residual force. The President should be encouraging European nations now to initiate contingency planning for such a force that does not include U.S. Armed Forces to maintain a secure environment for implementation of the peace agreement after the NATO forces leave.

Mr. President, there is no need to wring our hands in this body about not having a choice. Some say we have no choice, that the decision has been made. Well, we have three choices, at least.

Choice 1 is to say there shall be no funds for these troops. That was the choice that we voted against earlier today. But that was a choice. That is a constitutional capability that we have, if we decided to exercise it, to say that we will use the power of the purse so that these troops would not go to Bosnia. By an overwhelming vote, 22 to 77, we decided not to use the power of the purse, not to use that capability that this Congress has under the Constitution to restrict funding in order to prevent troops from going to Bosnia. But it was a choice. We were not in a position where we were prevented from exercising that constitutional option.

We have a second choice. We can express an opinion which is in opposition to this mission, short of using the power of the purse, but nonetheless an expression of opinion. That is what the Hutchison resolution does.

It seems to me, however, that the Hutchison resolution would be a terrible mistake and would sap the morale of our troops terribly. To tell our troops that we will support you, we are all for you, as part of the Hutchison resolution does, to say that the Congress supports military personnel who may be ordered into Bosnia, but we oppose the decision, is telling those troops who are put in a position of danger that we do not support their mission.

Now, if anything will undermine morale of troops, it would seem to me, it would be saying this to them: No matter how much we say in one paragraph of the resolution that we are behind the troops—you can say that all you want, you can proclaim that all you want in one paragraph—but it runs exactly counter and undermines that message to say in another paragraph, you are being sent on a mission which is wrong. If that mission is wrong, then the power of the purse should be used to prevent it.

It should be one way or the other. We have the authority under the Constitution. We chose not to exercise it. I think we made the right decision. But we had that choice under the Constitution. Having chosen not to exercise a power that this Congress had to prevent the troops from going to Bosnia to be put in a position of danger, it seems to me now it is totally wrong for us to tell those troops we are now for you but your mission is a mistake. If that mission is a mistake, we should have voted not to allow it. We cannot have it both ways and expect our troops, who are being put in harm's way, to do anything except react in wonderment and amazement that a Congress could decide not to restrict the funds, and then to say in the same resolution we are behind our troops, although the mission is wrong.

I hope we will defeat the Hutchison resolution and adopt the third resolution which will be voted on, the Dole-McCain resolution, which in a qualified way, in a very careful way, supports the continuation of this mission.

Mr. President, it comes down to this: We have vital security interests in trying to help prevent a war in Europe from resuming and spreading into a wider regional war which would probably fracture NATO, which could very well pit NATO ally against NATO ally. We have an interest in reducing the chance of Europe becoming divided again with Russia on the other side from most of Europe, with a Russia that would be likely, if this peace agreement failed because the United States stayed out of the NATO force, to then grow as a threat to the United States and to our allies. If this peace agreement falls apart because of United States non-participation with NATO, we would be playing into the hands of the most extreme nationalists in Russia and furthering their election ambitions next year. If this NATO military mission succeeds, Russian troops for the first time will be under American command, an extraordinary development in history, and will be a greater part of a European security solution, instead of being part of the problem as they have for so many decades.

U.S. involvement in this NATO force is essential if the peace agreement of the parties has any chance of being implemented. This is a chance, a chance that only the parties can take advantage of. But by participating, we would also be giving the parties a chance to end the slaughter and the ethnic cleansing and the use of rape as a weapon. For all of these reasons, and having answered the questions which I put to myself in good conscience over the last few weeks, I have concluded we should participate in the NATO force, and I hope the Dole-McCain resolution is adopted.

Mr. President, against all odds and against most predictions, the warring parties in the Balkans came together and negotiated a comprehensive and complex peace agreement. It is not perfect, and its success is by no means assured, but it is their agreement, and as Assistant Secretary Holbrooke testified last week, it goes farther than anyone had reason to hope the parties would go when they first started.

This agreement represents the best chance for peace in the region that we have seen after 4 years of devastating war. It is still up to the parties themselves to implement the agreement. The role of the NATO Implementation Force [IFOR] is to give them that chance, by creating a secure environment in which the many tasks set forth in the agreement can be pursued.

But if the United States does not participate in that NATO force, after the parties have signed up to an agreement we urged upon them, with the expectation that we would participate, then the war will resume and probably spread. More civilians will be killed, tortured, and ethnically cleansed in a renewed war. More refugees will be displaced and dispersed throughout Europe. As President Clinton said last month:

> If we're not there, NATO will not be there. The peace will collapse. The war will reignite. The slaughter of innocents will begin again . . . American cannot and must not be the world's policeman. We cannot stop all war for all time, but we can stop some wars.

There is wide support for this conclusion.

President Bush's former National Security Adviser Brent Scowcroft warned against the risks of this undertaking, but he said that ''the alternative, in my judgment, is a clear disaster. To turn our back now would be a catastrophe. . . . If we don't go in, a lot more Americans will die, somewhere, sometime.''

Former Undersecretary of Defense Paul Wolfowitz testified to the Armed Services Committee that ''if we go in, there is a modest chance of success. If we stay out there is a real certainty of failure.'' The cost to important U.S. security interests of a wider and more deadly war spreading throughout the region, possibly putting us in direct conflict with Russia again after 5 years of improving relations, would be enormous. It is not just the relevance and usefulness of NATO as an instrument of European stability that would suffer, but United States credibility around the globe.

Mr. President, there are indeed reasons to be skeptical that the peace agreement can be fully implemented. The region has seen centuries of historic animosities, and 4 years of brutality. There are still territorial disputes whose final settlement has been put off. The man who fueled war with dreams of a Greater Serbia, Slobodan Milosevic, now claims to be the guarantor of the Bosnian Serbs' compliance with the agreement.

Resettlement of refugees, guaranteed in the agreement, promises to be exceedingly difficult. We are not sure how many refugees will even try to reclaim their homes, or who will arbitrate claims of ownership. Even this past weekend, some Croat forces looted and burned the homes of a town scheduled to be returned to Serb control.

Mr. President, I have concluded however that although there are serious risks to this mission, the costs and risks of not acting with our NATO allies, would be even greater.

People around the world are watching the United States at this moment, watching to see whether we will fulfill again the role of facilitating peace that has long been our tradition. I recently received a letter from a old friend of mine, Eric Osterweil, now living in Brussels, but following our deliberations closely. Welcoming the Dayton peace agreement, he wrote:

> I think it is in the strategic interest of the United States to ensure that peace reigns in Southeastern Europe. The risks, if we fail to act, are, I think, far-reaching. They include potential Russian intervention, a conflict between Greece and Turkey and other disagreeable eventualities. It may be difficult for the U.S. not to be involved in any major conflict on the continent of Europe. To me, the most potent argument, however, is that the U.S. has a chance to ensure that peace prevails over war and life over death.

Mr. President, the most important votes we take in the U.S. Senate are those involving the deployment of U.S. military personnel to dangerous spots around the globe. The volunteers who make up our Armed Forces are dedicated, talented women and men whose lives we value and whose service we cherish. The NATO mission before them is challenging, but it is doable, as General Shalikashvili has testified, and however individual Senators vote on this resolution, the troops should know that we all stand behind them and we all stand for them.

Mr. President, the Bosnian State outlined in the Dayton agreements has two armies, three administrations, and is surrounded by hostile neighbors. Can a civil society grow out of a land so steeped in mistrust, anger, and savage conflict? There is no guarantee. We cannot assure that there will ultimately be that successful outcome—only the people who live there and their leaders can achieve that. But at least NATO is acting to give them a chance to build a civil society and put war behind them. That is a mission that the United States should not undermine.

The PRESIDING OFFICER (Mr. BROWN). ACCORDING TO THE PREVIOUS UNANIMOUS-CONSENT AGREEMENT, THE SENATOR FROM MAINE IS RECOGNIZED.

Ms. SNOWE. Mr. President, let me say at the outset, while many of us have serious concerns with the scope and the structure of the Bosnian mission, there is no doubt about our troops' ability and competence to carry out the mission that has been assigned to them by the President of the United States. Like so many times in the past, when they have served our country well and they have made us proud, I have no doubts about the fact they will be no different in this mission.

Despite what is being said here this evening, whether you are for or against the proposition that is before us, we will obviously not change the outcome. The deal, as they say, is done, because the troops are being deployed and will continue to be deployed, no matter what we do here or how we vote.

Congress is essentially faced with a proposition of accepting the President's position on Bosnia, having come full circle from ''Mission Impossible'' several years ago, to ''fait accompli'' today. By disavowing any congressional role, the President has presented this policy no longer as the administration's policy, but now it is America's policy. That clearly places us in a very difficult position. What we can and should do today is to use this debate to express our reservations and concerns, our support—whatever the case may be.

Inevitably there are constitutional conflicts between branches of Government. Inevitably, we have been in this role before, with respect to whether or not we should assign troops and whether or not the President should come to the Congress. I happen to think it is very important to express our concerns to this and future Presidents about the fact that Congress is not playing such a role before the fact—and not after the fact. The fact of the matter is, it is in America's interests to have congressional involvement and participation. It helps the President to advance his own policy and his own mission. It helps to broaden the support if there are doubts about such a mission. But, unfortunately, that is not what is before us today.

We have also considered other alternatives with respect to Bosnia. In fact, I can remember as far back as 1993, in the spring, when I was a member of the House Foreign Affairs Committee in the House of Representatives, we voted on lifting the arms embargo so that the Bosnian Moslems could defend themselves and their families, their property. And for over 2 years we fought that battle, and the administration did not support us in that endeavor. The Europeans resisted this effort as well. I think that is part of the Balkan tragedy, the fact that the Moslems could not defend themselves; that they did not have the arms or the equipment or the training to defend themselves and their families.

Now we are faced with the proposition of deploying troops to Bosnia. This should have been the last option and not the first. We should have exhausted all other means and all other possibilities before we resorted to deploying ground troops.

Back in 1993, it is interesting, the administration presented its own criteria, guidelines for a future mission in Bosnia. In fact, Secretary of State Christopher laid out those guidelines in 1993. They said that, in order to deploy troops, four criteria should be met:

First, that the goal must be clearly stated;

Second, there must be strong likelihood of success;

Third, there must be an exit strategy;

Fourth, the action must win sustained public support.

It seems to me the administration has fallen far short in meeting some of these criteria that the administration itself has established. But I would like to take a look at some of those guidelines tonight and how this agreement fits into the context of the criteria the administration laid out for such a mission.

First, the goal must be clearly stated. When it comes to the mission of the troops, I think this Chamber and the American people certainly need to know what this deployment is or is not about. We know it is not a peacekeeping mission. In fact, it is much of a departure from a peacekeeping mission. It is a peace enforcement mission. That being the case, as the administration has suggested, is the goal simply to separate warring parties for 1 year and then leave? The administration has said yes, and so did witnesses before the Foreign Relations Committee. But at other times the administration argued that we will only achieve success if we succeed in creating a single, unitary, multiethnic Bosnian state, as Secretary Holbrooke said after the signing of the agreement in Dayton, when he said, ''Otherwise, we will have failed.''

So, is it a part of our mission to also create a more stable arms balance in Bosnia, by ensuring the Bosnian Government forces receive the heavy armor they currently lack? Yes, that is part of the overall intent of this administration. But the administration has also agreed that the arms buildup will not occur until we can succeed first in pursuing an arms builddown. But there is no such mechanism for that builddown to occur.

Then we have the arming and training issue. It will certainly be one of the focuses of this resolution before us that will be offered by Senator DOLE. But it still is not clear what the administration has in mind or how, in fact, it will be accomplished. The fact is, this could be accomplished without even deploying troops to Bosnia. But that, unfortunately, is not our option today.

So the arming, the training, the equipping of the Bosnian Moslems will occur in the face of opposition from our European allies and the Serbs. It was so much opposed that it was not even a part of the agreement. Yet it now happens to be, and should be, a very key component of the overall strategy. Because Senator DOLE has been working on precisely defining this mission now, because it has not been precisely defined by this administration, it will remain one of the key components of this mission. Yet it will have to be done in the face of overwhelming opposition by our allies and the Serbs. How that will be done remains open to serious question.

Is our goal, as well, to facilitate elections? Protect refugees? Undertake reconstruction activities? Track down and arrest war criminals? The administration sometimes argues no. But then it also argues that these nation-building activities are what will determine whether or not we have succeeded. So, are these our goals as well? In fact, this case is strengthened by the fact

that in the Dayton accords the United States insisted on granting our forces the power to become involved in these activities.

To quote from article 6, section 3:

Our NATO forces will have the authority to:

A. Help secure conditions for the conduct of free and fair elections;

B. Assist in the accomplishment of humanitarian missions;

C. Assist the U.N. High Commission for Refugees;

D. Prevent interference with the movement of civilian populations and to respond to deliberate violence to life and person.

If our powers under article 6, section 3, are not a recipe for mission creep, I do not know what is.

Second, there must be a strong likelihood of success. Is there? Of course, that all depends on the definition of our mission. And, as I have already stated, those goals are somewhat confused and vague. I have read the predictions of a wide range of experts on this subject, and few are truly optimistic about the long-term success of this agreement, whatever the definition of success may be. There is also a great deal of skepticism of the genuine commitment of all the parties to this agreement or to any common vision of a future for Bosnia.

But, clearly, we are not going into Bosnia with lightly armed troops monitoring a peace that has been reached voluntarily and in good will by the parties themselves. That is what a traditional peacekeeping operation is all about. But that is not what this is. Rather, we will be moving in with one of the U.S. Army's six heavy armored divisions, the 1st Armored Division which served as a cornerstone of NATO's defense against the Soviet Union. So, this becomes more like our deployments to Beirut in 1983 and Somalia, in 1993, both of which ended with disastrous consequences, and both attempted to deploy United States troops in the service of so-called nation-building activities.

Third, there must be an exit strategy.

The administration has said it has an exit strategy by promising to be out within a year. But this is an exit timetable, not an exit strategy. It says nothing about what needs to be accomplished during that year to permit our successful disengagement. Again, any viable exit strategy defines our missions and goals. And we still have seen that remains nebulous at best. How can the administration legitimately argue that it has an exit strategy if it cannot clearly define the mission? In fact, Secretary Perry said before the Foreign Relations Committee that the exit strategy will have accomplished the cessation of hostilities, a separation of warring parties, and a break in the cycle of violence. But that really does not define an exit strategy. What it does is define an end date. It defines exactly what the state of affairs happens to be at the time in which we depart. But it does not define what we have accomplished.

As Dr. Schlesinger testified before the Armed Services Committee, he said, ''We do not really have an exit strategy because the situation is too messy. We have an exit hope.''

Finally, the action must have sustained public support. Polls have shown that there is not strong support for this mission to Bosnia. In fact, it shows the opposite. The majority of the American people oppose the deployment of American troops into Bosnia. We know that could change as the troops are being deployed and will continue to be deployed.

But what is the reason for the concern among the American people? I think the concern stems from the fact that the administration has yet to make a compelling case on the merits of the mission or even to clearly define the mission itself in terms of our vital national security interests. The American people need to know—and they deserve to know—that the mission itself merits a military deployment of our troops. The American people have the right to know that the parties involved in Bosnia are committed to self-sustaining and enduring peace. And at the very least they should expect that these parties will be committed to a longstanding peace. That remains open to a very serious question. And it gets back again to the definition of our goal and mission.

I happen to think that it is very important that whenever we are deploying our men and women to an area of conflict, when we are putting them in harm's way, that it is absolutely vital that the parties involved are absolutely committed to securing a long-lasting peace. I think that all that we have heard thus far remains open to very serious question as to whether or not that will be the ultimate outcome.

So I think that the administration has fallen short in meeting its own criteria for this mission. But above and beyond that failure, there is another question. And that is the unprecedented nature of this deployment.

It has been said that this is the first time NATO has embarked upon a mission outside of the treaty area itself. And there are those who argue in favor of such a mission because they say that it will serve as a model for future NATO missions as well as securing the future of the alliance. That may be true. But no one has answered the question as to what harm will come to NATO and its prestige if this mission should fail. And what damage will that do to the alliance? If 2 years from now we face renewed fighting—which indeed is a serious prospect and consideration—and a partition of Bosnia, as so many analysts believe is the most likely outcome, in the end what will we have accomplished? Will it have been worth the potential loss of American lives, if that loss could have been avoided by employing other means such as lifting the arms embargo?

Mr. President, one cannot help but feel that if we had pursued and exhausted all other possibilities and alternatives, Congress, the American people, and our troops would not be faced with a situation that has now been forced upon us. But, unfortunately, the proverbial train has left the station.

In the final analysis, this is a mission in which success is in no way clear—whose mission is yet to be defined, whose goals are yet uncertain, and whose mission does not have the sustained support of the American people, and with parties who are not fully committed to peace.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. According to the previous order, the distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, of course, there is no audience—or very little—here on the floor. But I do not speak tonight to the audience on the floor. I speak to the audience that may be listening or watching through the electronic eye.

I also speak for the RECORD, Mr. President, because a year from now we are going to look back on this debate. Ten years from now we will look back on this RECORD. And this RECORD will stand 100 years; 1,000 years. So I think the RECORD should be made for future guidance.

(Ms. SNOWE assumed the Chair.)

A CONTRADICTORY BOSNIA RESOLUTION

Mr. BYRD. Madam President, one resolution we are now debating, offered by the junior Senator from Texas, directly addresses the idea of supporting the troops and the role which they have been asked to play, in what I believe is a somewhat contradictory manner. The resolution before us would sign the Senate up to supporting U.S. troops in Bosnia without supporting the mission that they are called upon to perform.

In two simple sentences, this resolution would purport to support U.S. troops while simultaneously undermining the very work they are performing. How can we, as the resolution before us states, ''strongly support the U.S. Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . .'' after having just stated, in the same resolution, that ''the Congress opposes President Clinton's decision to deploy United States forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . .''? What kind of moral support are our troops supposed to find in that? And what kind of resolve does that demonstrate to anyone who might attempt to undermine the Bosnian peace agreement?

This is a clear flag, Madam President, to those who would target our troops telling them that, if they target our troops, we will yank them out of

that mission. So, the mission is undercut and eroded from the very beginning by our own actions. That is not support of the troops, to my way of thinking.

This resolution also fails to address Congress' Constitutional responsibility to weigh in on decisions to employ U.S. troops. It is simply silent on that point. With this resolution, we again fail to dip even our toes into the icy waters of a controversial and difficult political decision to risk the lives of U.S. troops, even in support of what we all hope will be a relatively unthreatening mission in support of a peace agreement. Because we cannot guarantee that the life of not one U.S. military service person will be lost in this endeavor, we shy like a skittish horse from the halter of our responsibility.

I say to my colleagues that the lives of three diplomats have already been lost in this effort, but we do not think their lives were lost in vain, because we have reached a peace agreement. Is their effort, their sacrifices, not worth this effort to see the hard-won peace through to the end? There is no better alternative, and Congress must now stand up and shoulder its responsibility to vote on this mission, to support both the troops and the job they are undertaking.

Mr. President, it is clear from the historical record that, until recently, the President has had only limited powers as Commander in Chief. Other than repelling invasions and protecting U.S. forces, the President's authority as Commander in Chief was bound by the Congressional power to raise and support armies and the Congressional power to authorize the use of those forces in offensive operations. Congress not only supported the troops as a daily, practical matter, it played an essential role in deciding on the circumstances under which troops would be used offensively. President Jefferson and others recognized and acknowledged the limits on their presidential authority to order troops into actions that were not clearly in defense of U.S. territory and forces.

It is only recent practice in which Congress has acquiesced greater authority to the President to employ military forces in offensive or non-traditional operations without specific authorization. This has had the effect of tying the use of troops ever more tightly with the President in his role as Commander in Chief. I am sorry that this is the case, because I believe that it is a degradation of Congressional authority that undermines the delicate balance of power intended by the Framers, but it is the situation in which we find ourselves as a result of our own Congressional unwillingness to assert our Congressional role.

As Cassius said, ''The fault is not in our stars, dear Brutus, but in ourselves that we are underlings.''

Congress remains proud of its support of the troops in terms of providing robust, even overblown, defense budgets, but it has failed to exercise its authority under the Constitution to direct or authorize the use of troops. This was clearly not the intent of the Framers.

How can we reasonably tell troops in the field that we, the Congress, support you, the troops, but we are not willing to support the task you have been ordered to perform? This is what the resolution before the Senate says, but this is a hair that cannot be split. We must step up to the plate, and support the job as well as the laborer, or we are not fulfilling our Constitutional role. I hope my colleagues will not be fooled into thinking that they can have their cake and eat it, too, by supporting the troops without supporting the mission that they have been ordered to perform.

Suppose I would say to one of my grandsons, my beloved grandsons, who might be going off to Bosnia, ''Well, my dear grandson, you know I love you; I love you more than life; but I do not support the mission that you are on. I am going to slam the door behind your back when you leave the house, and you're on your own!''

This resolution is a slap in the face to our troops, telling them that we support them, but that their mission is foolhardy.

What kind of support is that? You are up there on the high dive, troops, and we support you, but we do not believe there is any water of justification in the mission bucket you are about to dive into. That is not support. Anyone can see that such a claim amounts to a hollow nut! There is no meat in it!

Let us read what the Apostle Paul said in his First Epistle to the Corinthians. It may be a little old fashioned to bring the Holy Bible in to the Chamber, but I am a little old fashioned. I am not of the religious left or the religious right, but I believe in this holy book. Here is what Paul said:

> And even things without life giving sound, whether pipe or harp, except they give a distinction in the sounds, how shall it be known what is piped or harped?
>
> For if the trumpet give an uncertain sound, who shall prepare himself to the battle?
>
> So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Madam President, the Hutchison-Inhofe resolution speaks into the air, saying one thing on the one hand and another thing on the other. We are giving an uncertain sound with this trumpet. We are speaking into the air. Then in the words of Paul, ''Who shall prepare himself to the battle?''

This is lighting a candle and putting it under a bushel. Jesus said, ''Neither do men light a candle and put it under a bushel but on a candlestick, and it giveth light unto all that are in the house.''

This resolution by the able Senators from Texas and Oklahoma does not give light to all that are in the house. It puts the candle under a bushel, and all that are in the house are left in darkness. And worse, this resolution tells the President—not just this President, but all future Presidents—that you can do whatever you want, we may not agree with you, but you can count on us to support the troops. Do what you want with the troops, we do not question your authority, and count on us to follow up with appropriations and other forms of support to the troops you have committed to the field. This dangerous precedent allows Congress to wash its hands—like Pontius Pilate—of the responsibility to authorize the use of troops, to stand in judgment on the mission the troops are called upon to carry out. We can just pass contradictory, confusing resolutions to ''support the troops'' in carrying out any Presidential whim, without dealing with our constitutional responsibility to deal with politically difficult decisions on how and when to employ force. I say to my colleagues, think again, before supporting this very unwise and potentially dangerous resolution.

Mr. President, now I wish to address the resolution by Mr. DOLE and Mr. MCCAIN.

I commend the majority leader, Mr. DOLE, as well as the distinguished Senator from Arizona, Mr. MCCAIN, for their resolution. And I commend them for working with the minority leader and other Senators on both sides of the aisle to fashion it.

I commend the minority leader and Senator NUNN and Senator PELL and all the other Senators who were on the task force on the Democratic side who worked with the words and with the Republicans in fashioning the final product. It is important from a historical and constitutional perspective. It is important as well from a political perspective. First, if it passes, and I hope that it will, it provides the political underpinning necessary for the President to pursue a military deployment abroad where there are going to be costs in the billions of dollars, for the risk of casualties certainly exists, and where the credibility of the United States and NATO is at stake.

Second, I believe that the language fulfills the constitutional requirement that the Congress authorize or approve the operation in specific enough detail to draw limits around it. In doing so, the Congress fulfills the exercise of its responsibilities that the Framers expected and that has prevailed through most of American history.

I think it is important for Senators to reflect on our constitutional responsibilities in respect to our action today. The question of the actual constitutional reach of the President, acting alone, and without congressional authority to deploy forces into hostilities or substantial risk of hostilities has become a recurring modern issue between Presidents, beginning with Harry Truman and continuing through to today.

When the Framers began their work at the Philadelphia Convention, existing models of government placed the

war power squarely in the hands of the king. The English Parliament had gained the power of the purse in 1665 to control the king, but the power to go to war remained a monarchical prerogative. John Locke's Second Treatise of Government (1690) spoke of three branches of government: legislative, executive, and ''federative.'' The latter consisted of ''the power of war and peace, leagues and alliances, and all the transaction with all persons and communities without the commonwealth.'' The federative power (what we call foreign policy today) was ''almost always united'' with the executive. Separating the executive and federative powers, Locke warned, would invite ''disorder and ruin.''

A similar model appeared in the Commentaries written by Sir William Blackstone, the great eighteenth-century jurist. He counseled that the king had absolute power over foreign affairs and war: the right to send and receive ambassadors, make treaties and alliances, make war or peace, issue letters of marque and reprisal, command the military, raise and regulate fleets and armies, and represent the nation in its intercourse with foreign nations.

These models were well known to the Framers. They knew that their forebears in England had committed to the executive the power to go to war. When they declared their independence from England, they vested all executive powers in the Continental Congress and proceeded to incorporate that principle in the first national constitution, the Articles of Confederation. Later, during their learned and careful deliberations at the Philadelphia convention, they decided to vest in Congress many of Locke's federative powers and Blackstone's royal prerogatives. The delegates emphasized repeatedly that the power of peace and war associated with monarchy would not be given to the President. As James Wilson noted, it was incorrect to consider ''the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a legislative nature. Among others that of war and peace.

By the time the Framers finished their labors, the President had been stripped of the sole power to make treaties. He shared that with the Senate. He had the right to send and receive Ambassadors, but only after the Senate agreed to his nominations. He had no power to issue letters of marque and reprisal (authorizing private citizens to undertake military actions). That power was vested in Congress. Although the President was made Commander in Chief, it was left to Congress to raise and regulate fleets and armies. The rejection of Locks and Blackstone was decisive.

The reasoning for this break is set forth clearly in The Federalist Papers. In Federalist No. 69, Alexander Hamilton explained that the President has ''concurrent power with a branch of the legislature in the formation of treaties,'' whereas the British king ''is the sole possessor of the power of making treaties.'' The royal prerogative in foreign affairs was deliberately shared with Congress. Hamilton contrasted the distribution of war powers in England and in the American Constitution. The power of the king ''extends to the declaring of war and to the raising and regulating of fleets and armies.'' Unlike the King of England, the President ''will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union''. No such tether attached to the king.

In Federalist No. 74, Hamilton provided an additional reason for making the President Commander in Chief. The direction of war ''most peculiarly demands those qualities which distinguish the exercise of power by a single head.'' The power of directing was and emphasizing the common strength ''forms a usual and essential part in the definition of the executive authority.''

Designating the President Commander in Chief represented an important method for preserving civilian supremacy over the military. The person leading the Armed Forces would be the civilian President, not a military officer. As U.S. Attorney General Bates explained in later years, the President is commander in chief not because he is ''skilled in the art of war and qualified to marshal a host in the field of battle.'' He is commander in chief for a different reason. Whatever soldier leads U.S. armies to victory against an enemy, ''he is subject to the orders of the civil magistrate, and he and his army are always 'subordinate to the civil power.'''

The Constitution grants to Congress a number of specific powers to control war and military affairs: to declare war; to raise and support armies and provide and maintain a navy; the power to make regulations of the land and naval forces; the power to call forth the militia; and the power to provide for organizing, arming, and disciplining the militia. Furthermore, the Constitution vests in Congress the power to regulate foreign commerce, an area that has a direct relationship to the war power. Commercial conflicts between nations were often a cause of war. Guided by history, the Framers placed that power with Congress. James Madison later remarked: ''The constitution supposes, what the History of all Govts demonstrates, that the Ex. is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the Legisl.''

The debates at the Philadelphia Convention include a revealing discussion on Congress' power to declare war. The early draft empowered Congress to ''make war.'' Charles Pinckney objected that legislative proceedings ''were too slow'' for the safety of the country in an emergency. He expected Congress to meet only once a year. Madison and Elbridge Gerry recommended that ''declare'' be substituted for ''make,'' leaving to the President ''the power to repel sudden attacks.'' Their motion carried.

There was little doubt about the scope of the President's authority. The power to repel sudden attacks represents an emergency measure that permits the President, when Congress is not in session, to take actions necessary to repel sudden attacks either against the mainland of the United States or against American troops abroad. It does not authorize the President to take the country into full-scale war or to mount an offensive attack against another nation.

I believe that any objective reading of this history would lead Senators to the conclusion that the President's scope of authority does not include the ordering of a deployment into Bosnia, even if a treaty organization such as NATO requested such action by its member states.

The Framers empowered the President to be Commander in Chief, but that title relates to responsibilities that are authorized by Congress. The language in the Constitution reads: ''The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.'' Congress, not the President, does the calling. Article I gives to Congress the power to provide ''for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasions.''

The title of Commander in Chief was introduced by King Charles I in 1639 and was always used as a generic term referring to the highest officer in a particular chain of command. With the eruption of the English civil wars, both the king and Parliament appointed commanders in chief in various theaters of action. The ranking commander in chief, purely a military post, was always under the command of a political superior, whether appointed by the king, Parliament or, with the development of the cabinet system in the eighteenth century, by the secretary of war.

England transplanted the title to America in the eighteenth century by appointing a number of commanders in chief and by the practice of entitling colonial governors as commanders in chief (or occasionally as vice admirals or captains general). The appointment of General Thomas Gage as commander in chief from 1763 to 1776 caused the colonists grave concern, for he proceeded to interfere in civil affairs and acquired considerable influence over Indian relations, trade, and transportation. The bitter memory of his decision to quarter troops in civilians' homes spawned the Third Amendment

to the Constitution. These activities and others prompted the colonists in the Declaration of Independence to complain of King George III that he had ''affected to render the Military Independent of and superior to the Civil Power.''

But the colonists had no reason to fear the governors who were given the title commander in chief, even though they controlled the provincial forces, since the colonial assemblies claimed and asserted the right to vote funds for the militia as well as to call it into service. In fact, grievances came from the governors, who complained of the relative impotence of their positions. The colonists' assemblies' (and later, the states') assertions of the power of the purse as a check on the commander in chief reflected an English practice that was instituted in the middle of the seventeenth century. By 1665, Parliament, as a means of maintaining political control of the military establishment, had inaugurated the policy of making annual military appropriations lasting but one year. This practice sharply emphasized the power of Parliament to determine the size of the army to be placed under the direction of the commander in chief.

The practice had a long influence, for, under its constitutional power to raise and support armies and to provide a navy, Congress acquired a right that the colonial and state assemblies had to vote funds for the armed forces. An additional historical parallel in the Article I, Section 8, clause 13 provides that ''no Appropriation of Money to that Use shall be for a longer Term than two Years.'' The requirement of legislative approval for the allocation of funds to raise troops underscores the principle of political superiority over military command. It also constitutes a sharp reminder that a Commander in Chief is dependent on the legislature's willingness to give him an army to command.

The Continental Congress continued the usage of the title in 1775, when it unanimously decided to appoint George Washington as general. His commission named him ''General and Commander in Chief, of the Army of the United Colonies.'' He was required to comply with orders and directions from Congress, which did not hesitate to instruct the commander in chief on military and policy matters.

The practice of entitling the office at the apex of the military hierarchy as commander in chief and of subordinating the office to a political superior, whether a king, a parliament, or a congress, had thus been firmly established for a century and a half and was thoroughly familiar to the Framers when they met in Philadelphia. Perhaps this settled historical usage accounts for the fact that there was no debate on the Commander in Chief clause at the Convention.

President Thomas Jefferson understood the limitations of the Commander in Chief clause. in 1801, in his first annual message to Congress, he reported the arrogant demands made by Joseph Caramanly, the pasha of Tripoli. Unless the United States paid tribute, the pasha threatened to seize American ships and citizens. In response, Jefferson sent a small squadron to the Mediterranean to protect against the threatened attack. He then asked Congress for further guidance, since he was ''unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense.'' It was left to Congress to authorize ''measures of offense.''

Jefferson's understanding of the war clause underwent no revision. Like Jefferson, President James Madison was aggrieved by the punishment and harassment inflicted on United States vessels. In 1812, he expressed to Congress his extreme resentment of the British practices of seizing American ships and seamen and inducing Indian tribes to attack the United States. Madison complained but said the question of ''whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or, opposing force, to force in defense of their national rights'' is ''a solemn question which the Constitution wisely confides to the legislative department of the Government.''

Following his 1823 announcement of what has become known as the Monroe Doctrine, President James Monroe was confronted with international circumstances that seemed to invite the use of force, but Monroe repeatedly disclaimed any constitutional power to initiate hostilities, since, he maintained, that authority was granted to Congress.

President James K. Polk may well have initiated war with Mexico in 1846, when he ordered an army into a disputed area on the Texas-Mexico border. But Polk understood the constitutional dimensions of the war power and offered the rationale that Mexico had invaded the United States, which, if true, would justify a response by the Commander in Chief.

Until 1950, no President departed from this understanding of the parameters of the Commander in Chief clause. But to justify President Truman's unilateral decision to introduce troops into the Korean war, revisionists purported to locate in the President a broad discretionary authority to commence hostilities.

Emboldened by Truman's claim, subsequent Presidents have likewise unilaterally initiated acts of war, from the Vietnam war to the incursions in Grenada and Panama. But this claim is cut from whole cloth. It ignores the origins and development of the title, the clear understanding of the Constitution's Framers, the nineteenth-century record, and the history of judicial interpretation. The Supreme Court has never held that the Commander in Chief clause confers power to initiate war. In United States v. Sweeny (1895), Justice Henry Brown wrote for the Court that the object of the clause was to give the President ''such supreme and undivided command as would be necessary to the prosecution of a successful war.'' In 1919, Senator George Sutherland, who later became an Associate Justice of the Supreme Court, wrote, ''Generally speaking, the war powers of the President under the Constitution are simply those that belong to any commander in chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such.''

While the Supreme Court has held that the President may not initiate hostilities and that he is authorized only to direct the movements of the military forces placed by law at his command, it has been contended that the existence of a standing army provides the President with broad discretionary authority to deploy troops on behalf of foreign-policy goals. Although the intrusion of a public force into a foreign country may well entangle the United States in a war, Presidents have often manipulated troop deployments so as to present Congress with a fait accompli. Given the broad range of war powers vested in Congress, including the authority to provide for the common defense, to raise and support armies, and to decide, in Madison's words, whether ''a war ought to be commenced, continued or concluded,'' it seems clear that Congress may govern absolutely the deployment of forces outside U.S. borders. As a practical measure, Congress may choose, within the confines of the delegation doctrine, to vest the President with some authority to send troops abroad, but there is nothing inherent in the Commander in Chief clause that yields such authority.

Representative Abraham Lincoln in a letter to William H. Herndon said:

> Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, ''I see no probability of the British invading us,'' but he will say to you ''be silent; I see it, if you don't.''
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

We are aware of the now familiar pattern of most recent Chief Executives in similar circumstances of invoking the

title Commander in Chief and descriptions of him as being the sole organ of foreign relations or chief of administration to suggest a conclusion of constitutional invulnerability. No statutory or decisional authority is volunteered in support of the conclusion.

If Congress is to have the sole authority ''to declare war,'' as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive?

As we have seen, wars can be waged, and have been waged, without a declaration by Congress. Such military actions, nonetheless, still constitute wars. The shedding of blood, the taking of lives, the destruction of property, the movement of navys and armies, are all the same, whether done under a declaration of war or without such a declaration. War is war whether it is a ''declared'' conflict or otherwise. Are we to imagine that the authority is shifted from the elected representatives of the people in such instances to someone else, or to some other department, or to the executive? The lack of a declaration of war does not make the conflict any less a war than it would be with such a declaration. The sacrifices, the costs, the ramifications are just as far reaching in the case of an undeclared war as in the case of a declared war. Why then, should we strain our imagination to the breaking point and pretend that, short of a declaration of war, the authority rests somewhere other than in the legislative department?

President Clinton has taken the position that he does not believe that he needs the authorization or approval of the Congress to engage in a major military deployment in Bosnia, where warring parties have signed a peace agreement but where flashes of violence and hostile actions are so possible that NATO and other forces are needed to make the agreement work. His immediate predecessor, Mr. Bush, took a similar position in regard to his deployment of forces to Saudi Arabia to do battle against Iraq in Desert Storm. Nevertheless, both of them requested the formal support of the Congress in advance of their actions. I requested President Clinton on a number of occasions to seek the support and approval of the Congress and the American people, before committing troops. The Senate ''authorized'' Mr. Bush, in S.J. Res. 2 on January 12, 1991, ''to use United States Armed Forces'' against Iraq, by a vote of 52–47.

Again, here today in the Resolution offered by the Majority Leader, the Senate is providing clear authorization for the President to undertake a specific action, and in this case in somewhat more specificity than was the case with regard to Mr. Bush, and for a limited time. The operative words are in Section 2, that ''the President may only fulfill his commitment to deploy United States Armed Forces . . . for approximately one year to implement the general Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).'' That language fulfills the Framers' intent, from a constitutional perspective, for the Congress to authorize the President to undertake war making powers that he would not otherwise have.

The emphasis of the authority given here today is its limitation in scope and time. If, in the future, the missions engaged in by our forces go creeping into nation-building, to doing the job of civil authorities for reconstruction or refugee movements, then the President would have exceeded his authority. I, for one, would certainly be prepared to pull the plug on the operation—as I did in the case of Somalia—and cut off the lifeblood of its appropriated funds, if that kind of backsliding were to occur. The same is true if we went beyond ''approximately one year'', language that I insisted be included in this resolution. Our military leaders repeatedly testified that they were highly confident that the military implementation tasks could easily be completed within a year, and the Dayton Accords obligated us to, specifically ''approximately one year.'' Thus, the resolution holds the parties' feet to the time clock. In the interim, the Bosnian Muslims should be properly prepared, from a military standpoint, to defend themselves. Furthermore, we ought to be considering putting into place a follow-on European-manned security force, if further military security from the outside appears to be needed. But, for us, our job is to be done in ''approximately one year,'' and that should be that.

The Constitution divides governmental powers into three areas: legislative, executive, and judicial; and distributes them among three co-equal branches: Congress, President, and the courts; and provides a system of checks and balances to keep the powers separate and the branches equal. Underlying this scheme of government in the area of immediate concern is the desire to establish interdependence between Congress and the Executive in hopes of fostering cooperation and consensus in the supersensitive areas of national security and foreign affairs.

As Commander in Chief and sole organ of foreign relations the President has independent powers, not simply those conferred on him by statutes. *Dames & Moore* v. *Regan*, 453 U.S. 654, 661 (1981), quoting *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–320 (1936). At the same time, by virtue of its power over the purse and powers to raise and support armies, to provide and maintain a navy, and to regulate both, Congress has broad constitutional powers implicating national security and foreign affairs. Article I, 1, cls. 12, 13, 14.

The separation of powers principle is intended to prevent one branch of government from enhancing its position at the expense of another branch and, thus, disturb the delicate balance of powers that the Framers assumed was the best safeguard against autocracy.

As Commander in Chief the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown Co.* v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House* cases, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. 1732, which excludes war from the President's options to obtain the release of Americans unreasonably detained by a foreign government.

On the other hand, aside from his powers ''to grant Reprieves and Pardons for Offenses against the United States . . .'' and to ''receive Ambassadors and other public Ministers'', the President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, it has been said that ''[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command.'' *Youngstown Co.* v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

In the Dole resolution, the authority to implement the President's proposed Bosnia policy is clearly provided, and in so doing the Senate is accepting responsibility for the action. In doing so, a vital bipartisan political foundation is being provided for the President's actions, and I think it clearly follows that the consequence of authorizing this policy fall upon us here in this branch as well as in the Oval Office. If it passes, we will be giving substance to the proposition that politics in America stops at the water's edge, and this is as it should be. The American people should know that the Bosnia implementation is a national policy, approved through the constitutional scheme that was intended by the framers.

The Constitution specifies that ''[n]o Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .'' This provision has been held to be a restriction upon the disbursing authority of the Executive Department, and means that no money can be paid out of the Treasury unless it has been appropriated by an Act of Congress. *Cincinnati Soap Co.* v. *United States*, 301 U.S. 308, 321 (1937). Accordingly, the absolute control of the moneys of the United States has been said to be in Congress, and Congress is responsible for its exercise of this great power only to the American people. *Harrington* v. *Bush*, 558 F. 2d 190, 194 note 7 (D.C. Cir. 1977). The power to

make appropriations includes the authority not only to designate the purpose of the appropriation, ''but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same.'' *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, the Dole Resolution does not provide the appropriations needed to carry out the Bosnia operation. This is a policy resolution. That was also the case when we authorized President Bush to make war against Iraq in Desert Storm. In that case, the appropriations were provided later. In the same way, the Congress will have to approve appropriations for the Bosnia operation in the near future.

I hasten to point out, Mr. President, that the power of the purse is our ultimate hammer, and one which is always available, to terminate the operation. If it turns out that the parties to this piece of geography fail to live up to their pledge to keep the peace and to provide for the security of our forces, and the agreement fails, the Congress can take swift action to terminate our involvement. We have exercised the power of the purse recently to terminate operations and limit them. This was the case in both Somalia and Rwanda. So, while I support this Resolution and believe it is appropriate and timely, I would certainly not hesitate to participate in an effort to end the operation and bring our forces home if the parties will not allow it to work.

Although Congress is enacting laws has to scrupulously avoid even incidental, adverse effects on fully autonomous presidential powers (e.g., the pardoning power, Ex parte Garland, 71 U.S. 333 (1867), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as powers to fund or to regulate the Armed Forces of the United States, the Congress may incidentally impinge upon presidential authority as Commander in Chief does not render that exercise a violation of the separation of powers. ''There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the Country, its industries and its inhabitants. He has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions.'' *Youngstown Co.* v. *Sawyer*, 343 U.S. at 643–644 (concurring opinion.) ''The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.'' Id. at 588 (opinion of the court).

Although Congress is subject to the Constitution in the exercise of its power of the purse as in the exercise of all its powers, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), ''[e]ven when the President act clearly within his powers, Congress decides the degree and detail of its support,'' Henkin, Foreign Affairs and the Constitution 79 (1972), and ''it is the plain duty of the executive branch of the government to comply with the same.'' *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, I shall enumerate the defense and war powers set forth in the Constitution, as bearing on the President as Commander in Chief, as compared with those that are directed to the legislative branch.

Section 2 of Article 2 states: ''The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called in to the actual Service of the United States.''

Section 3 of Article 2 states, ''. . . He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.''

I find nothing else in the Constitution that would indicate any additional authority or power given to the President with respect to the armed forces.

On the other hand, there is much language in the Constitution with respect to the authority and power of the legislative branch anent the military. For example:

Clause 1, Section 8, Article 1: ''The Congress shall have power to . . . provide for the common defense . . . of the United States; . . .''

Clause 10, Section 8, Article 1 states: The Congress shall have power ''to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;''

Clause 11, Section 8, Article 1: The Congress shall have power ''to declare war, grant letters of Marque and Reprisal, and make rules concerning captures on land and water;''

Under Clause 12, Section 8, Article 1, the Congress shall have power ''to raise and support Armies, but no appropriation of money to that use shall be made for a longer term than two years;''

Clause 13, Section 8, Article 1 states: The Congress shall have power ''to provide and maintain a navy;''

Clause 14, Section 8, Article 1 states: The Congress shall have power ''to make Rules for the government and regulation of the land and naval forces;''

Clause 15, Section 8, Article 1 provides that: The Congress shall have power ''to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;''

Clause 16, Section 8, Article 1 states: The Congress shall have power ''to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;''

Clause 18, Section 8, Article 1 states: The Congress shall have power ''to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.''

If Congress is to have the sole authority ''to declare war,'' as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive? To so suppose, strains credulity to the breaking point. I prefer to suppose that the Framers, being unable to foresee the various degrees of military action short of that which would be taken under a declaration of war, and, therefore, they did not attempt to go into any detail beyond that which would obtain in the event of all out war. Obviously, the President has the inherent power and authority to take action to repeal an invasion, or a sudden and unanticipated attack on the United States or its military forces. In such instances, the President would have no alternative but to exercise such authority, there being no time to consult with or to secure authorization from the Congress, which might not even be in session at that moment. It seems logical however, to believe that the specific power to declare war—that being the ultimate circumstance—and such declaration having been invested in the legislative branch, anything short of the ultimate circumstance, anything short of the declaration of war, the responsibility and authority for committing the armed forces of the United States in an offensive action, the authority would remain vested in the legislative branch. In other words, the lone authority to declare war being vested in the legislative branch, anything less than a declaration of war would seem to be reposed for its authority in the same source, namely, the Congress. It strains imagination to the utmost to believe that the authority to commit the military forces of the nation in an all out war, shifts elsewhere when the military forces of the nation are to be committed to a lesser action by the military forces than that of all out war. The authority to go to the ultimate limit would seem to carry with it the authority to extend the military action to something less than the all out or ultimate action of declared war.

I close by thanking the majority leader for his leadership and for his statesmanship in taking the position he is taking in introducing the resolution that we are going to vote on.

Mr. President, I urge that the Senate vote down the resolution offered by the distinguished Senator from Texas and the Senator from Oklahoma, Mr. INHOFE, and others, and that the Senate vote to approve the resolution offered by Mr. DOLE and Mr. MCCAIN.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions on which we will vote today in the order in which we will vote.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. CON. RES. —

(Purpose: To Oppose President Clinton's planned deployment of US ground forces to Bosnia)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That the Congress opposes President Clinton's decision to deploy United States ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

Section 2. That the Congress strongly supports the US Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

S.J. RES. —

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the ''the inherent right of individual and collective self-defense,'' a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American diplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest,

the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestone for measuring progress in achieving the mission and objectives;

(4) command arrangements for United State Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1–A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other

federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, buy may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have been asked by the leader to make the following request:

I ask unanimous consent that the time on our side of the aisle be divided as follows, in the following order:

Senator WELLSTONE, 7 minutes; Senator MURRAY, 9 minutes; Senator LEAHY, 7 minutes; Senator SIMON, 7 minutes; Senator BRADLEY, 10 minutes; Senator SARBANES, 5 minutes; Senator DODD, 7 minutes; Senator LAUTENBERG, 7 minutes; Senator GRAHAM, 7 minutes; Senator MOSELEY-BRAUN, 5 minutes; Senator KERRY, 10 minutes, and Senator DASCHLE, 10 minutes.

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

Mrs. HUTCHISON. Madam President, I ask unanimous consent that at the hour of 10:15 this evening, the Senate proceed to the final vote on the pending Hutchison-Inhofe concurrent resolution without further action or debate, and immediately following the vote, the Senate proceed to the final vote on the Dole-McCain joint resolution on Bosnia, with the time between now and 10:15 p.m. this evening to be equally divided between the two leaders or their designees.

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

Mrs. HUTCHISON. I further ask that the Senate resume the Bosnia debate, and it be in order for the leader to offer his joint resolution at a later time.

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

Mrs. HUTCHISON. Once again, Madam President, I thank all Senators for allowing us to do this so that every Member of the Senate who might be looking for a timetable would know that the votes do start at 10:15, and that the time between now and then will be equally divided.

I yield the floor.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, DECEMBER 14, 1995

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, December 14, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI for 15 minutes; Senator JEFFORDS for 15 minutes; Senator WELLSTONE, or his designee, for 30 minutes; and, I further ask that at the hour of 10:30 the Senate turn to the Interior appropriations conference report under the previous unanimous consent.

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

PROGRAM

Mr. BROWN. Madam President, for the information of all Senators, the Senate will begin debate on the Interior appropriations conference report at 10:30 a.m. There is a 6-hour time limit. However, all time is not expected to be used, and a vote is expected on adoption of the conference report.

The Senate could be asked to consider other appropriations matters during tomorrow's session, and the Senate may also turn to the State Department reorganization bill.

Therefore, additional votes can also be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate—

Mr. FORD. I thought we might get a clean CR until January 20, and we could work out something with the balanced budget amendment.

Mr. BROWN. If we can join the two, I am sure we can get that done tonight.

(Laughter.)

Mr. BROWN. Madam President, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:19 p.m., adjourned until Thursday, December 14, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 1995:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE SCOTT O. WRIGHT, RETIRED.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 13, 1995, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

TOBY ROTH, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

EXTENSIONS OF REMARKS

AMERICA'S TRAVEL AND TOURISM INDUSTRY: CONGRESSMAN ROTH'S VISION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. VUCANOVICH. Mr. Speaker, last January the members of the Congressional Travel and Tourism Caucus selected Congressman TOBY ROTH to be its new chairman. The wisdom of our choice is underscored by the fact that just 11 months later, TOBY ROTH has doubled the size of the caucus, to 305 members. Travel and Tourism is now the largest caucus in Congress.

This is but one measure of TOBY ROTH's tireless efforts to invigorate the caucus and to provide our Nation's $400 billion travel and tourism industry with an effective voice on Capitol Hill. I applaud Chairman ROTH's efforts, because the travel and tourism industry, as vibrant as it is, very much needs an effective advocate within the Congress.

It is clear that with TOBY ROTH's energetic leadership, the caucus will meet this need. This same judgment also has been reached by the leadership of the travel and tourism industry. Two weeks ago, Congressman ROTH addressed the annual meeting of the Travel Business Roundtable, which is comprised of the Nation's top 100 travel industry executives.

TOBY ROTH's speech sets forth a clear vision and specific goals for the travel industry, our Nation's second largest employer. I urge all Members of the House to read his insightful address.

REMARKS BY CONGRESSMAN TOBY ROTH

It's an honor to be here, because in this room, we have the leaders of America's fastest growing, most dynamic industry. Last year, your companies brought in $400 billion in revenues. That makes travel and tourism the second-largest industry in America.

The 44 million international visitors that come to use your facilities bring in $78 billion in revenues. That means you generate 11 percent of all our exports. You employ 6 million people directly. And another 7 million jobs depend on you. So you account for 13 million American jobs. Do you know that today, there are 40 million children in this country under the age of 10. Over the next two decades, we have to find jobs for these people, or we will face a social and economic catastrophe.

When people ask where the jobs will be in the 21st century, the answer is: Travel and tourism. So you are vitally important to our country's future—and that's no overstatement. These figures are impressive, but when I say you are the most dynamic industry in America, I am really talking about you, as business people, as industry leaders and as a real force in the American economy. That's what has always impressed me about travel and tourism—the people.

What's more, that is what is attracting so many Members of Congress to our Travel and Tourism Caucus. In January, when I became chairman, we had 127 members. Today, we have 305—making Travel and Tourism the largest caucus in Congress. We have had an aggressive organizing effort these past 10 months. But what has brought us the new members is really your industry. And on behalf of the caucus, I want to tell that we are ready to work with you.

But my friends, I must tell you something that you may not realize about your industry. After having worked for years in Capitol Hill for travel and tourism, I have come to the realization that the industry is a sleeping giant. The whole is not the sum of its parts. How many people in America know how big you are? How many Americans realize that you are the Nation's second-largest industry? And how many people in the media are writing about travel and tourism as the key element in our future economic growth? The answer is, not enough.

That's what makes this organization so important. Simply put, the industry needs you, and we in Congress need you. That's not to put down the current industry representation in Washington. Travel and tourism has a number of very effective voices in Washington, both in the companies and in the associations. I know them and I work with them. But the Travel Business Roundtable brings an ingredient that, frankly, has been missing: the active involvement of the industry leaders.

We need a sharper focus on a few top priorities. We need the clout and the access that you bring. And we need the visibility, in the media and in the Halls of Congress, that only top executives like you can attract. It is your active involvement that will set the roundtable apart—and make it an effective force for the industry. Later on in the agenda, you will focus on setting a couple of priorities. I think this is a wise course.

Success will come by taking a couple of issues—issues that really mean something to the industry—and concentrating your time and energy on winning those points. It's the same principle that each of you follows in your own business: focus, concentrate and win. Today I want to suggest what one of those priorities should be, and to propose a game plan for success. As we look to the future, the key question is: where will the growth come from? Today, travel and tourism is a $400 billion industry—that's 6 percent of our GDP. Our task is to work together to insure that you become even bigger.

To reach that goal, the international market is critical. The industry cannot rely on the domestic travel market alone. That's the underlying message of the White House conference. One of the key recommendations is to strengthen our promotional efforts in the overseas market. As you all know better than I, promotion translates into revenues.

The White House conference proposed a ''public-private partnership''. The idea is to combine together the creativity and talents of the private sector with the resources of government—local, State and Federal—to better promote the United States as a travel destination. This is an urgent matter. Two years ago, we had 18 percent of the world market. Today, we have 16 percent.

This year, we will have 44 million international visitors. That's down 2 million from just 2 years ago. Yet the world market is growing steadily. It has tripled over the last 10 years, and will double again in the next 10. So we are losing share in a growing market.

The bottom line is: The industry won't grow if we keep on losing ground in the international travel market. And the hard reality is, with our current promotion effort, our share will keep on going down. It is projected to keep on going down, to less than 14 percent by the year 2000.

So the question is: How do we turn this around? And the answer is clear: A stronger, more creative promotion campaign. After all, we are being outclassed and outgunned by all of our major competitors. Our tourism promotion budget is $16 million, a small fraction of what European countries spend. And we see the result in our declining market share. So the partnership concept was developed and ratified at the White House conference. I have taken that concept and drafted a bill.

In your folder, you have a copy of the bill, a summary and my comments from the Congressional Record. We already have support from the Clinton administration. And, thanks to an effective job by Tom Kershaw, Jon Tisch, Darryl, and a few others, we have support from Newt Gingrich and Bob Dole. But to get something enacted into law, much more needs to be done.

This is where you can play a key role, on a proposal that will bring tangible results to the industry. Now, you are all business people. That's where I come from—a business background. So I thought you would appreciate having a specific proposal for how the roundtable can play the critical role in winning enactment of this legislation. In your folders, you have a one-page ''Game Plan for Enactment'' of the Travel, and Tourism Partnership Act. This lays out a strategy for winning enactment of the partnership plan by next summer. This game plan will work, if we work together and make this a priority.

The plan is to kick off the campaign with a big hearing by my subcommittee and the other House panel which has jurisdiction. This hearing is already in the planning stages. We would use this hearing to demonstrate what we could achieve through the partnership—in other words to show the kind of sophisticated, effective promotional effort that the private sector can produce. Building on that hearing, we would work together to corral the votes to get our bill through the two House committees and onto the House floor.

Just prior to the House floor vote, we would have a concentrated day of Capitol Hill visits by industry leaders. Once through the House, we would use the same strategy in the Senate, working with Senator Bryan, who is our lead Senate sponsor. The idea is to use your contacts and clout at the key points in the game. It would require two visits to Washington and some phone calls at the right time. The bottom line is that a well-conceived plan, together with a modest investment of your time and effort at the right points will win the game.

Let me close with a business proposition. If you will adopt this as a priority for the roundtable and make a commitment to this plan, then I will devote myself to this project in Congress. Together, we can win and achieve something that will bring credit to you and the travel business roundtable—and will be a major achievement for the future of the industry. If travel and tourism is a sleeping giant, then it's time for us to wake up that giant.

Together, we can make a difference for this great industry, for the millions of Americans who work in you companies, and for our country's future.

AMERICA WELCOMES PRIME MINISTER PERES

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. ROEMER. Mr. Speaker, I rise to welcome the remarks made earlier today by Prime Minister Shimon Peres before the joint session of Congress.

In appearing before the joint session, Prime Minister Peres joins a small group of foreign leaders who have been asked to speak before the combined House and Senate. Mr. Peres richly deserves this honor. He is the leader of Israel, one of our most important allies, and he now bears the heavy burden of following the footsteps of Yitzhak Rabin in promoting a strong Israel and a lasting peace in the Middle East.

While listening to Mr. Peres's tribute to Prime Minister Rabin, one could not help but remember the great loss suffered by the people of Israel and the cause of peace.

Although Rabin's leadership is sorely missed, I take heart in the thought that the cause of peace continues. Indeed, our most fitting tribute to Mr. Rabin would be a continued effort to promote peace, democracy, and freedom in the Middle East and across the globe.

The United States and Israel must continue to work together toward a brighter future; a future of peace and security. Israel, our steadfast ally in times of peace or war, deserves our strong support in pursuing this goal.

There is now a new impetus toward peace in the Middle East. We should not miss this opportunity to end the hatred and violence that have plagued that region. This would be a fitting legacy to Yitzhak Rabin and everyone who has sacrificed for a just peace.

SENIOR CITIZENS' RIGHT TO WORK ACT OF 1995

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1995

Mr. KOLBE. Mr. Speaker, I rise today in support of H.R. 2684, the Senior Citizens Right to Work Act of which I am a cosponsor. This legislation increases the earnings limit of $30,000 by 2002. It is fair legislation. It is fair to the long-term solvency of the Social Security trust fund by offsetting costs within the program. And, most importantly, it is fair to working seniors, allowing seniors to continue to work without being denied their Social Security benefits.

It is ludicrous that seniors in the work force are subject to this impractical and outdated procedure. Our seniors deserve more. It is time for Congress to vote for changes to this arachic practice of reducing Social Security benefits for seniors that continue to work after the age of 65. We are robbing seniors of their right to support themselves and live with dignity. In many instances seniors stay in the work force out of necessity, not choice, and should be allowed to earn more without losing a portion of their earned Social Security benefits. The earnings test harms those individuals who do not have supplemental pension income for their retirement and need to work. Therefore, we are penalizing seniors who are trying to be self sufficient rather than rewarding beneficiaries who continue to work.

The Social Security earnings limit sends a message to the elderly community that we do not respect their ability to contribute in the work force after retirement. It is time to give seniors back their dignity. This Congress has already taken the first step with the passage of the Medicare Preservation Act which strengthens and protects the Medicare System and allows seniors access to the same type of health care services as offered to all Americans. By increasing the earnings limit to $30,000 by the year 2002 seniors will be able to hold up their heads as they continue to work without fear of losing their earned Social Security benefits.

IN HONOR OF FRANCIS ALBERT SINATRA ON HIS 80TH BIRTHDAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Hoboken's favorite native son, Francis Albert Sinatra, who will celebrate his 80th birthday on December 12, 1995. No voice in America today brings with it more sweet memories.

No speech could possibly do justice to the ''Chairman of the Board.'' Sinatra has redefined American popular music with such classics as ''Strangers in the Night,'' ''Summer Wind,'' ''The Lady Is a Tramp,'' ''Witchcraft,'' ''Young at Heart,'' ''My Way'' and countless others. Every generation of Americans from the late 1930's onward has been wowed by his magnetic voice and unique ability to tell a story through his music.

In addition, to a spectacular singing career, Sinatra has distinguished himself on the big screen, with starring roles in ''The Manchurian Candidate,'' ''From Here To Eternity'' and ''Pal Joey.'' His performance in ''From Here to Eternity'' earned him an Academy Award for Best Supporting Actor in 1953. Prior to that, Sinatra earned a special Oscar for ''The House I Live In,'' a sensitive documentary that made an eloquent plea for an end to all prejudice.

His accomplishments in the field of entertainment are legendary, but of equal importance, although less well known, are his charitable and philanthropic work. He has performed benefit concerts for among others, the Red Cross, the Palm Springs' Desert Hospital, the New York Police Athletic League, Cabrini Medical Center, the World Mercy Fund, and the National Multiple Sclerosis Society.

Frank Sinatra is a cultural icon, but even more than that he is a hero to millions of Americans of all races and nationalities, most particularly, of course, to Italian-Americans. Please join me in honoring a true American legend, who will always be an honorary citizen of Hoboken and the 13th Congressional District, on his 80th birthday.

COMMEMORATING THE LIFE OF DR. G.K. BUTTERFIELD

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. CLAYTON. Mr. Speaker, on Tuesday, November 28, 1995, at 2 p.m., the family and legions of friends gathered to acclaim the life of their beloved, Dr. George Kenneth Butterfield. A near centurion, he spent 95 years of life before God called him to rest and to reside in a place of total peace.

I regret that official business did not allow me to attend the celebration of Dr. Butterfield's life, however, he has left a lasting impression on me, and the principles which guided him now serve as guideposts for those he leaves behind.

Dr. Butterfield began his legacy in a foreign land, when he was born in St. George's, Bermuda, on February 9, 1900. He left Bermuda in search of a better life and migrated to the United States. He soon enlisted in the army and served in World War I before being honorably discharged on March 18, 1919. During his service, in the midst of a bitter, cold winter, he fought at the battle of Alsace-Lorraine in France.

Following military service, he attended and graduated from Shaw University in Raleigh, NC, and later attended and graduated, with a doctor of dental surgery degree, from Meharry Medical College in Nashville, TN. Upon graduating from dental school, however, he was not able to afford the equipment to establish a dental practice, and he worked for a period of time in maintenance at a hotel. Fate, however, joined him with an aging dentist in Henderson, NC, and a dental practice which spanned 50 years was launched.

An advocate of justice, equal treatment and fair play, Dr. Butterfield was on the cutting edge of many important changes throughout North Carolina. He fought for integration, pushed for voting rights, led the way in opening up employment opportunities and still managed time for important civic duties. Through it all, he remained a caring friend, a devoted family member, a loving brother, a committed father, and a dedicated husband.

May God comfort and help his family and friends to hold on to treasured yesterdays; and reach out with courage and hope for tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother George, you have labored long.

LEBANON MAYOR KENNETH COWAN DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. SKELTON. Mr. Speaker, a leading Missouri citizen, the mayor of Lebanon, and a good friend, Kenneth Cowan, died October 17, 1995. He was 79 years of age. During his tenure as mayor, Cowan led the city of Lebanon

into an era of major growth. He was known for his vision and devotion to duty.

Cowan had served on the city council during the administration of mayor Wallace Earp. Earp resigned on April 18, 1977, and Cowan was elected mayor in a special election on June 7, 1977. He was re-elected to office in 1980, 1984, 1988 and 1992.

He was born in Richland, Missouri where he graduated from high school. He attended Southwest Missouri State University in Springfield and served in the U.S. Air Force during World War II.

Cowan entered into public service in Richland in 1948 when he was elected to the city council. He served in that capacity 10 years. He moved to Lebanon in 1958 and bought Burley's Department Store, which he operated until he was elected mayor.

During his years in office, he received the support of Lebanon voters on key issues including a sales tax, transportation sales tax, and a capital improvements sales tax.

Mayor Cowan set a high standard for public service. His ability to lead and to get things done for his community should inspire those who follow. The people of Lebanon have lost an exceptional leader, and I have lost a friend.

DEVELOPMENTS IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent exchange of letters I had with the Department of State regarding the situation in Lebanon.

I wrote the State Department October 27 to express concerns about the extra-Constitutional means used to extend the term of the President of Lebanon and the role of Syria in this matter. The State Department replied December 5 indicating that our concerns over interference in Lebanon's Democratic processes have been expressed directly to the Syrians.

The correspondence follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, December 5, 1995.

Hon. LEE HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: On behalf of Secretary Christopher, I am writing in response to your letter of October 27, concerning the extension of Lebanese President Harawi's term and other developments in Lebanon.

We share entirely your view that our interests are served by a free and independent Lebanon, and we have firmly maintained that no peace in the Middle East will be lasting or comprehensive without an agreement between Israel and an independent Lebanon. In an effort to support this objective, we continue to do much to further Lebanese political reconciliation and lend support to the reconstruction of Lebanon's economy and institutions. Last year, we provided Lebanon approximately six million dollars in development assistance and half million dollars to support military training.

We agree that the growth of Lebanon's democratic political institutions requires free elections which the Lebanese people believe to be credible, and the results of which can be accepted as credible. We have made this point very clear in public positions, and directly to the Governments of Lebanon and Syria. Indeed, Secretary Christopher's concern over interference in Lebanon's democratic process led him to make this point personally at senior levels of the Syrian government, as did other senior U.S. officials in the period leading up to President Harawi's extension. Despite our interest in maintaining Syrian engagement in peace negotiations with Israel, we are not conditioning our policy toward Lebanon on Syrian reaction.

Prime Minister Rabin's recent, tragic death only underscores the fragility of the process we wish to advance in the Middle East. But, as important as we hold the freedom and independence of Lebanon, this is not a goal we can pursue in a vacuum. Lebanon's future, its stability and independence, can only be assured through broader progress toward extending the circle of peace in the region.

We look forward to working with you and other members of Congress to ensure such progress, in Lebanon and the region, during the important year ahead.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY, I write to express deep concerns about recent developments in Lebanon and to urge you and the President to speak out publicly in opposition to recent political developments in that country.

The Syrian decision to push for extra-Constitutional means to extend the term of President Harawi for three years undercuts Lebanon's independence. In addition, such a term extension will not be viewed as credible by a majority of the Lebanese people of all faiths who want to preserve Lebanon's independence and who wanted free elections this fall.

There are steps which the Lebanese can and must take to insure their future as a free and independent state. The national interest of the United States is served by a strong, free, and independent Lebanon. Conversely, our national interest is not helped when Lebanon is weak and its independence compromised. Therefore, I believe that it is incumbent upon us to disassociate ourselves from, and express opposition to, such manipulation of the political process in Lebanon. Millions of Lebanese inside the country, and around the world, are looking to the United States for leadership. Silence will send the wrong message to the entire region and only further undermine Lebanon's position.

Lebanon's independence will be eroded if the United States is silent when that very independence is threatened. The Taif Accords became dead letter in part because the United States did not speak out for implementation of the Accords when Syria moved to undercut them. We now risk further undermining that independence again.

United States policy toward, and statements on, Lebanon should not be conditioned by what we think might be the reaction in Syria. We should be acting on the basis of our own interests and what is best for Lebanon and the Lebanese people. On the face of it, this action to extend the President's term does not promote democracy in Lebanon, and it goes against the wishes of the people. It should be condemned for what it is.

I appreciate your consideration of this letter and hope the United States will speak out on this matter.

With best regards.

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

IN HONOR OF MARIE BOLLINGER VOGT FOR HER PRODUCTION OF ''NUTCRACKER'' BALLET

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Ms. KAPTUR. Mr. Speaker, for 55 years in Toledo, hundreds of young boys and girls have danced and scampered across area stages and dozens of principal dancers have graced the stage with their artistry in a yearly production of ''The Nutcracker'' ballet. Thousands of northwest Ohioans have delighted in the Christmastime event. A production of enormous proportion has been given to us through the vision and talent of one woman, Marie Bollinger Vogt, who I rise today to honor. This year's production will be her last. Marie is retiring as the artistic director of the Toledo Ballet Association, which she founded.

Intent on imbuing her own love of dance into youngsters, Marie founded the Toledo Ballet School over 50 years ago. Under her direction, the company has performed hundreds of productions throughout our region, ''The Nutcracker'' being its premiere performance. During her tenure, Marie brought to the school not only her own creative choreography but also that of internationally famous artists. She also brought to northwest Ohio world renowned dance companies and performers.

Altruistic as well as artistic, under Marie's direction, the Toledo Ballet Association is involved in community service. The company stages free performances in the schools and local public housing authority. One performance of ''The Nutcracker'' is presented at no cost for children. Scholarships are provided by the school for children who could not otherwise afford lessons. These acts are surely fueled by Marie's passionate desire to inspire dance in young people.

Although retiring as artistic director of the Toledo Ballet Association, Marie intends to continue in her first love, that of teaching, and will remain the Toledo Ballet School's director. She also begins the ambitious project of bringing to fruition her lifelong dream of building a professional ballet company in Toledo.

In this, its 55th year, many of Marie's former students are returning to dance under her tutelage one last time. The 1995 ''Nutcracker'' performance will be a reunion for all who studied dance under her direction. Such a tribute gives testament to her teaching and quiet inspiration.

We thank Marie Bollinger Vogt for her yearly Christmas gift to all of us in northwest Ohio; a family evening lost in the enchantment of ''The Nutcracker,'' her legacy.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mrs. LOWEY. Mr. Speaker, in September 1994, the Congress passed a historic piece of legislation—the Violence Against Women Act [VAWA]. VAWA passed the House of Representatives with unanimous, bipartisan support. One of the major purposes for VAWA was to assure that the legal system treated domestic violence as the very serious crime we know it is.

A very important provision of the act is entitled ''Equal Justice for Women in the Courts.'' These provisions assure that the arbiters of justice in our Nation—judges and the courts—treat domestic violence in a serious and fair manner.

It has come to my attention that some Members of the Senate inserted a colloquy into the CONGRESSIONAL RECORD challenging the merit of the gender fairness task forces provided for under the Equal Justice for Women in the Courts provisions. I could not disagree more strongly.

Sections 40421–22 of the act allow each Federal judicial circuit to conduct studies of ''the instances, if any, of gender bias * * * and to implement recommended reforms.'' A this time, a majority of the Federal circuits are conducting gender fairness studies to ascertain whether women receive disparate treatment in the courts, and, if so, how best we can address this critical problem. Clearly, the judicial branch has the authority, and an obligation, to discover any bias in the dispensation of justice in our Nation. There is no place for unequal justice in the United States.

In addition, recently there have been a growing number of press reports—most notably about the O.J. Simpson case in California—about victims of domestic violence who availed themselves of the courts and received little or no protection from their batterers. The failure of the courts to respond to complaints of domestic violence puts the very lives of American women at risk. Further, the mere impression that courts do not take domestic violence seriously will cause some women who desperately need the protection of the legal system to not reach out for help.

Finally, I would like to note that the colloquy entered by the Senators on this issue has absolutely no binding effect on the Federal judicial circuits. The colloquy is merely the opinion of three Members of Congress; it is not law.

The Commerce-Justice-State appropriations bill contains no legislative language barring courts from establishing gender fairness studies. Nor does the conference report, the Senate Appropriations Committee report, or the House Appropriations Committee report. If the Congress intended to bar these very important studies, then we would have done so in the legislative or report language. The judicial circuits clearly have the right under this bill to establish the gender fairness task forces.

When the Congress passed the Violence Against Women Act, we made a promise to the people of this Nation that we would fight to end domestic violence. If the legal system, our first line of defense against his heinous crime, is not properly addressing this issue, then we cannot even begin the process of ending domestic violence. I strongly support any efforts by the judiciary to investigate gender bias in the courts, and to provide for recommendations to eradicate it.

HONORING THE RETIREMENT OF WALTER B. KIRKWOOD

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LEACH. Mr. Speaker, today I would like to salute on the true professionals who has represented his employers' interests before Congress for almost four decades. At the end of this month, Walter B. Kirkwood will be retiring after 37 years of service in the banking industry. During this period, Walter has always conducted himself in a way that does credit to his employers and also reflects a broader concern for the public interest.

Many of us came to know Walter's work and appreciate his low-key style over the many years that represented Banc One Corp. of Columbus, OH, as vice president, government affairs, and earlier while he was governmental affairs representative for American Fletcher National Bank in Indianapolis prior to its acquisition by Bank One Corp. Most recently, Walter has been ably representing Bank One Indiana Corp., the successor to American Fletcher in Indianapolis.

Walter has made many contributions to the furtherance of constructive banking legislation. Among his most signal efforts was his active involvement during 1993–94 in the interstate banking and branching bill, while his boss, John B. McCoy, chairman of Banc One Corp., was serving as chairman of an industry task force on the legislation. Walter also worked successfully on key parts of the Federal Deposit Insurance Corporation Improvement Act of 1991 and several important provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, to mention two other occasions when Walter's knowledge and ability came into play to produce outcomes which had the effect of modernizing America's financial services industry.

The fact that Walter combines the best attributes of a vigorous advocate representing his company's and his industry's interests, coupled with a keen concern for the public interest, is attested to by the fact that he has been widely honored by his peers. Walter served as chairman of the Government Relations Committee of the former Association of Bank Holding Companies as well as chairman of the Legislative Liaison Advisory Committee [LLAC] of the American Bankers Association, a position he currently holds.

On behalf of the Committee on Banking and Financial Services, I would like to thank Walter for his thoughtful advice over the years and look forward in keeping in touch.

UNICEF SAVES THE LIVES OF CHILDREN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. GILMAN. Mr. Speaker, on Monday, December 11, I was privileged to participate in a ceremony at the Lime Kiln Elementary School in my district in Rockland County to celebrate the 50th anniversary of the founding of UNICEF, at which I made the following remarks:

Today marks the 50th anniversary of the founding of UNICEF, one of the world's most effective organizations for saving and improving the lives of children who are at risk. At a time when the role of many international organizations, including the United Nations itself, is under scrutiny, there is no question about the role of UNICEF.

The years since its founding have seen great strides on behalf of children in health, nutrition, education and child rights. Thanks to UNICEF programs, two and a half million fewer children are dying annually from malnutrition and disease than died in 1990. The number of children who will be disabled, blinded, crippled or mentally retarded is down by 750,000.

Primary school enrollment has gone from 48 percent in 1960 to 77 percent this year, child immunization rates have gone from less than 10 percent in the late 1970's to 80 percent in most countries, and polio, once a scourge of children, is nearing eradication.

As we address the crises in hunger, health and education that beset the world's children, we are improving the circumstances for their parents, as well.

Our progress towards achieving democratic societies will be limited as long as a quarter of the world's population is unable to meet even its most basic human needs. Absolute poverty, which deprives people of their human rights, their dignity, and a voice in the affairs of their society, ultimately is a major obstacle to democracy.

That is why it is so important to recognize that America has vital interests abroad that are advanced by our foreign aid program.

It is in the interest of every American to help avoid and to redress human rights disasters such as we have seen in Somalia and Bosnia. It is clearly in our Nation's interest to see incomes rise in developing countries so that they can afford to buy our exports.

It is in the interest of every American to help countries become economically and politically stable so that we can avoid being drawn into armed conflicts.

UNICEF's programs are now saving millions of children's lives each year. Other powerful and tested strategies that reduce hunger and poverty—such as microenterprise—are also available and affordable to most developing countries.

Rather than merely reacting to situations after they become critical, we now have the opportunity to make effective social investments that can convert despair into hope and prevent future crises while building healthy, stable societies.

That is why UNICEF remains one of the most effective arguments in favor of foreign assistance, and I am pleased that, despite budgetary reductions in other areas, we have been able to provide for an increase in the U.S. contribution to this very important agency, so that it can continue the good work that it began 50 years ago today.

PERSONAL EXPLANATION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DEFAZIO. Mr. Speaker, on Tuesday, December 5, 1995, I was unavoidably absent for rollcall vote No. 837. Had I been present I would have voted ''yea.'' This vote was on passage of H.R. 2684, the Senior Citizens Right to Work Act of 1995.

I am pleased to voice my support for H.R. 2684 which will allow our senior citizens to appropriately supplement their income during retirement. Social Security was intended to be supplemented in retirement by pension and asset income. However, under current law, individuals aged 65 to 69 years old with earnings above $11,280 lose $1 in Social Security benefits for every $3 earned. Coupled with standard income taxes and other payroll taxes, this amounts to an overall tax rate of over 70 percent for many of the Nation's working elderly—more than double the rate paid by the wealthiest individuals in America.

I am also pleased that this legislation was brought up as a stand-alone bill, rather than as a provision in the Republicans' budget reconciliation package, which I strongly opposed. In fact, the budget reconciliation package will make this legislation even more vital for America's seniors because the budget package will increase out-of-pocket costs for average Social Security recipients. With their budgets further strained by these increased costs, seniors will need extra earnings just to keep up in the new Republican reality.

I urge prompt enactment of H.R. 2684. Our economy needs older workers. Older Americans deserve the opportunity to continue to enjoy meaningful employment. Last year, Congress eliminated the mandatory retirement age. This year, Congress must act to eliminate this discriminatory policy.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mrs. FOWLER. Mr. Speaker, due to a death in the family, I was not present for rollcall votes Nos. 842, 843, and 844. Had I been present I would have voted ''yes'' on rollcall No. 842, ''no'' on rollcall No. 843, and ''yes'' on rollcall No. 844.

A TRIBUTE IN MEMORY OF GUADALUPE MONTOYA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. DOOLEY. Mr. Speaker, I ask my colleagues to join me today in remembering Guadalupe Montoya, a special woman from my district who died recently after years of contributing to her community.

Lupe came from a family that has roots in California dating back to the early 1800s. Although born in Texas, Lupe's family returned to Southern California in the 1920s, where she spent most of her life. Despite a limited knowledge of English and only an eighth grade education, the example of community activism she set instilled in her children and her neighbors a desire to take part in the political process that endures to this day.

As a neighborhood campaigner for a young Edward Roybal—then a candidate for Los Angeles County Supervisor—Lupe demonstrated how issues important to her Hispanic community could be addressed through political activism.

By trade, Lupe was a seamstress and had several important clients from throughout the Los Angeles area. Along with her job, she managed to raise five children who have become active in their own communities.

When Lupe retired, she became an active senior volunteer, receiving numerous certificates of appreciation from the City of Los Angeles. In addition, she earned a commendation from the California Assembly for her volunteer work. And she was recognized by the United States Retired Volunteer Program and received a letter of congratulations from former Speaker of the House Thomas ''Tip'' O'Neill.

But perhaps the greatest testament to her legacy is the respect and admiration she commands among her friends and family, and the sense of community involvement she has left behind.

Again, I ask my colleagues to join me in paying tribute to the memory of Guadalupe Montoya.

RECOGNITION OF THE NEWPORT FIRE DEPARTMENT'S 100TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to recognize the Newport Fire Department—Station No. 5. Located in the heart of historic Newport, RI, Station 5 recently celebrated its Centennial anniversary with a weekend full of festivities.

Station 5 traces its roots back to 1794, when Company 5 was founded. During those days the Station was based on the corner of Spring and Mary Streets. Throughout the next 100 years, the Company would move two times before building its current home on West Marlborough Street. The West Marlborough Street location was dedicated on December 7, 1895, making it the oldest continually operated fire station in the city.

Included in the Centennial celebration was a dinner honoring the station and past members. During the celebration the same menu was served as the original dedication ceremony 100 years ago.

It is my pleasure to pay tribute today to the years of selfless, devoted service that Company 5 has given to the city of Newport.

YOU'RE A GOOD MAN, RAY MILAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues a unique individual who was honored this past weekend with a surprise appreciation dinner. That person is Raymond Milam. This tribute focused on Mr. Milam's role in the education of the children of New Jersey, especially those children living in urban areas.

Ray Milam coordinates the professional services of the New Jersey School Boards Association's Technical Assistance Unit. The unit helps the 30 special needs school districts identified in a New Jersey Supreme Court decision on the State's school funding laws. In addition, the Technical Assistance Unit services the remaining 32 urban boards of education in 17 of the State's 21 countries. Ray Milam is an active advocate and service provider for parents, children, and urban educators. Mr. Miram is a graduate of Hampton University. He received his graduate degree from the University of Iowa. Throughout his professional career he has been a teacher, consultant, trainer, local school district administrator, and State Department of Education director.

During his tenure with the New Jersey School Boards Association, Mr. Milam has had the opportunity to impact on our urban school districts in many positive ways. Understanding the special needs of our urban young people, he has been able to develop training programs that have helped sensitize members of school boards, as well as school administrators and faculty. More importantly, he has used his position to recommend and introduce highly qualified professionals to urban school districts which were looking for candidates to fill important vacancies. He has been particularly successful in matching school boards with superintendents in many urban districts around the State.

I wish I had the opportunity to share personally with my colleagues the wonderful thoughts, remembrances and sentiments that filled the program and ''Memories to Cherish'' booklet. It was evident from these expressions of friendship—personal and professional, respect, gratitude, and love that Ray Milam has truly earned and deserves the recognition he received on Saturday, December 9, 1995. What was mentioned time and time again was the gentleness of a man who has been able to consistently and clearly focus on the problem at hand and develop a solution where all are able to rededicate themselves to working for the benefit of our school children. When we talk of the measure of the man; in the case of Mr. Raymond Milam it is his strong commitment to helping our children prepare for responsible and productive citizenry in the 21st century.

Mr. Speaker, I am sure my colleagues will join me as I congratulate Raymond Milam for an outstanding career in the field of education and wish him and his family: his wife Jean Stewart Milam; his children Pamela, Maria and Kenneth; and his grandson Damon all the best in the future.

UNREASONABLE SHIPPING RATE PROVISION HARMS OFFSHORE AREAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. UNDERWOOD. Mr. Speaker, I rise today to voice my concerns with the maritime provisions of H.R. 2539, legislation to abolish the Interstate Commerce Commission and the Federal Maritime Commission. As the conferees meet on this legislation, I urge them to strike the section defining a ''zone of reasonableness'' for rates.

This provision would allow carriers to raise their rates 10 percent per year, plus 7.5 percent in the version passed by the other body. Such increases would be deemed reasonable and no challenge would be allowed. It does not matter if costs decrease, the price of fuel is cut in half, more efficient ships can do the job at half the price, labor costs are significantly lowered, or economic factors cause all other prices to decrease.

To call this a zone of reasonableness is an oxymoron. I know of no other industry which is guaranteed a yearly increase of 10 percent plus inflation. I know of no other law that guarantees in statute a formula for increasing prices year after year. Such a guarantee is not a move toward deregulation of the transportation industry as the legislation is designed to do.

For those of us who receive a majority of our goods by ocean carrier, this provision would significantly impact our economy. We do not have other transportation options. If enacted, this legislation would encourage businesses on Guam to buy fewer goods from the mainland because of the unprecedented increases in rates. It would result in an increase in the importation of goods from foreign nations because we would have no other choice. People on Guam want to buy goods from the mainland, but not if the shipping costs make consumer prices increase at an astonishing rate.

As the conferees meet on H.R. 2539, I urge the conferees to consider the economic effects of enacting such an anti-competitive provision, under the mantle of deregulation, and the dangerous precedent it sets. I encourage the conferees to strike this provision.

TRIBUTE TO MICHAEL BRUTON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 12, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today with great sadness at the recent passing of Michael Bruton at the age of 59. Michael Bruton, president of the Chicago Federation of Labor, died Sunday, November 12, from complications caused by cancer.

Michael held numerous positions with the CFL and the International Brotherhood of Electrical Workers. He was elected president of the CFL in 1994, and had been assistant to the president since January 1986. He served as vice president of the CFL.

Michael started his union career in 1954, when he became an apprentice electrician with Local 134. He was a 1954 graduate of De La Salle High School in Chicago. He attended Washburne Trade School and received his journeyman credentials in 1958. He also attended the Kennedy Electronics School and the University of Illinois Labor Program from 1972 to 1976. In 1989, he was appointed to the board of directors of the Metropolitan Pier and Exposition Authority by Mayor Richard Daley. Michael was a former member of the Illinois State Board of Education. He served as secretary of the board and vice chairman of its Equal Employment Opportunity Committee.

Michael was a member of St. Daniel the Prophet Church on Chicago's Southwest Side and its Holy Name Society. He coached basketball at St. Daniel in the 1980's, and was active in the Boy Scouts of America. Michael served on the board of the United Way/Crusade of Mercy Catholic Charities, the Board of Governors of the Metropolitan Planning Council and the Chicago Convention and Tourism Bureau. He also was a labor representative on the Chicago Private Industry Council and served several other charitable and civic organizations.

Mr. Speaker, I extend my condolences to his wife, Marilyn; three sons, Michael, Timothy, and Thomas; six daughters, Susan Cerebona, Mary Beth Carroll, Nancy Herbster, Sharon, Denise, and Karen; three brothers, Lawrence, Patrick, and James; and two sisters, Ann Howell and Pauline Thomas.

TRIBUTE TO MR. STEPHEN LEE, LOCAL FARMER, PATRIARCH, AND AMERICAN SUCCESS STORY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SAXTON. Mr. Speaker, several weeks ago our Nation celebrated the Thanksgiving holiday. It was a time to spend gathered with family and being thankful for all that we have. For the family of Stephen V. Lee, Jr., a local cranberry farmer back home in my district, it was a time to truly give thanks.

Stephen Lee is an American success story. After serving his country in the U.S. Navy during World War II, Mr. Lee returned to America and took up the family tradition as a cranberry farmer.

Although his family had successfully farmed their property as early as the 1870's, the Great Depression had forced its closure until Mr. Lee took individual initiative to restore and revive the family's agricultural heritage. After years of hard work, Mr. Lee and his sons reclaimed the land, restored old bogs, and built new ones used for growing the berries. His original loan of a couple thousand dollars in the 1940's has flourished into a multimillion-dollar farm. Throughout this productive return to the family heritage of cranberry farming, Mr. Lee has continued to be a strong father and grandfather as well as a leader throughout the community.

Mr. Speaker, recently Modern Maturity magazine published a story entitled ''Crimson Harvest'' which details the life of Stephen Lee. I would ask that this article also be included as part of Extension of Remarks as a tribute to Mr. Lee.

[From Modern Maturity, Nov.–Dec. 1995]

CRIMSON HARVEST

(By Mark Wexler)

On a brisk autumn afternoon Stephen V. Lee, Jr., looks out onto a sea of floating red berries and beams like a little boy who has just opened a bag of Halloween candy. ''How that's what I call a pretty crop,'' he says with a big smile. ''There's good crimson color on the fruit this year, and that means a sweet Thanksgiving.''

Lee is a fourth-generation cranberry farmer living the American dream in the heart of New Jersey's scenic Pine Barrens region. In the late 1940s he used a $4,000 loan to rescue his historic family farm from the brink of bankruptcy. Now, after years of hard work, he's turned the operation into a million-dollar business.

''This is my life,'' he says, pointing to the miles of red-colored bogs surrounded by trees and marshes. ''I've got cranberry juice running through my veins.'' Today, at 85, Lee continues to put in long days in what he calls his ''labor of love.'' and his two sons are by his side.

Family farmers like the Lees cultivate most of the world's cranberries on only about 30,000 acres in the United States and Canada. There are 44 other families that grow the berries in the Pine Barrens, a 2,000-square-mile oasis of forests, wetlands and wildlife in southern New Jersey that in 1979 was designated a federal preserve, which protects the area by controlling development. Last year Pine Barrens growers produced more than 53 million pounds of cranberries, a figure only Massachusetts and Wisconsin farmers surpassed. ''It's not the easiest way to make a living,'' says Lee, ''but it keeps me young.''

The object of Lee's affection is more American than apple pie. European settlers introduced the apple to this continent; the cranberry is native to North America. A slender vine that creeps along the ground, the cranberry plant produces a tart-tasting, finicky fruit that survives only in very specialized conditions: It requires an acid peat soil, sand, plenty of fresh water, and a growing season stretching from April to November. Under those conditions the vines can live indefinitely; some Cape Cod cranberry plants are more than 150 years old.

Cranberries don't actually grow in water. Instead, they blossom on the dense mat of vines that make up impermeable beds in marshy areas called bogs, which glacial deposits originally formed. Native Americans in the Northeast picked the berries from the natural bogs and used them to flavor their food and dye their blankets and clothing. Because raw cranberries have an astringent effect that contracts tissue and stops bleeding, the Indians also used the fruit to make poultices for wounds. And they made a tea from the leaves to use as a diuretic.

Legend has it that when the Pilgrims arrived in New England in 1620, the Wampanoag Indians who greeted them gave the settlers ibimi (''bitter berries'') as goodwill gifts. Apparently the word ibimi didn't roll easily off the Plymouth colonists' tongues, so they coined their own names for the fruit. Noticing that the vine's flowers vaguely resembled cranes' heads, they eventually dubbed their new food ''crane-berries.''

Historians disagree over whether cranberries were actually served at the first Thanksgiving feast in 1621, but one fact is certain: They became a big hit with the English settlers, who found the fruit not only edible and useful as a dye but also ''excellent against the Scurvy.''

Word of the miraculous berries soon spread back to England, and the colonists recognized a good thing when they saw it. With a

bottle of cranberries fetching several shillings in London, the colonists began picking as much of the wild fruit during autumn as they could get their hands on. They even tried to pacify their king with the berries: In 1677 the colonists sent ''tenn barrells of cranburyes,'' along with Indian corn and 3,000 codfish, as a peace offering to Charles II, who was angry with the New World residents for minting their own coins.

In 1816 American Revolution veteran Henry Hall made a discovery that would change the nature of cranberry-harvesting forever. At his seaside farm on Cape Cod, Hall decided to cut down some trees growing on a hill overlooking the beach. Wild cranberries grew in a marsh behind the hill. With the trees gone, the wind whipped sand onto the vines. Hall expected the plants to die, but the opposite occurred: The cranberries flourished under the sand while competing weeds disappeared. Hall began transplanting his vines, fencing them in and covering them with sand.

Thus cranberry cultivation was born.

Stephen Lee, a native of Ireland, bought 2,000 acres of New Jersey pinelands in 1868. The area, he discovered, was perfect for growing the cranberries. Woodlands and freshwater marshes pockmarked the landscape, while he could easily flatten the sandy soil to cultivate the fruit.

During the 1870s Lee and his son, James, carved out a series of cranberry bogs, most of which are still in use. Cranberry farming in those days was not necessarily profitable, and for the next two generations the Lee family struggled. As the Great Depression took hold, the family shut down the farm operation and moved to a nearby town.

Meanwhile, cranberry growers elsewhere had developed new methods to improve their harvest. Around the turn of the century, Wisconsin farmers found they could harvest twice as many berries by flooding their bogs then scooping up the floating fruit. (Flooding also gets rid of insects and protects against frost.) A Few years later Boston attorney and cranberry grower Marcus Urann had another idea: a canned sauce made from cranberries that, according to the label, was ''like homemade.'' In 1930 he merged his company with two other firms to form the Ocean Spray cooperative, owned today by the very farmers who grow the berries.

One of those farmers, U.S. Navy veteran Stephen V. Lee, Jr. (great-grandson of the Stephen Lee mentioned earlier), survived both the Normandy invasion and fiery battles in the South Pacific during World War II before returning to New Jersey to pick up the pieces of the family farm.

Lee borrowed $4,000 from Ocean Spray and began the arduous task of reclaiming the land. Starting with some of the original vines his ancestor had planted, he restored the bogs and constructed new ones. ''It takes about seven years to develop a productive bog,'' he says.

Eventually Lee's cranberry bogs began to pay off, while the industry itself was expanding its product lines to include juices that were, according to the ads, ''a food drink that aids digestion.''

Then came ''Black Monday.''

Seventeen days before Thanksgiving 1959 federal authorities announced that some Oregon and Washington cranberries were contaminated with a herbicide that was known to cause cancer in laboratory rats. The Secretary of Health, Education and Welfare suggested that Americans ''pass up cranberries this year.'' Growers protested, claiming a person would have to eat 15,000 pounds of contaminated cranberries every day for years to get cancer. Vice President Richard Nixon solemnly ate four helpings of cranberry sauce on television to demonstrate that the fruit was safe. But the damage was done. ''We took a terrible loss that year,'' says Lee. ''Nobody was buying the stuff. It took a few years for us to recover.''

Today, cranberries aren't seen as posing a health threat; in fact, they're widely considered beneficial. In 1994 doctors at Harvard Medical School released a study that confirms an old folk remedy: Cranberry juice really does help prevent urinary-tract infections. The researchers reported that the women who drank ten ounces of cranberry beverage daily for six months were 58 percent less likely to have such infections than the women who drank a placebo beverage. Scientists had thought the berries' acidic nature knocked out infection, but the new study suggests that cranberries contain a compound that prevents infectious bacteria from adhering to the bladder walls. The doctors studied only older women because they are most prone to the infections. (Women in general have a much higher rate of urinary-tract problems than men.)

Motivated in part by such discoveries, Americans now consume more than 340 million pounds of cranberries a year. In the past decade Ocean Spray's sales have nearly tripled to more than $1 billion annually.

''When I was young, there weren't a lot of choices with cranberries. You ate sauce—and more sauce,'' says Stephen V. Lee III, who returned home in 1973 to help run the family farm after serving as a flight instructor at the U.S. Air Force Academy in Colorado. Today Stephen III runs the business end of the operation—a task his mother, Marjorie, performed until her death in the early 1970s. ''My parent's policy was that their children should go off and try other occupations before deciding on careers as cranberry farmers,'' he says.

His younger brother, Abbott, decided on his career several years ago after studying agriculture at a nearby college. Today he maintains the family's 125 acres of cranberry bogs, using innovative harvesting equipment he himself invented to reduce manpower needs.

The brothers' father, Stephen V., Jr., bounds across a dirt mound bordering one of the bogs and scoops up a handful of berries from a flooded area. ''There's a rule of thumb with a family farm like this,'' he says. ''The first generation acquires the land, the second generation improves it, and the third gets to spend the money.''

It didn't quite work that way for the Lee patriarch, however, ''My sons are the fifth generation,'' he chuckles. ''And they're the ones who are really getting to enjoy the fruits of all this labor.''

EMPLOYER TRIP REDUCTION PROGRAMS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 325. As an original cosponsor of this legislation, I am pleased that this noncontroversial measure can be brought before the House today under the Corrections Day Calendar.

I grew up in a small oil refinery town just outside of Philadelphia. I can remember vividly the smell of burning oil in the air on a daily basis. Because of this experience, I have always supported strong clean air regulations. I voted for the Clean Air Act Amendments of 1990 [CAAA] and believe the goal of reducing air pollution should not be abandoned.

Over time, however, certain provisions of the Clean Air Act have proven to be unworkable. The implementation of employee trip reduction [ETR] requirements of the CAAA are of great concern to many businesses and employees in the Seventh Congressional District.

Due to a single air quality reading in Chester, PA, the Environmental Protection Agency [EPA] designated the Philadelphia Consolidated Metropolitan Statistical Area [AMSA] as a severe nonattainment area under the CAAA. ETR is one of several strict mandates required by the CAAA for regions of the Nation which are classified as severe.

Significant scientific concerns have been raised about EPA's air quality monitoring and the single data point from Chester which places the entire Philadelphia CMSA into the severe category. Based on these and other concerns, I wrote to then-Governor Casey asking him to press the EPA to reclassify Philadelphia from severe to serious. Regions classified as serious are required to clean up the air sooner than those classified as severe, but are not required to establish ETR programs.

The ETR Program—while never fully implemented—would likely have proven costly to businesses with little real significant reduction in air pollutants. Last Spring, Governor Ridge announced that he would not implement the ETR requirements. The EPA concurred and publicly stated it would not force States to implement the program.

The legislation before us today will allow States like Pennsylvania to willingly opt out of the ETR Program without the threat of third party lawsuits based on noncompliance. This legislation is important for areas like Philadelphia where attainment goals are needed for improved air quality but where these goals can be reached without a costly unfunded mandate on businesses in and around the region.

I strongly support H.R. 325 and commend Congressman MANZULLO for his efforts to bring this bill to the floor today.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 1995

Mr. LANTOS. Mr. Speaker, the conference report on the bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies has been discussed at some length by a number of my colleagues on this side of the aisle. I share their serious concerns with the deficiencies of this legislation that have been so eloquently expressed by my friend and colleague from Wisconsin, Mr. OBEY, and by my friend and colleague from West Virginia, Mr. MOLLOHAN.

I want to focus my remarks on the serious defects of this bill with regard to the international obligations of the United States. The conference report that we are considering reduces by one-half our Nation's contributions to

international peacekeeping activities. Mr. Speaker, this is an incredibly short-sighted reduction.

BY supporting such peacekeeping activities under the auspices of the United Nations, we are encouraging our involvement and participation in activities to keep the peace in a number of areas around the world. By fostering international peacekeeping, we are encouraging the participation of other nations and the participation of the military forces of other countries in activities that encourage peace and stability in many regions of the world. We have supported and fostered such efforts in a number of areas around the world, areas which are important to the United States—Cyprus, the Sinai, Cambodia—to name only a few. Our contribution to such peacekeeping efforts is an indication of our commitment to international action to maintain stability and encourage respect for appropriate international behavior.

Second, this conference report reduces by almost one quarter, 24 percent, U.S. contributions to international organizations, which fund the U.S. share of activities in the United Nations, the International Atomic Energy Agency, the North Atlantic Treaty Organization, and other such international organizations. These are not good will donations to these organizations; these are international treaty obligations of the United States. These organizations support important national security and foreign policy interests—international sanctions against rogue regimes such as Iran, Libya, and Iraq; efforts to reduce nuclear proliferation and other weapons of mass destruction; common international efforts to maintain Middle East peace and security, including the struggle to maintain the borders of Israel and Kuwait; the promotion of an open international trade framework; the control of diseases, such as the Ebola virus; and the promotion of human rights.

These short-sighted reductions in funding in this legislation impede the ability of the United States to carry out these vital national security and foreign policy objectives. Furthermore, the draconian cuts in funds severely hamper the State Department's ability to press for much-needed reforms at the United Nations and at other international organizations. Under strong pressure from many of us here in this body, the administration—under both Democratic and Republican leadership—has made considerable progress in pressuring for managerial, administrative, and budgetary reform. The unilateral reduction of our contributions seriously undermines our ability to continue to press for these needed reforms.

For half a century—since the end of World War II—the United States has spent enormous sums of money for our military forces to protect our national security and to further our international objectives. We pursued farsighted policies that had broad bipartisan support. Unfortunately, now that the cold war is over, we have not been willing to continue even the relatively modest spending that is required to protect these more cost-effective security and foreign policy interests. This is extraordinarily imprudent. This ought to be changed, and changing this legislation is the place to begin.

Mr. Speaker, I urge my colleagues to oppose the adoption of this legislation before us today. We can—and we should—do better.

CIVILITY IN CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 6, 1995, into the CONGRESSIONAL RECORD.

CIVILITY IN CONGRESS

In his recent press conference announcing why he would not be a candidate for President, Colin Powell mentioned the ''incivility that exists in political life today''. He's right. In national politics and in Congress we have seen a clear decline of basic civility. This year in Congress there have been mean personal attacks, shouting across the aisle, shoving matches, hissing and booing, and Members going out of their way to antagonize those of the other party. Press accounts have described the situation in Congress as ''nasty'', ''full-scale partisan warfare'', and ''the politics of poison''. Partisan tensions are as bad as I can remember. As one senior Member recently noted, ''Boy, it's mean out there.''

President Clinton recently called for more mutual respect in public discourse, echoing the sentiments of President Bush who called for an end to the ''climate of ugliness'' on Capitol Hill. The situation certainly isn't as bad as in other countries where we see brawls and fistfights breaking out among members of parliament, but it does merit some attention.

HINDERS LEGISLATION

The bitter, contentious exchanges in Congress certainly do not reflect well on the institution, lead to public cynicism, and make the job of legislating more difficult. As Thomas Jefferson stated, ''It is very material that order, decency, and regularity be preserved in a dignified public body.'' Excessive partisan bickering poisons the atmosphere of Congress and hurts the ability of Members to come together to pass legislation for the good of the country. In a democracy like ours, the willingness of Members of Congress to listen and to talk to each other in a civil way is essential to our ability to reach a consensus on the difficult policy issues facing our nation—from balancing the budget to sending troops to Bosnia.

Certainly spirited debate is appropriate for the many important policy questions before Congress. Members have strong feelings on particular issues, and naturally get upset when they believe that programs very important to their constituents are being gutted or when they feel the other side is putting up unnecessary roadblocks to their legislative agenda. But Members can carry the legitimate debate too far and argue in ways that undermine serious policy deliberation.

PAST HISTORY

The problem of a breakdown of civility in Congress is certainly not a new one. In past years, especially during periods of national turmoil such as the Civil War or the civil rights movement, there have been major breakdowns in decorum. Over the years, Members have been formally punished by the House for making statements such as describing another Member as one ''who is the champion of fraud, who is the apologist of thieves, and who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust invective''. Heated debate at times led to fistfights, pistol duels, and, a frequent response in earlier days, hitting another Member over the head with a cane.

ENFORCEMENT

Congress has two basic ways of disciplining Members for inappropriate speech. If the remarks occur during debate on the House floor, another Member can object and request that the speaker's ''words be taken down''. If the words are ruled inappropriate by the Chair, the speaker either can withdraw the statement or be prohibited from speaking on the floor for the remainder of the day. Broader enforcement can come from the House Standards of Official Conduct Committee—the House ethics committee—which has been given wide-ranging powers to punish Members for any actions which do not ''reflect creditably on the House of Representatives''. Formal charges could be filed against a Member, and the Standards Committee could recommend a range of sanctions. In the past, Members have been formally censured by the full House for disorderly words spoken in debate.

REMEDIES

The vast majority of the contacts between Members of Congress are civil and courteous. But there are intemperate exchanges—often getting extensive media coverage—which hurt the ability of the institution to properly function. Several steps would be helpful in minimizing them.

First, the Standards of Official Conduct Committee should issue an advisory opinion to all Members of Congress spelling out to them what are the proper limits of discourse and what are the consequences of going beyond the limits. The Standards Committee has a separate Office of Advice and Education which was set up specifically for such an advisory role to help head off misconduct before it occurs.

Second, we need more consistent enforcement by the Chair and by the Standards Committee. Rulings by the Chair can be spotty and inconsistent, and the rules requiring penalties for improper remarks have at times been waived. The Standards Committee has failed to act on some fairly egregious cases of improper speech in recent years.

Third, outside groups can be helpful watchdogs in keeping an eye on Members' statements. A bipartisan group like the Former Members of Congress, for example, could play a useful role in monitoring and publicizing proper and improper discourse on the floor.

Fourth, we need tougher enforcement by the voters. At times a Member of Congress might rise to prominence through a negative, confrontational style. If other Members think the nasty approach to politics works, they will emulate it. The voters need to send a clear signal that negative and nasty doesn't work.

Finally, Members must take it upon themselves to uphold appropriate standards of debate. In the end, it is up to each of us in Congress to set the proper tone and to work with our colleagues to maintain decorum.

CONCLUSION

Breakdowns in civility in Congress can reflect the passions of the moment, the polarizing nature of the policy issues, or even a less civil tone in the larger society. But that is no excuse for letting particularly intemperate and inflammatory speech go unchecked. Reining in the excesses can go a long way toward improving the ability of Congress to tackle the tough legislative agenda before us.

(Information was taken from a Congressional Research Service report, ''Decorum in House Debate'')

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 15

9:30 a.m.

Labor and Human Resources

To hold hearings on proposed legislation to amend provisions of the Fair Labor Standards Act relating to the minimum wage.

SD–430

2:00 p.m.

Foreign Relations

To hold hearings on Eric James Boswell, of California, to be Assistant Secretary for Diplomatic Security, and Anthony Cecil Eden Quainton, of the District of Columbia, to be Director General of the Foreign Service, both of the Department of State.

SD–419

DECEMBER 19

10:00 a.m.

Judiciary

To hold hearings to examine trends in youthful drug use.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

Daily Digest

HIGHLIGHTS

Senate agreed to Bosnia Deployment resolution.

Senate

Chamber Action

Routine Proceedings, pages S18449–S18513

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1472–1477, S.J. Res. 44, and S. Con. Res. 35 and 36. **(See next issue.)**

Measures Reported: Reports were made as follows:

Special Report on Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for the fiscal year 1996. (S. Rept. No. 104–184) **(See next issue.)**

Measures Rejected:

Bosnia Deployment: By 22 yeas to 77 nays (Vote No. 601), Senate failed to pass H.R. 2606, to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law. **Pages S18469–70**

Bosnia Deployment: By 47 yeas to 52 nays (Vote No. 602), Senate failed to agree to S. Con. Res. 35, expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia.

Pages S18449–S18513 (continued next issue)

Measures Passed:

Bosnia Deployment: By 69 yeas to 30 nays (Vote No. 603), Senate passed S.J. Res. 44, concerning the deployment of United States Armed Forces in Bosnia and Herzegovina. **(See next issue.)**

Technical Corrections: Senate agreed to H. Con. Res. 116, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Brown (for Simpson/Gregg) Amendment No. 3098, to add a technical correction. **(See next issue.)**

Technical Corrections: Senate agreed to S. Con. Res. 36, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060. **(See next issue.)**

Clean Air Act Computer Programs: Senate passed H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, clearing the measure for the President.

(See next issue.)

Roosevelt History Month: Committee on the Judiciary was discharged from further consideration of S. Res. 75, to designate October, 1996, as ''Roosevelt History Month'', and the resolution was then agreed to. **(See next issue.)**

Grades of Offenses: Senate passed S. 1331, to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Panchen Lama of Tibet: Senate passed S.J. Res. 43, expressing the sense of the Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China. **(See next issue.)**

Au Pair Programs: Senate passed S. 1465, to extend au pair programs, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Brown (for Helms/Dodd) Amendment No. 3099, to extend au pair programs through fiscal year 1997.

(See next issue.)

Anticounterfeiting Consumer Protection Act: Senate passed S. 1136, to control and prevent commercial counterfeiting, after agreeing to committee amendments. **(See next issue.)**

Interior Appropriations Conference Report—Agreement: A unanimous-consent time-agreement

was reached providing for the consideration of the conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, on Thursday, December 14, 1995.

(See next issue.)

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report of the Farmington Wild and Scenic River Study; referred to the Committee on Energy and Natural Resources. (PM–103).

(See next issue.)

Nominations Received: Senate received the following nominations:

Tom Lantos, of California, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.

Page S18513

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:

Tom Lantos, of California, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations. **Page S18513**

Messages From the President: **(See next issue.)**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Read First Time: **(See next issue.)**

Communications: **(See next issue.)**

Petitions: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees: **(See next issue.)**

Additional Statements: **(See next issue.)**

Record Votes: Three record votes were taken today. (Total–603) **Pages S18470 (continued next issue)**

Adjournment: Senate convened at 9 a.m., and adjourned at 11:19 p.m., until 9:30 a.m., on Thursday, December 14, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S18513.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Armed Services: Committee concluded hearings on the nomination of H. Martin Lancaster, of North Carolina, to be Assistant Secretary of the Army for Civil Works, after the nominee, who was introduced by Senator Faircloth, testified and answered questions in his own behalf.

WATER RECLAMATION PROJECTS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1013, to acquire land for exchange for privately held land for use as wildlife and wetland protection areas in connection with the Garrison Diversion Unit Project, S. 1154, to authorize the construction of the Fort Peck Rural Water Supply System, S. 1169, to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and S. 1186, to provide for the transfer of operation and maintenance of the Flathead Irrigation and Power Project, after receiving testimony from Senators Bennett and Kempthorne; Ada E. Deer, Assistant Secretary of Indian Affairs, and Neil Stessman, Regional Director, Great Plains Region, Bureau of Reclamation, both of the Department of the Interior; Paul Piraino, Alameda County Water District of Fremont, Fremont, California; Bob Gurule, City of Albuquerque Public Works, Albuquerque, New Mexico; Fred W. Finlinson, Callister, Nebeker & McCollough, Salt Lake City, Utah, representing the Central Valley Water Recycling Project; Ron Miller, Fort Peck Rural Water District, Glascow, Montana; Michael Pablo and Daniel Decker, both of the Confederated Salish and Kootenai Tribes of the Flathead Nation, Pablo, Montana; Walt Schock, Ross Middlemist and Alan Mikkelsen, all of the Flathead Joint Board of Control, St. Ignatius, Montana; Gary Shimun, McCall, Idaho; David Rockwell, Dixon, Montana; and Jon Metropoulos, Helena, Montana.

AUTHORIZATION—CLEAN WATER ACT

Committee on Environment and Public Works: Committee held oversight hearings on the implementation and proposed authorization of the Clean Water Act,

focusing on municipal issues and related measures, S. 1390 and S. 1391, receiving testimony from Senator Pressler; Robert W. Perciasepe, Assistant Administrator for Water, Environmental Protection Agency; Mayor Jeff Wennberg, Rutland, Vermont, on behalf of the National League of Cities; Paul Pinault, Narrangansett Bay Water Quality Management District Commission, Providence, Rhode Island, on behalf of the Association of Metropolitan Sewerage Agencies; Paul Marchetti, Pennsylvania Infrastructure Investment Authority, Harrisburg, on behalf of the Council of Infrastructure Financing Authorities; Jessica C. Landman, Natural Resources Defense Council, Inc., and Al Bilik, AFL–CIO Public Employee Department, both of Washington, D.C.; and Ronald S. Dungan, United Water Resources, Wayne, Pennsylvania, on behalf of the National Association of Water Companies.

Hearings were recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain matters relative to the Whitewater Development Corporation, receiving testimony from Sylvia M. Matthews, Chief of Staff, Department of the Treasury, former Special Assistant to the Assistant to the President for Economic Policy; and Bill Burton, Jones, Day, Reavis and Pogue, Washington, D.C., former Policy and Staff Director for White House Chief of Staff.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 12 public bills, H.R. 2766–2777; and 5 resolutions, H.J. Res. 131, H. Con. Res. 119, and H. Res. 302, 305, 306 were introduced.

Pages H14764–65

Reports Filed: Reports were filed as follows:

H. Res. 301, waiving points of order against the further conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996 (H. Rept. 104–403);

H. Res. 303, providing for the consideration of H.R. 1745, to designate certain public lands in the State of Utah as wilderness (H. Rept. 104–404);

H. Res. 304, providing for debate and for consideration of three measures relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina (H. Rept. 104–405); and

Conference report on H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal year 1996 (H. Rept. 104–406). **Pages H14377–H14761, H14764**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Taylor of North Carolina to act as Speaker pro tempore for today. **Page H14371**

Foreign Operations Appropriations: By a yea-and-nay vote of 226 yeas to 201 nays, Roll No. 850, the House agreed to the Callahan motion that the House recede from its amendment to Senate amendment numbered 115, and agree with an amendment to Senate amendment numbered 115, to H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996—clearing the measure for Senate action. **(See next issue.)**

H. Res. 296, the rule which provided for the motion to dispose of the Senate amendment, was agreed to earlier by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 849. **Pages H14375–77**

Presidential Message—Farmington River: Read a message from the President wherein he transmits a report for the Farmington River in the States of Massachusetts and Connecticut—referred to the Committee on Resources. **(See next issue.)**

Three-Day Rule Waiver: By a yea-and-nay vote of 230 yeas to 186 nays, Roll No. 851, the House agreed to H. Res. 297, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules. **(See next issue.)**

Interior Appropriations: By a yea-and-nay vote of 244 yeas to 181 nays, Roll No. 854, the House agreed to the conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1966. **(See next issue.)**

By a yea-and-nay vote of 187 yeas to 241 nays, Roll No. 853, the House rejected the Yates motion to recommit the conference report to the committee

of conference with instructions that the House conferees insist on the House position on Senate amendment numbered 108 (relating to use of funds on Tongass National Forest). **(See next issue.)**

H. Res. 301, the rule which waived points of order against the conference report was agreed to earlier by a yea-and-nay vote of 231 yeas to 188 nays, Roll No. 852. **(See next issue.)**

Deployment of United States Forces to Bosnia: House took the following actions on measures relating to the deployment of United States Armed Forces to Bosnia:

Failed to pass H.R. 2770, to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force (failed by a yea-and-nay vote of 210 yeas to 218 nays, Roll No. 856); **(See next issue.)**

Agreed to H. Res. 302, relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina (agreed to by a yea-and-nay vote of 287 yeas to 141 nays with 1 voting ''present'', Roll No. 857); and **(See next issue.)**

Failed to agree to H. Res. 306, expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia (failed by a yea-and-nay vote of 190 yeas to 237 nays with 1 voting ''present'', Roll No. 858). **(See next issue.)**

Senate Messages: Messages received from the Senate today appear in next issue.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H14765–85.

Quorum Calls—Votes: Ten yea-and-nay votes developed during the proceedings of the House today and appear on pages H14377 (continued next issue). There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 12:05 a.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported amended the following bills: H.R. 2029, Farm Credit System Regulatory Relief Act of 1995; and H.R. 2130, Farmer Mac Reform Act of 1995.

FEDERAL TRUST FUNDS USE

Committee on Banking and Financial Services: Held a hearing on the Treasury Department's use of Federal Trust Funds. Testimony was heard from Representatives Smith of Michigan, Neal of Massachusetts and McIntosh; Robert E. Rubin, Secretary of the Treasury; and a public witness.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Subcommittee on Workforce Protections approved for full Committee action the following bills: H.R. 2391, amended, Compensatory Time for All Workers Act of 1995; H.R. 1227, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles; and H.R. 2531, amended, to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act.

MEDICAL SAVINGS ACCOUNT

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on FEHB/MSA: Adding Medical Savings Accounts-Broadening Employee Options. Testimony was heard from Representatives Salmon and Chrysler; Bret Schundler, Mayor, Jersey City, New Jersey; and public witnesses.

D.C. FISCAL PROTECTION ACT

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia approved for full Committee action amended H.R. 2661, District of Columbia Fiscal Protection Act.

MISCELLANEOUS MEASURES; COMMITTEE BUSINESS

Committee on House Oversight: Ordered reported the following: H. Con. Res. 106, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; H.R. 2739, to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives; a resolution, adopting, a provisional basis, regulations implementing Congressional Accountability Act; and a resolution, adopting, on a provisional basis, regulations implementing Congressional Accountability Act for joint entities.

The Committee also considered other pending Committee business.

ADMINISTRATIVE DISPUTE RESOLUTION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held on oversight and reauthorization hearing of the Administrative Dispute Resolution Act. Testimony was heard from Peter R. Steenland, Jr., Senior Counsel for Administrative Dispute Resolution, Office of the Associate Attorney General, Department of Justice; Joseph M. McDade, Assistant General Counsel, Office of the General Counsel, Department of the Air Force; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property approved for full Committee action amended the following bills: H.R. 2511, Anticounterfeiting Consumer Protection Act of 1995 and H.R. 1861, to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code.

PRIVATE CLAIMS BILLS

Committee on the Judiciary: Subcommittee on Immigration and Claims met to consider private claims bills.

CHILDREN BORN TO ILLEGAL ALIEN PARENTS

Comittee on the Judiciary: Subcommittee on Immigration and Claims and the Subcommittee on the constitution held a joint hearing on societal and legal issues surrounding children born in the United States to illegal alien parents. Testimony was heard from Representatives Gallegly, Bilbray, Gutierrez, Beilenson, Stockman, Lofgren, Callahan, and Foley; Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Department of Justice; former Representative Barbara Jordan of Texas; and public witnesses.

UNITED STATES GROUND FORCES TO BOSNIA

Committee on National Security: Met in executive session to receive a classified briefing on the proposed deployment of United States ground forces to Bosnia. The Committee was briefed by the following officials of the Joint Staff, Department of Defense: Lt. Gen. Howell M. Estes III, USAF, Director of Operations (J–3) and Maj. Gen. Patrick M. Hughes, USA, Director for JCS Support, DIA (J–2).

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 2726, amended, to make certain technical corrections in laws relating to native Americans; S. 1341, Saddleback Mountain-Arizona Settlement Act of 1995; H.R. 2100, amended, to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; and H.R. 2738, amended, Central Valley Project Reform Act of 1995.

UTAH PUBLIC LANDS MANAGEMENT ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1745, Utah Public Lands Management Act of 1995. The rule waives clause 2(l)(6) of rule XI (three-day layover) or section 302(f) (prohibiting consideration of legislation providing new budget authority in excess of a committee's allocation) or section 311(a) (prohibiting consideration of legislation exceeding total Federal spending limits) of the Congressional Budget Act against consideration of the bill. The rule makes in order the Committee on Resources amendment in the nature of a substitute not printed in the bill as an original bill for the purpose of amendment. The amendment in the nature of a substitute shall be considered as read. The rule waives clause 7 of rule XVI (germaneness) and section 302(f) or 311(a) of the Congressional Budget Act against the amendment in the nature of a substitute.

The rule provides for the consideration of a manager's amendment printed in the report of the Committee on Rules, to be offered by the Chairman of the Committee on Resources or his designee, which is considered as read, not subject to amendment or to a division of the question, and is debatable for 10 minutes equally divided between the proponent and an opponent. If adopted, the amendment is considered as part of the base text for further amendment purposes.

The rule authorizes the Chair to accord priority in recognition to members who have preprinted their amendments in the Congressional Record, and the amendments shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Hansen, Waldholtz, and Hinchey.

CONFERENCE REPORT—INTERIOR APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the further conference report to accompany H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Regula.

UNITED STATES TROOP DEPLOYMENT IN BOSNIA

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate in the House on the subject of United States troop deployments in Bosnia, equally divided between the chairman and ranking minority member of the Committee on International Relations. The rule provides for consideration in the House of H.R. 2770, with 1 hour of debate divided between Representative Dornan and an opponent, not subject to amendment, and one motion to recommit.

The rule provides for consideration in the House of H. Res. 302, with 1 hour of debate divided between Representative Buyer and an opponent, which is not subject to amendment.

The rule also provides for consideration in the House of a resolution if offered by the Minority Leader or his designee, subject to 1 hour of debate divided between the proponent and an opponent, which is not subject to amendment. Testimony was heard from Chairman Gilman and Representatives Buyer, Rohrabacher, Dornan, Scarborough, Hamilton, Kennedy of Massachusetts, and Skelton.

DIOXIN REASSESSMENT

Committee on Science: Subcommittee on Energy and Environment held a hearing on Scientific Integrity and Federal Policies and Mandates: EPA's Dioxin Reassessment. Testimony was heard from the following officials of the EPA: William Farland, M.D., Director, Office of Health and Environmental Assessment; and Michael Gough, Consultant, Science Advisory Board Panel; George Lucier, M.D., Director, Environment Toxicology Program, National Institute of Environmental Health Sciences, Department of Health and Human Services; Adm. E.R. Zumwalt, USN. (Ret.); and public witnesses.

SOLE-SOURCE CONTRACTING

Committee on Small Business: Held a hearing on a recent GAO report documenting misuse of the program's sole-source contracting authority, management errors, and falsification of eligibility documents. Testimony was heard from the following officials of the SBA: Karen Lee, Deputy Inspector General; and Cal Jenkins, Associate Administrator, Minority Small Business and Capital Ownership Program; Donald Wheeler, Director, Office of Special Investigations, GAO; William Campbell, Chief, Financial Officer, U.S. Coast Guard, Department of Transportation; and a public witness.

AVIATION SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation Safety: Should Airlines Be Required to Share Pilot Performance Records? Testimony was heard from Senator McCain; Representative Heineman; David R. Hinson, Administrator, FAA, Department of Transportation; James E. Hall, Chairman, National Transportation Safety Board, and public witnesses.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development approved for full Committee action the following bills: H.R. 1718, to designate U.S. Courthouse located at 197 South Main Street in Wilkes-Barre, PA, as the "Max Rosenn United States Courthouse;" H.R. 2504, to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the U.S. Courthouse located on Otis Street, in Asheville, NC, as the 'Veach-Baley Federal Complex;" H.R. 2415, amended, to designate the U.S. Customs administration building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, TX, as the "Timothy C. McCaghren Customs Administrative Building;" and H.R. 2620, amended to direct the Architect of the Capitol to sell the parcel of real property located at 501 First Street, SE., in the District of Columbia.

Prior to this action, the Subcommittee held a hearing on these measures, with the exception of H.R. 2620. Testimony was heard from Representative Kanjorski, Coleman, and Poshard.

SHIPBUILDING TRADE AGREEMENT

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action H.R. 2754, Shipbuilding Trade Agreement Act.

Joint Meetings

APPROPRIATIONS—INTERIOR

Conferees on Tuesday, December 12, agreed to file a further conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996.

ICC TERMINATION ACT

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 2539, to abolish the Interstate Commerce Commission, and to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 14, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources, to hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982, 9:30 a.m., SD–366.

Committee on Finance, business meeting, to consider pending calendar business, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine the situation in South Africa, 2 p.m., SD–419.

Committee on Governmental Affairs, to hold hearings to examine Federal Government financial management, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Rules and Administration, business meeting, to mark up certain resolutions providing for Smithsonian Regents appointments, S. 426, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, H.R. 2527, to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and to consider Senate Internet policy and other pending committee business. , 9:30 a.m., SR–301.

Select Committee on Intelligence, closed briefing on intelligence matters, 2:30 p.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 11 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E2353 in today's Record.

House

Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops and the Subcommittee on Immigration and Claims of the Committee on the Judiciary, joint hearing on H–2A Temporary Worker Program and its impact on American Agriculture, 9 a.m. 1300 Longworth.

Committee on Government Reform and Oversight, to consider the following: H.R. 1398, to designate the United States Post Office building located at 1203 Lemay Ferry Road, St. Louis, MO, as the ''Charles J. Coyle Post Office Building;'' H.R. 1880, to designate the U.S. Post Office building located at 102 South McLean, Lincoln, IL, as the ''Edward Madigan Post Office Building;'' H.R. 2262, to designate the U.S. Post Office building located at 218 North Alston Street in Foley, AL, as the ''Holk Post Office Building;'' H.R. 2704, to provide that the U.S. Post Office building that is to be located on the 2600 block of East 75th Street in Chicago, IL, shall be known and designated as the ''Charles A. Hayes Post Office Building,'' H.R. 2661, District of Columbia Fiscal Protection Act of 1995; pending draft reports; and a resolution to authorize subpoena in the matter of Harry Thomason, 10 a.m., 2154 Rayburn.

Subcommittee on Civil Service, hearing on Government Shutdown II, 2 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H. Res. 274, concerning Burma and the U.N. General Assembly; H. Con. Res. 91 expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal; a message to extend the Au Pair Program; and a measure to extend P.L. 480 Authorities; and to hold a hearing on U.S.-Europe: Prospects for Transatlantic Economic Cooperation, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, oversight hearing on the U.S. Sentencing Commission, 9:30 a.m., 2237 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on the Department of Defense's comprehensive review of Indochina POW/MIA cases, 10 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 1772, to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; H.R. 1836, to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge; H.R. 2660, to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge; and H.R. 2679, to revise the boundary of the North Platte National Wildlife Refuge, 10 a.m.. 1334 Longworth.

Committee on Transportation and Infrastructure, to mark up the following bills: H.R. 1718, to designate U.S. Courthouse located at 187 South Main Street in Wilkes-Barre, PA, as the ''Max Rosenn United States Courthouse;'' H.R. 2504, to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the U.S. Courthouse located on Otis Street, in Asheville, NC, as the ''Veach-Baley Federal Complex;'' H.R. 2415, to designate the U.S. Customs administrative building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, TX, as the ''Timothy C. McCaghren Customs Administrative Building''; H.R. 2620, to direct the Architect of the Capitol to sell the parcel of real property located at 501 First Street, SE., in the District of Columbia; H.R. 2689, to designate the United States Courthouse located at 301 West Main Street in Benton, IL, as the ''James L. Foreman United States Courthouse''; H.R. 2061, to designate the Federal building located at 1550 Dewey Avenue in Baker City, OR, as the ''David J. Wheeler Federal Building''; H.R. 2111, to designate the Social Security Administration's Western Program Service Center located at 1221 Nevin Avenue in Richmond CA, as the ''Francis J. Hagel Building''; H.R. 2305, to designate the United States Courthouse for the Eastern District of Virginia in Alexandria VA, as the ''Albert V. Bryan United States Courthouse''; H.R. 2481,

to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, NW in the District of Columbia, as the ''Ronald Reagan Building and International Trade Center''; H.R. 2547, to designate the United States Courthouse located at 800 Market Street In Knoxville, TN, as the ''Edward H. Baker, Jr. United States Courthouse''; H.R. 2556, to designate the Federal building located at 345 Middlefield Road in Menlo Park, CA and known as the Earth Science and Library Building as the ''Vincent E. McKelvey Federal Building''; S. 369, to designate the United States Courthouse in Decatur, AL, as the ''Seybourn H. Lynne Federal Building''; and H.R. 2567, to amend the Federal Water Pollution Act relating to standards for constructed water conveyance.

Subcommittee on Aviation, to continue hearings on Aviation Safety: Should Airlines Be Required to Share Pilot Performance Records? 9:30 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 14

Senate Chamber

Program for Thursday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will consider the conference report on H.R. 1977, Interior Appropriations, 1996.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 14

House Chamber

Program for Thursday and Friday: Consideration of H.R. 2621, Concerning Disinvestment of Federal Trust Funds (closed rule, 1 hour of debate); and

H.R. 1745, Utah Public Lands (open rule, 1 hour of general debate).

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(House and Senate proceedings for today will be continued in the next issue of the Record.)

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